



TOWN OF AMENIA

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

RECEIVED

JUN 18 2020

Amenia Town Clerk

TOWN OF AMENIA ZONING BOARD OF APPEALS

Resolution # 1 for 2020

Resolution Declaring Lead Agency and Adopting Negative Declaration Under the State Environmental Quality Review Act ("SEQRA")

June 15, 2020

WHEREAS, Tamarack Preserve Ltd. (the "Applicant") is the authorized representative for Turkey Hollow, Inc., the owner of 800.94 acres of land located at 4754 NYS Route 44 in Amenia, New York (the "Property"); and

WHEREAS, the Property is located in the Rural Agricultural (RA) Zoning District; and

WHEREAS, the Town's Code Enforcement Officer has previously confirmed that the Applicant is a "membership club" as defined under Section 121-74 of the Town of Amenia Zoning Code (the "Zoning Code"); and

WHEREAS, on or about March 2, 2020, the Applicant's engineer, Rennia Engineering Design PLLC, submitted an area variance application to the Town of Amenia Zoning Board of Appeals (the "ZBA") seeking to exceed the maximum building footprint of 6,000 square feet for nonresidential structures as provided for in §121-Attachment 2, Dimensional Table, of the Zoning Code. The proposed exceedance total 533 square feet.; and

WHEREAS, the documents submitted by the Applicant consisted of, among other things: (1) an Area Variance Application; (2) an accompanying narrative; (3) a site plan and site plan and details; (4) an agricultural data statement; (5) Part 1 of a Short Environmental Assessment Form and (5) the requisite filing fee (collectively the "Application"); and

WHEREAS, as provided for in §121-Attachment 2, Dimensional Table, of the Zoning Code, the purpose of the maximum footprint requirement is to maintain the historic scale and character of development in the Town; and

WHEREAS, Applicant is proposing the area variance in connection with its plans to expand its existing clubhouse building in order to provide a new, larger, more modern kitchen and an additional 40 seat dining room for its members (the "Project"); and

WHEREAS, the clubhouse is located in the approximate center of the Property and is not visible from the road or neighboring properties, given the existing topography, dense foliage and setbacks; and

WHEREAS, access to the clubhouse is granted by a single entrance located along NYS Route 44, approximately 3,100 feet from the structure; and

WHEREAS, given that work associated with the Application will only relate to real property well in excess of five hundred feet from the items listed at General Municipal Law §239-m(3)(b), referral to the Dutchess County Department of Planning and Development is not required; and

WHEREAS, the Project will also create an outdoor covered porch which will be used to house a walk-in cooler and freezer as well as a new subsurface sewage disposal system to handle the increased seating capacity; and

WHEREAS, the existing clubhouse has a building footprint of 4,727 square feet; and

WHEREAS, the Project will provide the Applicant with an additional 1,541 square feet of enclosed dining and kitchen space and the proposed outdoor porch will create an additional 265 square feet of space, for a total additional building footprint of 1,806 square feet, resulting in a total building footprint of 6,533 square feet, and thus creating the need for the requested relief of 533 square feet, representing an 8.87% increase in allowable building footprint; and

WHEREAS, on June 15, 2020, a properly noticed public hearing was held to gather comments on the Application and the ZBA considered the verbal and written comments submitted by the public, if any. The hearing was closed the same day; and

WHEREAS, the ZBA engaged in a detailed review of the Application materials and completed Part 2 of the Short Environmental Assessment Form ("Short EAF") for this SEQRA "Unlisted Action"; and

WHEREAS, after reviewing and completing Parts 1 and 2 of the Short EAF and all the other information submitted by the Applicant and after reviewing the criteria for determining significance set forth under Section 617.7(c)(1) of the SEQRA regulations, the ZBA determined that no significant adverse environmental impacts will be created by the area variance required in connection with the Project; and

WHEREAS, the ZBA has prepared a written elaboration as to why the proposed area variance will have no significant adverse environmental impact, and why the issuance of a Negative Declaration is appropriate; and

WHEREAS, the Project will also be subject to review by the Town of Amenia Planning Board, including a SEQRA review for the actions subject to Planning Board approval.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The ZBA hereby designates itself as SEQRA lead agency for the Uncoordinated

Review of this Unlisted Action pursuant to 6 NYCRR Part 617.6(b)(4); and

2. The ZBA issues a SEQRA Negative Declaration for the Project concluding that the Project will not create any any significant adverse environmental impacts and a draft environmental impact statement will not be prepared; and
3. The ZBA adopts and incorporates herein by reference, the attached written Negative Declaration; and

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

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Terry Metcalfe, Chairman	<u>✓</u>	_____	_____	_____	<u>Terry Metcalfe</u>
David Menegat	<u>✓</u>	_____	_____	_____	<u>David Menegat</u>
Paula Pelosi	<u>✓</u>	_____	_____	_____	<u>Paula Pelosi</u>
Jim Wright	<u>✓</u>	_____	_____	_____	<u>Jim Wright</u>
Tracy Salladay	<u>✓</u>	_____	_____	_____	_____

Dated: June 15, 2020
Amenia, New York

Terry Metcalfe
Terry Metcalfe, Chairman
Town of Amenia Zoning Board of Appeals

Town of Amenia Zoning Board of Appeals

State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance

Date: June 15, 2020

This notice is issued pursuant to the State Environmental Quality Review Act, Article 8 of the NYS Environmental Conservation Law and its implementing regulations at Part 617 of the New York State Code of Rules and Regulations (collectively referred to as "SEQRA").

