



Amenia Town Clerk

TOWN OF ARMENIA

MAY 23 2019

4988 Route 22, ARMENIA, NY 12501

Received

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TOWN OF ARMENIA PLANNING BOARD

Resolution # 8 of 2019

Resolution Approving Minor Subdivision/Lot Line Change Plan for Mayhew

May 22, 2019

WHEREAS, William Mayhew (the "Applicant") is the owner of property located at 25 and 35 Lower Powder House Road (Tax ID Nos. 7167-00-95200 and 7167-00-072187) in Armenia, NY (the "Property"); and

WHEREAS, the Property is located in the Hamlet Mixed Use (HM) and Hamlet Residential (HR) zoning districts and is currently nonconforming with the required yards established for the respective zoning districts; and

WHEREAS, on or around April 14, 2019, the Applicant submitted a Subdivision-Lot Line Plat Plan Application for a lot line adjustment pursuant to Chapter 105, Article III of the Town of Armenia Subdivision Law ("Subdivision Law") for the purpose of correcting a common boundary line that currently runs through the existing house and garage so that the new lot line will conform with the current zoning requirements with respect to the required yards for the HM and HR zoning districts ("Application"); and

WHEREAS, in accordance with the definitions in Section 105, Appendix A of the Subdivision Law, a lot line adjustment is classified as a minor subdivision; and

WHEREAS, pursuant to Section 105, Appendix C of the Subdivision Law, the documents submitted by the Applicant as part of its Application consisted of (1) a completed Land Use Application, (2) a completed Subdivision-Lot Line Plat Plan Application, (3) a Short Environmental Assessment Form ("EAF"), (4) an Agricultural Data Statement, (5) Plan titled "Lot Line Change Prepared For Mayhew" prepared by Brian Houston, dated April 1, 2019, and (6) the requisite filing fee and escrow amount for the Application; and

WHEREAS, the Town of Armenia Planning Board ("Planning Board") reviewed and considered all the above referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, County referral under General Municipal Law 239-m was not required because the application constitutes a minor subdivision application, which the Dutchess County Planning Department is not authorized to review; and

WHEREAS, this action is a Type II action under Section 6 NYCRR 617.5(c)(16) of the New York State Environmental Quality Review Act ("SEQRA") because it involves granting a lot line adjustment; and

WHEREAS, on April 24, 2019, the Planning Board deemed the application to be complete for purposes of scheduling a public hearing; and

WHEREAS, a properly noticed public hearing was held by the Planning Board, on May 22, 2019 in accordance with Section 105-35 of the Subdivision Law, and Section 276 of the New York State Town Law; and

WHEREAS, the Planning Board has determined that the action requested in the Application will reduce the existing nonconformity on the lot to comply with the land use district, overlay district, and other specific requirements of the Zoning Law and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Law and of the HM/HR Zoning Districts.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 105-11 of the Subdivision Law, the Planning Board hereby approves the minor subdivision plan entitled "Lot Line Change Prepared For Mayhew" prepared by Brian Houston, dated April 1, 2019 (last revised May 14, 2019) subject to the following conditions:

1. The Applicant shall provide the Planning Board attorney copies of the deeds for the transfer of 0.14 acres from Lot No. 095200 and for the consolidated Lot No. 072187 to confirm form and adequacy; and
2. Prior to the execution of the approved minor subdivision plan, the Applicant shall address the comments in the memorandum dated, May 17, 2019 from the Town Engineer, Rohde, Soyka & Andrews, to the satisfaction of the Engineer; and
3. Prior to the execution of the approved minor subdivision plan, the Applicant shall pay the outstanding invoices of the Planning Board's consultants incurred in connection with this Application.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the approved minor subdivision plans upon the Applicant's compliance with the above-applicable conditions, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, that pursuant to 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 Chair. In the event that

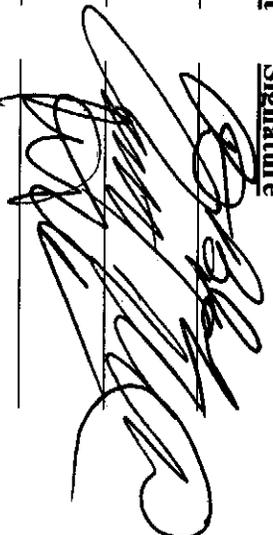
any final plat, when recorded, contains any such changes, the plat shall be considered null and void, and the Planning Board shall institute proceedings to have said plat stricken from the records of the Dutchess County Clerk's Office and the Town Clerk's Office; and

BE IT FURTHER RESOLVED, that 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 Armenia 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 Robustelli
Second By: Peter Clair

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>
Robert Boyles, 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"/>	
Matthew Deister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> (arrived late)	
Erich McEnroe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Walter Brett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Dated: May 22, 2019
Armenia, New York


Judith Westfall, Planning Board Clerk