



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

Amenia Town Clerk
AUG 15 REC'D
RECEIVED

TOWN OF AMENIA PLANNING BOARD

Resolution # 12 of 2019

Approving Special Use Permit and Site Plan for the Troutbeck Wellness Center

July 24, 2019

WHEREAS, Troutbeck Holdings, LP (the "Applicant") is the the owner of 42.7± acres of land located at 515 Leedsville Road in Amenia, New York (the "Property"). The Property currently operates as an inn/lodge; and

WHEREAS, the Property is predominantly located in the Rural Residential (RR) Zoning District and the Aquifer and Scenic and Historic Preservation Overlay Districts; and

WHEREAS, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around May 15, 2019, the Applicant submitted an application to the Planning Board seeking a Special Use Permit and Site Plan Approval to allow the construction of a new 4,277 sf wellness center with a movement studio, equipment room, treatment rooms, saunas, locker and related improvements on the Property (the "Project"); and

WHEREAS, the existing use of the Property is a valid existing nonconforming use which entails a lodging facility with related accessory uses, including, among other things, a pool, tennis courts, and restaurant. The proposed wellness center is a permitted accessory use to the existing lodging facility in the RR Zoning District, provided it does not exceed 50% of the total area and is subject to a Special Use Permit approval from the Planning Board under Section 121-27(D)(2) of the Town's Zoning Code; and

WHEREAS, the Planning Board has determined that the Project qualifies as a major Project under Section 121-60 (C) of the Town's Zoning Code because the Application involves the construction of facilities or structures for a nonresidential use covering greater than 3,000 sf of building footprint; and

WHEREAS, the documents submitted by the Applicant as part of its Application consisted of, among other things, (1) a completed Land Use Application, (2) a Site Plan, (3) a Short Environmental Assessment Form (“EAF”), (4) an Agricultural Data Statement; (5) architectural renderings, (6) the requisite filing fee and escrow amount for the Application, and (7) other supporting documentation (the “Application”); and

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

WHEREAS, on June 24, 2019, the Planning Board deemed the Application to be complete for purposes of scheduling a public hearing and referring the Application materials to the Dutchess County Department of Planning and Development (“County Planning Department”) for its review and recommendation as required by Section 121-62(E) of the Town’s Zoning Code and Section 239-m of the NYS General Municipal Law; and

WHEREAS, on or about July 17, 2019, the Planning Board referred the application to the County Planning Department for its review and recommendation; and

WHEREAS, the County Planning Department reviewed the Project for countywide and intermunicipal impacts and issued a report dated July 23, 2019, stating that the Project was a matter of “Local Concern”; and

WHEREAS, during the regular meeting of the Planning Board held on July 24, 2019, a duly noticed public hearing was conducted on the Application. The public hearing was closed on the same date; and

WHEREAS, on July 24, 2019, the Planning Board adopted a Negative Declaration for the Project under the State Environmental Quality Review Act (“SEQRA”) concluding that the Project will not create any significant adverse environmental impacts; and

WHEREAS, the Planning Board considered the Project requested in the Application according to the criteria for major projects set forth in Section 121-63 of the Zoning Code; and

WHEREAS, the Planning Board has determined that the Project requested in the Application will comply with all land use district, overlay district, and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the RR Zoning District and applicable overlay districts; and

WHEREAS, the Planning Board has determined that the Project will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances; and

WHEREAS, the Planning Board has determined that the Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition; and

WHEREAS, the Planning Board has determined that the Project will be accessible to fire, police, and other emergency vehicles; and

WHEREAS, the Planning Board has determined that the Project will not overload any public water, drainage, or sewer system, or any other municipal facility; and

WHEREAS, the Planning Board has determined that the Project will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer; and

WHEREAS, the Planning Board has determined that the Project requested in the Application will be suitable for the Property, considering the Property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and its ability to be buffered or screened from neighboring properties and public roads; and

WHEREAS, the Planning Board has determined that the Project will be consistent with the Town's goal of concentrating retail/commercial uses in hamlets, avoiding strip commercial development, and buffering non-residential uses that are incompatible with residential use; and

WHEREAS, the Planning Board has determined that the Project will not adversely affect the availability of affordable housing in the Town; and

WHEREAS, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria in Section 121-65(D) of the Zoning Code; and

WHEREAS, the Planning Board has determined that the Project will have no greater overall off-site impact than would full development of the property with uses permitted by right, considering relevant environmental, social, and economic impacts; and

WHEREAS, the Planning Board's determinations outlined above are based on the Applicant's representations contained in all of the Application materials submitted to the Planning Board and the Applicant's compliance with the Town of Amenia Code including the Zoning Code; and

WHEREAS, the Planning Board has determined that the Applicant is not presently in violation of any of the provisions of the Zoning Code; and

WHEREAS, the Planning Board's engineer has determined that the proposed Project is an expansion of a valid existing non-conforming use that does not to exceed 50% of its area at the time of the adoption of the Zoning Code in 2007 and that such expansion does not reduce any existing nonconforming set-backs by more than 20%.

