

APR 22 REC'D



TOWN OF AMENIA

TOWN CLERK

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TOWN OF AMENIA ZONING BOARD OF APPEALS

Resolution # 004 for 2015

**Resolution Designating the Zoning Board of Appeals as the SEQRA Lead Agency For the SBA Towers VI, LLC Application**

**WHEREAS**, on February 27, 2015, SBA Towers VI, LLC (the "Applicant") submitted an application to the Town of Amenia Zoning Board of Appeals ("ZBA") seeking a special use permit and height variance for the proposed construction of a 174' tall monopole telecommunications tower (with an optional 6' lightning rod) located at 67 Kent Road in the Hamlet of Wassaic in the Town of Amenia, Dutchess County, New York (the "Project"); and

**WHEREAS**, the documents submitted to the ZBA by the Applicant consisted of, among other things: (1) a special use permit and area variance applications; (2) a Full Environmental Assessment Form ("FEAF"); (3) project plans; and (4) the requisite application fee (together, the "Application"); and

**WHEREAS**, pursuant to Section 121-46.2(B)(2) of the Town's Zoning Code, the Project constitutes a Type I action under SEQRA; and

**WHEREAS**, Section 617.6(b)(2) of the SEQRA Regulations states "for all Type 1 actions ... involving more than one agency, a lead agency must be established ..."; and

**WHEREAS**, Section 617.6(b)(3)(i) of the SEQRA regulations states "when an agency proposes to directly undertake, fund or approve a Type 1 action ... it must, as soon as possible, transmit part 1 of the EAF completed by the [Applicant] ... and a copy of any application it has received to all involved agencies and notify them that a lead agency must be agreed upon within 30 calendar days of the date the EAF ... was transmitted to them."; and

**WHEREAS**, the ZBA caused Part 1 of the EAF and the Application materials to be sent to all involved agencies with a request that the ZBA be designated as the SEQRA lead agency for the Project; and

**WHEREAS**, no other involved agencies have objected to the ZBA acting as the SEQRA lead agency for the Project; and

**WHEREAS**, Section 617.6(b) (3)(iii) of the SEQRA Regulations states “if a lead agency exercises due diligence in identifying all other involved agencies and provides written notice of its determination of significance to the identified involved agencies, then no involved agency may later require the preparation of an EAF, a negative declaration or an EIS in connection with the action.”

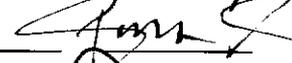
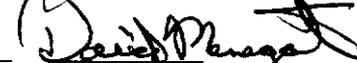
**NOW, THEREFORE, BE IT RESOLVED**, that the ZBA hereby designates itself as the Lead Agency for the Project under SEQRA; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be filed in the Town of Amenia Clerk’s Office within 5 days after its adoption.

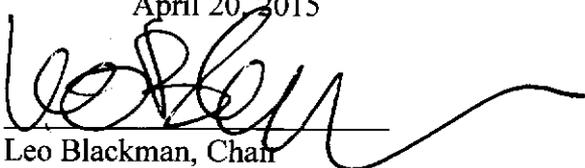
Motion By: Leo Blackman

Seconded By: Kevin Cassone

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

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Leo Blackman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Terry Metcalfe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Paula Pelosi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Dave Menegat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Kevin Cassone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

DATED: Amenia, New York  
April 20, 2015

  
Leo Blackman, Chair  
Town of Amenia Zoning Board of Appeals