



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 17 for 2019

### Resolution Granting Site Plan Approval for a Residence at 108 Westerly Ridge Drive

September 11, 2019

**WHEREAS**, Cameron and Liza Vann Smith (together, the "Applicant") are the owners of 27 acres of land located at 108 Westerly Ridge Drive in Amenia, New York (the "Property") which is situated in the Rural Agriculture (RA) Zoning District and Scenic Protection Overlay (SPO) Districts; and

**WHEREAS**, pursuant to Section 121-14.1(D)(1) of the Town of Amenia Zoning Code (the "Zoning Code"), "site plan approval shall be required for ... construction of any structure or any addition to a structure where the size of the new structure or addition will be greater than 500 square feet in footprint area, including residential structures"; and

**WHEREAS**, on or around June 17, 2019, the Applicant submitted an application to the Planning Board seeking a Site Plan Approval to allow for the construction of a single-family home and related improvements on the Property (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) Site Plan prepared by Saratoga Associates; (3) Short Environmental Assessment Form ("SEAF"); (4) Agricultural Data Statement; (5) Photo Simulations; (6) the requisite filing fee and escrow amount for the application; and (7) a variety of additional 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**, the Planning Board has determined that the Project qualifies as a minor project pursuant to Section 121-60(C)(1) of the Zoning Code; and

**WHEREAS**, the Applicant requested a waiver under Section 121-14.1(L) of the Zoning Code from the requirement that the home be constructed 40 feet below the crest line of any ridge; and

**WHEREAS**, the Planning Board deemed the Application to be complete and referred it to the Dutchess County Department of Planning and Development (“County Planning Department”) for its review and recommendation as required by Section 239-m of the NYS General Municipal Law; and

**WHEREAS**, the County Planning Department has reviewed the Project for countywide and inter-municipal impacts and issued a report stating that the Project was a matter of “local concern”; and

**WHEREAS**, the Project is a Type II action under the State Environmental Quality Review Act (“SEQRA”) because it entails the construction of a single-family home on an approved lot; and

**WHEREAS**, in accordance with Section 121-67(D) of the Zoning Code, the Planning Board voted on June 26, 2019 that no public hearing was required for this minor project site plan; and

**WHEREAS**, the Planning Board has determined that the Project requested in the Application will comply with all Zoning 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 RA Zoning District and applicable overlay districts; and

**WHEREAS**, the Planning Board has determined that the Project requested in the Application 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 of Amenia Code including the Zoning Code; and

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with Section 121-65 of the Town’s Zoning Code, the Planning Board hereby approves the Site Plans, titled “Site Plans for Waiver for Scenic Protection Overlay District” prepared by Saratoga Associates, dated August 21, 2019 (the “Approved Site Plans”) subject to the following conditions:

- (1) Prior to the execution of the Approved Site Plans by the Planning Board Chairman, the Applicant shall:
  - a. provide a survey by a NYS-licensed surveyor of the final approved building envelope, and the four corners shall be marked with steel stakes in the field.
  - b. Add the following note to the roadway improvement plan on Page L 3.0 of the site plan at a point 15’ prior to the widened section.

*“Cross-slope adjustment to slightly elevate one side beginning at this point through the 3’ wide x 160’ long road widening area.”*

