



TOWN OF AMENIA

Amenia Town Clerk

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DEC 18 2017

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TOWN OF AMENIA PLANNING BOARD

Resolution # 15 for 2017

December 13, 2017

Resolution Approving Final Subdivision Plats for the KLM Group, LLC Subdivision

WHEREAS, Stanley Whitehead is the owner of approximately 7.85 ± acres of land located at 4993 Route 22 in Amenia, New York (Tax Map ID No. 132000-7167-00-154610) (the "Property"); and

WHEREAS, KLM Group, LLC (the "Applicant") has been authorized by the Property owner to subdivide the Property into four residential flag lots (the "Project"). Reportedly, the Applicant has recently purchased the Property; and

WHEREAS, the proposed Project is located in the Hamlet Residential (HR) Zoning District which allows single family dwellings, as proposed. The Project is also located in the Hamlet Exclusion Area of the Stream Corridor Overlay District (SCO) and the Priority/Primary Valley Bottom Aquifer district as set forth in the Town of Amenia Zoning Law (the "Zoning Law"); and

WHEREAS, pursuant to Chapter 105 of the Town of Amenia Town Code (the "Subdivision Law") the Applicant submitted applications to the Planning Board seeking approval of a preliminary and final subdivision plat for the Project; and

WHEREAS, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application; (2) a Full Environmental Assessment Form; (3) detailed preliminary and final subdivision plans prepared by Renna Engineering Design PLLC; (4) an Agricultural Data Statement; (5) the requisite filing fee and escrow amount for the application; and (6) a variety of additional documentation (the "Application"); and

WHEREAS, on June 14, 2017, pursuant to Section 105-12 of the Subdivision Law, the Planning Board adopted Resolution #10 of 2017 approving a preliminary subdivision plat for the Project entitled "KLM Group Subdivision" prepared by Renna Engineering Design, PLLC, dated January 19, 2017 (last revised May 16, 2017) (the "Preliminary Plat Approval"); and

WHEREAS, the procedural history of the Planning Board’s SEQRA review and subdivision review of the Project is set forth in detail in the Preliminary Plat Approval and is not repeated here; and

WHEREAS, pursuant to the Town Subdivision Law and Section 276 of the New York State Town Law, the Planning Board imposed a number of conditions on the Preliminary Plat Approval that must be satisfied before final subdivision approval could be granted; and

WHEREAS, on November 20, 2017 the Applicant submitted to the Planning Board an application for final subdivision approval together with a final subdivision plat and plans for the Project and has taken other actions to satisfy the conditions of the Preliminary Plat Approval; and

WHEREAS, on December 12, 2017 the Town’s Engineer submitted to the Planning Board a detailed memorandum demonstrating that the Applicant had substantially satisfied the conditions of the Preliminary Plat Approval authorizing the approval of the final subdivision plat by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board has determined that the final subdivision plats submitted by the Applicant are in substantial agreement with the Preliminary Plat Approval including any plat modifications or requirements imposed by the Board in the Preliminary Plat Approval. As a result, no public hearing is necessary on the final subdivision plat; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13 and Appendices B and C of the Subdivision Law, the Planning Board hereby approves, with conditions, the final subdivision plats for the Project entitled “KLM Group Subdivision” prepared by Rennia Engineering Design, PLLC, dated January 19, 2017 (last revised November 10, 2017) consisting of the following drawings and plats:

1. Drawing 1: KLM Group Subdivision Plat dated January 6, 2017 (last revised November 10, 2017);
2. Drawing 2: Grading and SDS Plan dated January 6, 2017 (last revised October 20, 2017);
3. Drawing 3: Driveway Design Profiles & Details dated January 6, 2017 (last revised May 16, 2017);
4. Drawing 4: Erosion & Sediment Control Plan dated January 6, 2017 (last revised May 16, 2017); and
5. Drawing 5: Health Department Sewage Disposal & Water Supply Details dated January 6, 2017 (last revised October 20, 2017).

BE IT FURTHER RESOLVED, that pursuant to Section 105-33 of the Subdivision Law, the Planning Board hereby waives the requirement for final plat approval that the Applicant provide a “will serve” letter from the electric utility assuring that adequate electric service will be available to accommodate the subdivision.