The Town of Amenia Zoning Board of Appeals, as the lead agency under SEQRA, has determined that the proposed action described below will not have a significant adverse environmental impact and a draft Environmental Impact Statement will not be prepared.

Name of Action: Tamarack Preserve – Area Variance to allow 533 SF exceedance of 6,000 SF Building Footprint Limitation

SEQR Status: Type I

Description of Action:

The project consists of the granting of an area variance to allow construction of an additional 1,541 square feet of enclosed dining and kitchen space and a proposed 265 square foot outdoor porch to house a walk-in cooler and freezer (the "Project") at an existing clubhouse. The Project is located at 4754 NYS Route 44 in Amenia, New York (the "Property"), which consists of 800.94 acres and serves as a hunting and fishing membership club. The existing clubhouse is located in the approximate center of the Property. Pursuant to §121-Attachment 2, Dimensional Table, of the Town of Amenia Zoning Code (the "Zoning Code") nonresidential structures are limited to a building footprint of 6,000 square feet. Given the existing building footprint of 4,727, the proposed additions will create a building with a footprint of 6,533 square feet, necessitating an area variance of 533 square feet.

Location: 4754 NYS Route 44, Town of Amenia,
Dutchess County, New York

Reasons Supporting This Determination:

The ZBA has carefully considered whether the Project would potentially have a significant adverse impact on the environment. For the reasons set forth below a SEQRA Negative Declaration is appropriate.

1. The ZBA has given due consideration to the action as defined in 6 NYCRR §§ 617.2(b)(1) and 617.3(g).

2. The ZBA has given due consideration to any comments provided at the public hearing held on June 15, 2020.

3. Parts 1 and 2 of the full Environmental Assessment Form have been completed, and the ZBA has concluded that environmental effects of the proposed action will not exceed any of the Criteria for Determining Significance found in 6 NYCRR § 617.7(c), as more fully described below:

- a. No substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; no substantial increase in solid waste production; and no substantial increase in potential for erosion, flooding, leaching or drainage problems will result from the Project. The project will not generate off-premises noise, waste, lights, glare or any other intrusive condition.

The Project is located in the approximate center of a +/- 800 acre lot and is not visible from the road or neighboring properties given the existing topography, dense foliage and setbacks. Access to the clubhouse is granted by a single entrance located along NYS Route 44, approximately 3,100 feet from the Project. The Property's isolation makes the proposed action extremely unlikely to have an adverse impact on neighboring parcels or districts. Noise produced from both construction and operation at the Property will be buffered by the large vegetated buffers surrounding the Project site.

- b. No removal or destruction of large quantities of vegetation or fauna; no substantial interference with the movement of any resident or migratory fish or wildlife species; no impacts on a significant habitat area; no substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; and no other significant adverse impacts to natural resources will result from the Project. The Project relates to the expansion of an existing structure.
- c. The Project will not create the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 6 NYCRR § 617.14(g).
- d. The Project will not create a material conflict with the community's current plans or goals as officially approved or adopted. Granting the variance will not adversely affect the historic scale or character of development in the Town. The Applicant also notes that granting the variance will reduce its need to construct other new buildings on site, thereby promoting the low-density intent that the RA Zoning District was created to support. This is consistent with the Applicant's

conservation-based recreation on forested land, which leaves most of the preserve parcel undeveloped, in an area that would otherwise allow 10 acre minimum parcels.

- e. The Project will not create the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. The parcel on which the Project is proposed is approximately 800 acres of essentially undeveloped land.
- f. The Project will not create a major change in the use of either the quantity or type of energy. The project entails the minor expansion of an existing dining room and kitchen that will not materially increase the amount of energy currently used for the same activities.
- g. The Project will not create a hazard to human health. Wastewater will be managed through the use of a new subsurface sewage disposal system to be approved by the Dutchess County Department of Health to handle the increase in dining room seating capacity.
- h. The Project will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The Property's isolation makes the proposed action extremely unlikely to have an adverse impact on neighboring parcels or districts.
- i. The Project will not encourage or attract a large number of people to the Town of Amenia, compared to the number of people who would come to such place absent its adoption. The Project will serve Applicant's members and guests, it will not be open to the general public. The Project represents far less development than would otherwise be permitted by right, if single family housing development were proposed.
- j. The Project will not create a material demand for other actions that would result in one of the above consequences. Water and septic facilities are to be entirely private and on site, and will not affect any public system.
- k. No cumulative adverse impacts on the environment will result from the Project.
- l. With respect to transportation impacts, the Project does not create traffic impacts. Existing dining room capacity is being expanded by only 40 seats. The dining room is primarily utilized on Friday and Saturday evenings.

For Further Information:

Contact Person: Terry Metcalfe, Chairman
Town of Amenia Zoning Board of Appeals
Address: 4988 Route 22
Amenia, New York 12501
Telephone: 845-373-9826

A Copy of this Notice Filed With:

Town of Amenia Zoning Board of Appeals
Tamarack Preserve Ltd. (the Applicant)