NOW, THEREFORE, BE IT RESOLVED, that

- 1) In accordance with Sections 121-27(D)(2) & 121-62 of the Town's Zoning Code, the Planning Board hereby approves a Special Use Permit for the Project as an expansion of a valid existing non-conforming use; and
- 2) In accordance with Section 121-66 of the Town's Zoning Code, the Planning Board hereby approves the following Site Plans for the Project prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. dated June 19, 2019 (last revised July 17, 2019) (collectively, the "Approved Site Plans"):
 - a) EX-1- Existing Conditions, Abandon in Place & Removal Plan;
 - b) SP-1 - Layout, Landscaping, Grading and Utilities Plan;
 - c) SP-2 - Erosion Control Plan; and
 - d) D-1 – Details.

BE IT FURTHER RESOLVED, that in accordance with Sections 121-62(G) and 121-66(F) of the Town's Zoning Code and Sections 274-a and 274-b of the New York State Town Law, the Planning Board imposes the following conditions on the Special Use Permit and Approved Site Plans granted by this resolution:

1. At all times, the Applicant shall comply with the Approved Site Plans and Special Use Permit;
2. Prior to the execution of the Approved Site Plans by the Planning Board Chairman, the Applicant shall pay the outstanding invoices of the Planning Board's consultants incurred in connection with reviewing this Application;
3. Prior to the execution of the Approved Site Plans by the Planning Board Chairman, the Applicant shall satisfy the comments from the Town Engineer, Rohde, Soyka and Andrews Consulting Engineers, P.C., dated _____, 2019 to the engineer's satisfaction.

4. Prior to the execution of the Approved Site Plans by the Planning Board Chairman, the Applicant shall provide to the Planning Board the final Dutchess County Health Department approval/permit for the Project's new subsurface sewage treatment system and updated water supply system (if necessary);
5. Prior to the execution of the Approved Site Plans by the Planning Board Chairman, the Applicant shall provide to the Planning Board the final approval by the New York State Department of Environmental Conservation ("NYSDEC") for coverage under the SPDES General Permit for the Project's new subsurface sewage treatment system.
6. Any change to the Special Use Permit or Approved Site Plans may require amended approvals from the Planning Board and further approval from other agencies including the Dutchess County Department of Health and NYSDEC.

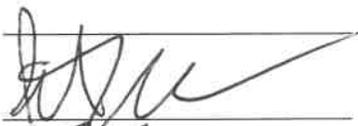
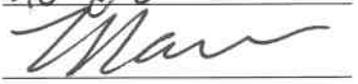
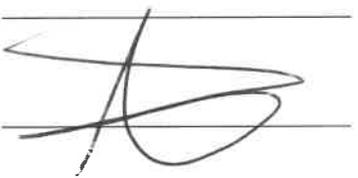
BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairman to stamp and sign the Approved Site Plans upon the Applicant's compliance with applicable conditions above, if any, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-62(H) of the Town's Zoning Code: (1) this Special Use Permit shall expire if (a) the Special Use Permit use ceases for more than 24 consecutive months for any reason, (b) the Applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the Special Use Permit within 12 months of its issuance, or (c) its time limit expires without renewal; (2) this Special Use Permit may be revoked by the Planning Board if the Applicant violates the Special Use Permit or its conditions or engages in any construction or alteration not authorized by the Special Use Permit; and (3) any violation of the Special Use Permit or its conditions shall be deemed a violation of the Town's Zoning Code and shall be subject to enforcement action; and

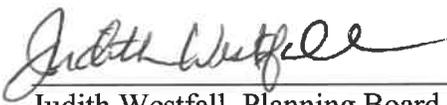
BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) this Site Plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary Building Permits, or fails to comply with the conditions of the Site Plan approval within 18 months of its issuance, or if the Special Use Permit with which it is associated expires. The Planning Board may grant a one-time six-month extension; (2) this Site Plan approval may be revoked by the Planning Board if the Applicant violates the Site Plan approval or its conditions or engages in any construction or alteration not authorized by the Site Plan approval; (3) any violation of the Site Plan approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

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

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	✓				
Anthony Robustelli				✓	
Peter Clair	✓				
Matthew Deister	✓				
Erich McEnroe				✓	
Walter Brett				✓	
John Stefanopoulos	✓				

Dated: July 24, 2019
Amenia, New York


Judith Westfall, Planning Board Clerk