BE IT FURTHER RESOLVED, that upon the satisfaction of the following conditions, the Planning Board Chairperson is hereby authorized to stamp and endorse the final subdivision plats (the “Final Plat Approval”):

1. The Applicant shall receive design approval from the Dutchess County Department of Health for the water supply and wastewater disposal facilities serving each lot.
2. The Planning Board Attorney shall approve the proposed Declaration of Common Driveway Reciprocal Easements and Covenant and Drainage Easement (“Easement”) for the Project.
3. The Applicant shall include the proposed restrictive covenant (as submitted with its November 20, 2017 final plat submission) establishing the details of the “20’ vegetative buffer” depicted on the final plat in the deed conveying Lot 4. A copy of the proposed deed shall be provided to the Planning Board.
4. As required by the Subdivision Law, the final plat shall include the location of monuments including, without limitation, monuments to define the lots along Route 22 and clearly establish the boundaries of the private driveway.
5. As required by the Subdivision Law, the Applicant shall submit a certificate of title showing that the Applicant is the owner of the Property.
6. The Applicant shall submit a revised plat reflecting the new owner of the Property.
7. As required by Sections 105-13(A)(3)(b) and 105-25(E) of the Subdivision Law, the final plat shall be endorsed by the Dutchess County Department of Health as satisfying all the standards of the State Sanitary Code and all related laws.
8. As required by the Subdivision Law, the Applicant shall pay any outstanding invoices of the Planning Board’s consultants incurred in connection with reviewing and processing the applications related to the Project.

BE IT FURTHER RESOLVED, pursuant to Section 105-5 of the Subdivision Code, the sale of lots or individual parcels of land shall proceed only after Final Plat Approval and other necessary permits/approvals have been satisfied by the Applicant.

BE IT FURTHER RESOLVED, that pursuant to the Subdivision Law, within five (5) business days from this resolution, copies of the final plats shall be so certified by the Town of Amenia Code Enforcement Officer as being conditionally approved, a copy filed with the Planning Board and a certified copy mailed to the Applicant which shall include a statement of such requirements which, when completed, will authorize the signing of the conditionally approved final plats; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(F)(3) of the Subdivision Law, this conditional approval of the final plats shall expire within 180 days after this resolution unless all the conditions precedent to the execution of the final plats have been certified as being complete. The Planning Board may extend the time in which the approved

final plats must be submitted for signature by periods of 90 days each if the Planning Board determines, in its sole discretion, that such extension is warranted by the particular circumstances. Conditional approval of the final plats shall automatically terminate and be revoked without need for affirmative

Planning Board action if all requirements for execution of the final plats have not been certified as complete within 180 days of the original approval plus any subsequent extensions; and

BE IT FURTHER RESOLVED, that pursuant to Section 105-13(F)(1) of the Subdivision Law and Town Law Section 276 and 279, the Applicant shall record the final plats with the Dutchess County Clerk's Office within 62 days after the signing of the plats by the Planning Board Chairperson and shall simultaneously record the Easement (as identified above) and pay all applicable recording fees for said final plats and Easement. The Applicant shall promptly provide proof of recording to the Planning Board as well as a copy of the recorded Easement; and

BE IT FURTHER RESOLVED, that in the event the final plats are not recorded in the Dutchess County Clerk's Office within 62 days after their execution, the final plats shall expire and any further action shall require the submission of a new application, payment of a new application fee and Planning Board review of all previous findings; and

BE IT FURTHER RESOLVED, in accordance with Subdivision Law Section 105-13(E), no changes, erasures, modifications or revisions shall be made on any final plat after approval has been given by the Planning Board and signed by the Planning Board Chairperson. In the event that any final plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the Dutchess County Clerk's Office and the Town Clerk's Office; and

BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remainder of this approval resolution shall remain in full force and effect; and

BE IT FURTHER RESOLVED, that within five (5) days of the date of this resolution, a copy of this resolution shall be filed in the office of the Town of Amenia Town Clerk, and a copy of this resolution shall be mailed to the Applicant within the same five (5) day period; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion By: Tony Robuste II

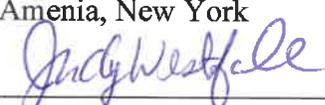
Second By: Matthew Deister

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Larissa DeLango, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Rosenberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erich McEnroe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Matthew Deister	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: December 13, 2017
 Amenia, New York


 Judy Westfall, Planning Board Clerk