

**RESOLUTION NUMBER 12 OF 2009**  
**Hamlet Concept Plan**

WHEREAS, the Town of Amenia Town Board ("Town Board") adopted a Comprehensive Plan Update on or about July 19, 2007; and

WHEREAS, the Comprehensive Plan Update included Action Recommendations directing the Town Board to "create a detailed development plan for the Hamlet" and

WHEREAS, the Town Board began the first phase of the planning effort under the Action Recommendations by engaging Dodson Associates, Ltd. ("Dodson") to create preliminary development plans for the Hamlet; and

WHEREAS, the Town Board had an opportunity to review such preliminary development plans; and

WHEREAS, the Town Board sought to create a record of its discussion and thoughts with respect to the preliminary development plans prepared by Dodson to inform future phases of the planning effort; and

WHEREAS, the Town Board adopted Resolution No. 32 on October 16, 2008, in order to preserve a record of its discussion and opinion with regard to the preliminary development plans; and

WHEREAS, Amenia K. Realty, LLC, CQM of Amenia and Amenia Meadows, LLC filed an Article 78 action against the Town on or about February 13, 2009, seeking to annul, vacate and set aside Resolution No. 32, alleging that the Town Board by enacting Resolution No. 32 amended the Comprehensive Plan, and established a certain site plan as the preferred development plan for the Hamlet as consistent with the Comprehensive Plan, without following the proper regulatory procedures; and

WHEREAS, by this Resolution the Town Board seeks to clarify the import and effect of Resolution No. 32,

IT IS HEREBY RESOLVED, that Resolution No. 32 does not constitute a determinative action by the Town Board to finalize a detailed development plan, adopt or implement a detailed development plan, or authorize approval of a detailed development plan, and

IT IS FURTHER RESOLVED, that the Town Board enacted Resolution No. 32 as a non-binding resolution solely for the purpose of expressing and preserving the Town Board's opinion of the preliminary development plans, including its opinion of Hamlet Concept Plan #3, and

IT IS FURTHER RESOLVED, that, by enacting this non-binding resolution, the Town Board was in no way implying that the Comprehensive Plan Update or Zoning Law were being amended, supplemented, altered, clarified or superseded, and the Town Board recognizes that such action can only take place after full compliance with all applicable requirements of the State Environmental Quality Review Act, the Town Law, the Municipal Home Rule Law, and/or the General Municipal Law, and

IT IS FURTHER RESOLVED, that the Town Board acknowledges that Resolution No. 32 did not commit the Town to a definite course of action in the consideration of any future applications concerning development within the Hamlet, nor did it create any legal or binding effect upon future boards, agencies or applications concerning the approval of or consideration of development plans for the Hamlet; and

IT IS FURTHER RESOLVED, that all future applications before the Planning Board, Zoning Board of Appeals, Town Board, or any other municipal boards or agencies will only be required to comply with the Comprehensive Plan Update and Zoning Law, and will not be required to comply or be deemed consistent with Resolution No. 32 or Site Plan Option #3; and

IT IS FURTHER RESOLVED, that a copy of the entire Dodson Report (the Amenia Hamlet Concept Plan and all four preliminary development plans), along with a copy of Resolution No. 32 of 2008 and a copy of this Resolution, shall be filed with the Town Clerk and the Dutchess County Department of Planning and development.

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

Supervisor Euvrard

☒ Yes ☐ No

Councilman Cayea

☒ Yes ☐ No

Councilwoman Doyle

☐ Yes ☐ No

Councilman Pelkey

☒ Yes ☐ No

Councilwoman Perotti

☒ Yes ☐ No

*W. Euvrard*  
*J. Cayea*  
*J. Doyle*  
*J. Pelkey*  
*Abtain*

DATED: Amenia, New York  
April 16, 2009

*Maureen Bonds*  
Maureen Bonds, Town Clerk