- c. The location of or at least the closest portion of the 100’ by 150’ Building Envelope shall be clearly indicated on the water storage plan Page L 3.0 of the site plan.
  - d. Add notes to the site plan to reflect the architectural restrictions set forth in conditions (6) and (7) of this resolution.
- (2) Prior to the issuance of a building permit for any structure on the lot, the Applicant shall obtain and provide copies of the necessary permits/approvals from the Dutchess County Department of Behavioral and Community Health for the private water and septic systems.
  - (3) Tree removal shall be limited to the area within the 100’ x 150’ building envelope. Construction of an absorption area for onsite wastewater treatment systems, underground septic and water tanks and modifications to the existing stone driveway, including but not limited to construction of a fire truck pull off area, shall be limited to previously cleared land, as depicted on the approved site plans. Any tree removal outside of the 100’x150’ building envelope will require amendment to this approved site plan including documentation that such tree removal will not increase visibility of residential or accessory structures or alter the visual character of the ridgeline as viewed from off-site vantage points within the Town of Amenia.
  - (4) The proposed residential and all accessory structures shall be located within the defined 100’ x 150’ building envelope.
  - (5) The single-family residence shall be constructed no larger than 4,000 sf and the height shall not exceed 2-stories with a peaked roof.
  - (6) Building colors will be selected to minimize visual impacts to the greatest extent practicable. Specific measures to achieve this objective shall include:
    - a. Use of muted and “earth tone” (shades of brown) colors representative of those found in the surrounding environment;
    - b. No reflective finishes (e.g., unpainted or shiny metallic surfaces) shall be used on the exterior surface, including, but not limited to the roofs, projections above roofs, retaining walls, doors, trim, fences, pipes or outside equipment; and
    - c. Siding types shall be limited to painted or stained wood, timber, log, stone masonry, stucco, or non-reflective and unpainted vinyl.

- (7) To further minimize visual impacts to the greatest extent practicable, the Applicant shall install windows in accordance with the following standards:
  - a. Large, uninterrupted expanses of glass and repetitive bands of windows shall be avoided in favor of combinations of windows;
  - b. West facing windows shall be tinted, non-mirrored, low reflectivity glass; and
  - c. Metal window panels shall be painted.
- (8) At all times, the Applicant shall comply with the Approved Site Plans including, without limitation, all notes set forth on the plans.
- (9) The Applicant shall pay all of the outstanding invoices for the Planning Board's consultants prior to the signing of the Approved Site Plans by the Planning Board Chairman and prior to the issuance of a building permit by the Building Inspector; and
- (10) Prior to the issuance of a Certificate of Occupancy for the residence, the Applicant shall:
  - a. Complete the driveway widening, rock removal and cross slope modifications as shown and detailed on the plan set;
  - b. have a source of water available for safe access by the Fire District. As reflected by the notes on the water storage tank plan on Page L 3.0 of the site plan, this shall be either a 10,000 gallon underground fiberglass storage tank or a pool.
  - c. provide "as-built" plans for all improvements on the site as required by Section 121-68 of the Zoning Code.

**BE IT FURTHER RESOLVED**, the Planning Board hereby grants the Applicant a waiver from Section 121-14.1(L) of the Zoning Code to allow for construction of the single-family residence on the crest line based upon visual simulations provided by the Applicant demonstrating there remains adequate screening of the building area; and

**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 compliance with all applicable conditions; and

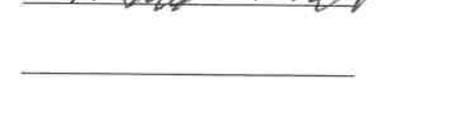
**BE IT FURTHER RESOLVED**, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) this site plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary Building Permits, or fails to comply with the conditions of the site plan approval within 18 months of its issuance. 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:

Motion By: Matthew Deister

Second By: Walter Brett

|                               | <u>Yes</u> | <u>No</u> | <u>Abstain</u> | <u>Absent</u> | <u>Signature</u>   |
|-------------------------------|------------|-----------|----------------|---------------|--|
| Robert Boyles,<br>Chairperson | ✓          |           |                |               |   |
| Anthony Robustelli            | ✓          |           |                |               |   |
| Peter Clair                   |            |           |                | ✓             |   |
| Matthew Deister               | ✓          |           |                |               |   |
| Erich McEnroe                 | ✓          |           |                |               |   |
| Walter Brett                  | ✓          |           |                |               |  |
| John Stefanopoulos            |            |           |                | ✓             |  |

Dated: September 11, 2019  
 Amenia, New York

  
 Robert Boyles, Planning Board Chair