



TOWN OF AMENIA TOWN BOARD

4988 Route 22, AMENIA, NY 12501
(845) 373-8860 www.ameniany.gov

RESOLUTION No. 32 of 2020

RE: AUTHORIZING NON-EXCLUSIVE SIDEWALK EASEMENT AND MAINTENANCE AGREEMENT BETWEEN THE TOWN OF AMENIA AND STONELEAF CONSTRUCTION, LLC SUBJECT TO PERMISSIVE REFERENDUM

WHEREAS, Stoneleaf Construction, LLC ("Stoneleaf") is the owner of certain real property located in the Town of Amenia, New York, identified on tax grid nos. 7167-09-170520 having an address of 4974 Route 22, in the Town of Amenia, New York, 12501 ("Stoneleaf Property"); and

WHEREAS, the Town of Amenia ("Town") is the owner of certain real property located in the Town of Amenia, New York, identified on tax grid nos. 7167-09-196542, which is contiguous and adjacent to the Stoneleaf Property and currently improved with a public parking area ("Town Property"); and

WHEREAS, Stoneleaf submitted an application to the Town of Amenia Planning Board ("Planning Board") on or about February 7, 2018 for site plan approval for the conversion of an existing Presbyterian Church and its accompanying Presbytery into an office building for Stoneleaf (the "Application"); and

WHEREAS, the Planning Board reviewed and considered the following documents submitted by the Applicant as part of its Application:

1. Site Plan dated February 5, 2018 (last revised March 20, 2018);
2. Site Details dated February 5, 2018 (last revised March 20, 2018); and
3. SDS Plans and Details dated March 7, 2018.

(collectively the "Stoneleaf Office Site Plan"); and

WHEREAS, by Resolution No. 5 of 2018, the Planning Board determined that the project contemplated in the Application was an Unlisted Action under the State Environmental Quality Review Act (SEQRA) and issued a Negative Declaration for the project, concluding the project would not create any significant environmental impacts; and

WHEREAS, on April 11, 2018, by Resolution No. 3 of 2018, the Planning Board approved the Application (the “Approval”); and

WHEREAS, the Approval was conditioned on Stoneleaf obtaining permission from the Town of Amenia Town Board (“Town Board”), in a form acceptable to the Attorney to the Town of Amenia, to construct a section of sidewalk on the Town Property that will connect the Stoneleaf Property to the public parking lot located on the Town Property; and

WHEREAS, the sidewalk has been constructed by Stoneleaf in substantially the same form as depicted on the approved site plan dated February 5, 2018 (last revised March 20, 2018) annexed hereto as **EXHIBIT 1** (referred to herein as the “Sidewalk”); and

WHEREAS, after consulting with the Attorney to the Town of Amenia, the Town Board agrees to grant Stoneleaf a NON-EXCLUSIVE SIDEWALK EASEMENT AND MAINTENANCE AGREEMENT (“Easement”), and to ratify the construction of the Sidewalk on Town Property by Stoneleaf in substantially the same form as depicted in **EXHIBIT 1**; and

WHEREAS, the Easement granted herein is made on the express condition that Stoneleaf, its successors and assigns, will maintain the Sidewalk for as long as the Sidewalk remains in existence in accordance with the Approval, the Stoneleaf Office Site Plan, and the terms and conditions set forth in the Easement, a copy of which is annexed hereto; and

WHEREAS, the Attorney to the Town of Amenia has drafted the Easement and is satisfied with its contents; and

WHEREAS, the Town property to be burdened by the proposed Easement is presently vacant, unused and unneeded by the Town for any municipal purposes; and

WHEREAS, the Town Board Members have reviewed the proposed Easement and have determined that the terms and conditions stated within are reasonable and that it would be in the best interests of the Town to Authorize this Easement; and

WHEREAS, it has been determined that the granting of this Easement is subject to a Permissive Referendum pursuant to Town Law § 64(2); and

WHEREAS, The Town Board has determined that granting this Easement is a Type II Action under the State Environmental Quality Review Act (“SEQRA”) because the action entails the construction of a non-residential facility involving less than 4,000 square feet of gross floor area (See 6 NYCRR 617.5(c)(9) and therefore no environmental review is required; and

WHEREAS , in determining the granting of this Easement is a Type II Action, the Town Board notes that the Planning Board previously adopted a SEQRA Negative Declaration in its Resolution #5 for 2018, dated as of April 11, 2018, for the project of which the sidewalk is a part.

NOW, THEREFORE, BE IT RESOLVED:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. After review and due consideration of all of the foregoing, the Town Board hereby approves the form of the NON-EXCLUSIVE SIDEWALK EASEMENT AND MAINTENANCE AGREEMENT, as attached to this Resolution as **EXHIBIT 2**.
3. This resolution is adopted subject to Permissive Referendum, and the Town Clerk shall give notice of adoption of the resolution by providing a copy of this resolution with an appropriate Notice of Adoption in the official newspapers of the Town, and, in addition, such Town Clerk shall post or cause to be posted on the bulletin board of his office a copy of such resolution and Notice of Adoption and such publication and posting shall be within ten (10) days of the date hereof.
4. The Town Board hereby directs, upon the conclusion of the Permissive Referendum, the Town Supervisor to execute, on behalf of the Town, the NON-EXCLUSIVE SIDEWALK EASEMENT AND MAINTENANCE AGREEMENT, as approved by

this Resolution, and cause the same to be recorded with the Town of Amenia Town Clerk and filed with the Dutchess County Clerk.

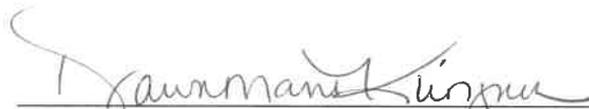
Motioned By: Somogyi

Seconded By: Morris

The foregoing resolution was voted upon with all councilwomen/councilmen voting as follows:

Supervisor Perotti	Aye
Councilwoman Doyle	Aye
Councilman Gutierrez	Aye
Councilman Morris	Aye
Councilwoman Somogyi	Aye

Dated: Amenia, New York
June 18, 2020


DAWN MARIE KLINGNER, TOWN CLERK