



TOWN OF AMENIA

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Amenia Town Clerk
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TOWN OF AMENIA PLANNING BOARD

Resolution # 14 for 2019

July 24, 2019

Resolution Approving Minor Two-Lot Subdivision for IWF, LLC

WHEREAS, IWF, LLC is the owner of approximately 67.35 ± acres of land located at 3565 Route 22 in Amenia, New York (Tax Map ID No. 7064-00-519481-00) (the "Property"); and

WHEREAS, IWF, LLC (the "Applicant") desires to subdivide the Property into two lots: Lot 1 which is proposed on the east side of Route 22 and will consist of 15.36 acres of land and Lot 2, consisting of 51.99 acres of the remaining land on the west side of Route 22 (the "Project"); and

WHEREAS, the proposed Project is located in the Rural Agriculture (RA) and Office/Commercial/Industry Mixed Use (OC) Zoning Districts. Portions of the Project are also located in the Scenic Protection Overlay District (SPO) 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 an application to the Planning Board seeking approval of a minor 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 Short Environmental Assessment Form ("SEAF"); (3) a detailed subdivision map prepared by Bly and Houston Inc.; (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, the Planning Board and its legal and engineering consultants reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, the subdivision plat constitutes a minor subdivision under the Subdivision Law because it entails the subdivision of land into less than four lots; and

WHEREAS, the Planning Board has followed the procedures for processing a minor subdivision application as set forth in the Subdivision Law; and

WHEREAS, the Project was not referred to the Dutchess County Planning Department for review because the Dutchess County Legislature has not authorized the Department of Planning to review subdivisions under Section 239-n of the NYS General Municipal Law; and

WHEREAS, on July 24, 2019, the Planning Board completed part 2 of the SEAF and adopted a SEQRA Negative Declaration concluding that the Project will have no significant adverse environmental impacts and that a draft environmental impact statement will not be prepared. The application was deemed complete; and

WHEREAS, thereafter, in accordance with Section 105-11 & Appendix B of the Subdivision Law and Section 276 of the NYS Town Law, a properly noticed public hearing was held by the Planning Board on July 24, 2019, and all persons wishing to speak related to the Application were given the opportunity to be heard. The hearing was closed on the same day; and

WHEREAS, the Planning Board has determined that the action requested in the Application will comply with all 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 RA Zoning District.

NOW, THEREFORE BE IT RESOLVED, that pursuant to Section 105-11 of the Subdivision Law, the Planning Board approves the following minor subdivision plat for the Project entitled "Subdivision Map prepare for IWF, LLC" prepared by Bly and Houston, Inc., dated September 10, 2008 (last revised June 16, 2019) subject to the conditions listed below:

1. The Applicant shall address the comments in the memorandum dated June 26, 2019 from the Town Engineer, Rohde, Soyka & Andrews Consulting Engineers, P.C. to the satisfaction of the Engineer.
2. The Applicant shall pay any outstanding invoices of the Planning Board's consultants incurred in connection with reviewing and processing the Application related to the Project.
3. Pursuant to Section 105-5 of the Subdivision Code, the sale of lots or individual parcels of land shall proceed only after plat approval and other necessary permits/approvals have been satisfied by the Applicant.

BE IT FURTHER RESOLVED, that upon satisfaction of the above-referenced conditions, as applicable, the Planning Board Chairman is authorized to sign the minor subdivision plat; and

BE IT FURTHER RESOLVED, that within five business days of this resolution, the minor subdivision plat shall be certified by the Chairman of the Planning Board as conditionally approved, a copy filed in the office of the Town Clerk and a copy returned to the applicant; and

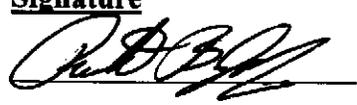
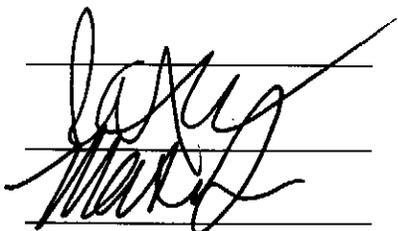
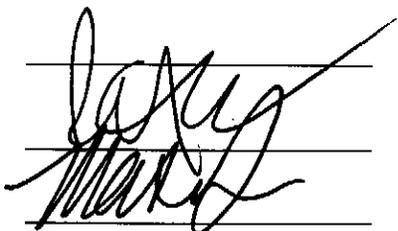
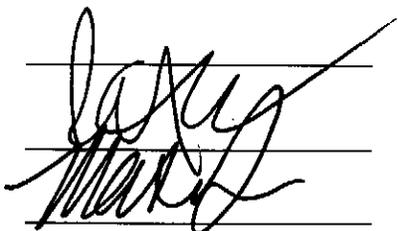
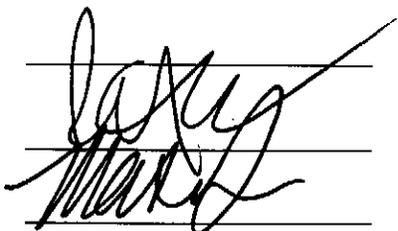
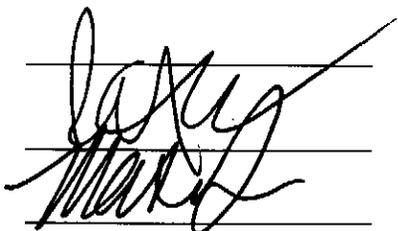
BE IT FURTHER RESOLVED, that this conditional approval of this minor subdivision plat shall expire 180 days after the date of this resolution unless the conditions and requirements of the resolution have been completed within that time. The Planning Board may, however, extend the time within which the conditionally approved plat may be submitted for signature by periods of 90 days each if, in its opinion, such extension is warranted by the particular circumstances; and

BE IT FURTHER RESOLVED, that if all requirements of the conditional final approval have not been certified as complete within 180 days of the original approval, plus any subsequent 90-day extensions of time as provided herein, the conditional approval shall automatically terminate and be revoked without need for affirmative Planning Board action; and

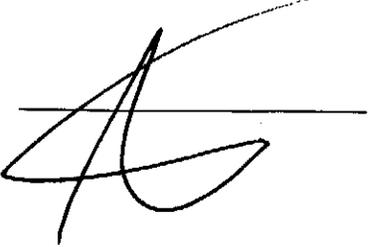
BE IT FURTHER RESOLVED, that if any condition or part of this approval resolution is annulled by a court of competent jurisdiction, the remaining parts of this approval resolution shall remain in full force and effect and the Planning Board reserves the right to revoke this approval if it determines that it no longer complies with the Subdivision Law and/ or Zoning Law; and

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

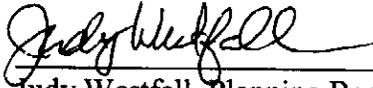
The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Peter Clair	<input checked="" 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"/>	
Erich McEnroe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Walter Brett	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

John Stefanopoulos

✓ _____ 

Dated: July 24, 2019
Amenia, New York



Judy Westfall, Planning Board Clerk