



# TOWN OF AMENIA

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*Amenia Town Clerk*

SEP 18 REC'D

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## TOWN OF AMENIA PLANNING BOARD

Resolution #16 for 2019

### **Resolution Granting Site Plan Approval for the Yurt at the Maplebrook School**

**September 11, 2019**

**WHEREAS**, Maplebrook School, Inc. (the "Applicant") is the owner of approximately 65 acres of land located at 5142 Route 22 in Amenia, New York (the "Property"); and

**WHEREAS**, the Property has been developed with a co-educational boarding and day school for students with learning differences; and

**WHEREAS**, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around August 7, 2019, the Applicant submitted an application to the Planning Board seeking site plan approval to construct a yurt for educational purposes located in the northeastern portion of the Property (the "Project"); and

**WHEREAS**, the proposed Project is located in the Rural Residential (RR) Zoning District and Primary Valley Bottom Aquifer (PVBA), with portions of the Property, outside of the proposed Project area, situated in the Stream Corridor Overlay District (SCO); and

**WHEREAS**, pursuant to the Zoning Code, educational uses are permitted in the RR zoning district with a special use permit/site plan approval from the Planning Board; and

**WHEREAS**, in accordance with Section 121-64 of the Zoning Code, alteration, or construction of accessory structures not previously approved shall require site plan review only, provided that the use does not change. The Applicant was previously granted a special use permit for the educational uses at the Property and the Project does not change such uses; 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; (3) a site plan prepared by M.A. Day Engineering, PC, dated August 7, 2019 (last revised August 29, 2019); (4) an Agricultural Data Statement; and (5) the requisite filing fee and escrow amount for the application (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**, the Planning Board has determined that the Project qualifies as a minor project under Section 121-60(C) of the Town's Zoning Code. Therefore, no public hearing was required; and

**WHEREAS**, the Planning Board deemed the Application to be complete for purposes of referring it to the Dutchess County Department of Planning and Development (“County Planning Department”) for their review and recommendation as required by the Zoning Code and the NYS General Municipal Law and thereafter caused the necessary referral to be made; and

**WHEREAS**, the County Planning Department reviewed the Project for countywide and intermunicipal impacts and issued a report stating that the Project was a matter of local concern; and

**WHEREAS**, the Planning Board has determined that the Project is a Type II action and exempt from environmental review under the State Environmental Quality Review Act (“SEQRA”) because it constitutes routine activities of educational institutions, including the expansion of existing facilities by less than 10,000 square feet of gross floor area in accordance with 6 NYCRR § 617.5(c)(8); and

**WHEREAS**, the Planning Board has determined that the Project will comply with all zoning 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

**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 will not adversely affect neighboring properties; 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 Code including the Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with Section 121-67 of the Zoning Code, the Planning Board hereby approves the site plan titled “Maplebrook School - Accessory Yurt” prepared by M.A. Day Engineering, PC dated August 7, 2019 (last revised August 29, 2019) (the “Site Plan Approval”); and

**BE IT FURTHER RESOLVED**, that pursuant to Section 274-a of the New York State Town Law, the Planning Board imposes the following conditions on the Site Plan Approval granted by this resolution:

1. Prior to the execution of the approved site plans by the Planning Board Chairman and issuance of any building permit for the Project, the Applicant shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with reviewing this Application.
2. At all times, the Applicant shall comply with this Site Plan Approval.
3. Any change to the approved site plans may require amended approvals from the Planning Board.

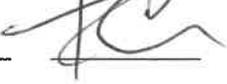
**BE IT FURTHER RESOLVED**, that the Planning Board hereby authorizes the Planning

Board Chairperson to stamp and sign the approved site plans upon the Applicant's satisfaction of all applicable conditions, if any, and the submission requirements stated herein, if any; and

**BE IT FURTHER RESOLVED**, that in accordance with Section 121-68(E) of the 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 this Site Plan Approval within 18 months of its issuance. 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 this approval; and (3) any violation of this 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 Jr., Chairman	✓	_____	_____	_____	
Peter Clair	_____	_____	_____	✓	_____
Walter Brett	✓	_____	_____	_____	
John Stefanopoulos	_____	_____	_____	✓	_____
Anthony Robustelli	✓	_____	_____	_____	
Matt Deister	✓	_____	_____	_____	
Erich McEnroe	✓	_____	_____	_____	

Dated: September 11, 2019  
 Amenia, New York

  
 Robert Boyles Jr., Chairman  
 Town of Amenia Planning Board