



# TOWN OF AMENIA

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## TOWN OF AMENIA PLANNING BOARD

Resolution # 11 for 2025

### Resolution Granting Site Plan Approval for a Ground Mounted Solar Energy System

June 11, 2025

**WHEREAS**, Showfam Estates, LLC (the "Applicant") is the owner of approximately 34.50 acres of residential land located at 54 Kennel Road in Amenia, New York (the "Property") which is situated in the Rural Agriculture (RA) Zoning Districts, with a portion of the Property in the Upland Aquifer Overlay District and the Stream Corridor Overlay District; and

**WHEREAS**, on March 28, 2025 the Applicant's authorized agent submitted an application to the Planning Board for site plan approval to allow for the construction of a 15.26 kilowatt ground-mounted solar energy system ("GMSES") on the Property (the "Project"); and

**WHEREAS**, pursuant to Chapter 121 of the Town of Amenia Zoning Law (the "Zoning Law"), GMSES are permitted in the RA zoning district subject to site plan approval by the Town of Amenia Planning Board (the "Planning Board"); and

**WHEREAS**, at a meeting on April 9, 2025 the Planning Board reviewed and considered the application materials submitted by the Applicant and requested additional information necessary for a complete application; and

**WHEREAS**, the documents submitted by the Applicant as part of its application consist of: (1) Land Use Application; (2) New York State Unified Solar Application; (3) Site Plans; (4) Short Environmental Assessment Form ("SEAF"); (5) Agricultural Data Statement; (6) the requisite filing fee and escrow amount for the application; and (7) requested waivers; and (8) a variety of other supporting documentation (collectively, the "Application"); and

**WHEREAS**, in reviewing the Application the Planning Board considered the Applicant's requests for waivers for certain of the information typically required for site plan applications pursuant to Zoning Law §121-65(C) and determined that it was reasonable to grant those waivers, concluding that the Application includes sufficient information was provided to evaluate the installation of the GMSES; and

**WHEREAS**, the Project is a Type II action under the State Environmental Quality Review Act ("SEQRA") because it entails the construction of a minor accessory/appurtenant residential structure which does not change land use or density; and

**WHEREAS**, due to the Project's proximity to a farm operation within Agricultural District #21 the Application was referred to the Dutchess County Planning Department ("DCPD") pursuant to GML 239-m (a)(3)(iv) requiring referral of site plans, and the County Planning Department issued a finding of no impact from the Project on the adjacent farmland; 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 Law because it does not exceed any of the "minor project thresholds" provided in that section; and

**WHEREAS**, pursuant to Zoning Law § 121-67(D) no public hearing is required for a minor project site plan and the Planning Board has determined, in its sole discretion as authorized by the Zoning Law, that no hearing is necessary for the Project since there is no change in the Project or the facts surrounding the Property; and

**WHEREAS**, based upon its review of the Application the Planning Board has determined that the Project will comply with all requirements of the Zoning Law, including the applicable site plan requirements provided in Zoning Law §§ 121-52.1(H) and 121-65(D).

**NOW, THEREFORE, BE IT RESOLVED**, that, in accordance with Section 121-65(C) of the Zoning Law, the Planning Board hereby waives those items required by Section 121-65(B) typical for more substantial site plan applications, including, but not limited to, on site utility systems, topography, traffic flow, detailed elevations and plans for construction and demolition debris; and that in accordance with Section 121-65 of the Town's Zoning Law, the Planning Board hereby approves the Site Plans submitted for the Application (the "Approved Site Plans"), and authorizes the Planning Board Chairman to stamp and sign the Approved Site Plans upon payment of all of the outstanding invoices for the Planning Board's consultants; and

**BE IT FURTHER RESOLVED THAT IN ACCORDANCE WITH ZONING LAW § 121-68(E): (1) THIS SITE PLAN APPROVAL SHALL EXPIRE IF THE APPLICANT FAILS TO COMMENCE CONSTRUCTION OR TO OBTAIN THE NECESSARY BUILDING PERMITS FOR CONSTRUCTION OF THE PROJECT WITHIN 18 MONTHS OF THIS RESOLUTION (THE PLANNING BOARD MAY GRANT A ONE-TIME, SIX-MONTH EXTENSION OF THIS APPROVAL UPON RECEIPT OF AN EXTENSION REQUEST); (2) THIS SITE PLAN APPROVAL MAY BE REVOKED BY THE PLANNING BOARD IF THE APPLICANT VIOLATES THE SITE PLAN APPROVAL OR ENGAGES IN ANY CONSTRUCTION OR ALTERATION NOT AUTHORIZED BY THE SITE PLAN APPROVAL; AND (3) ANY VIOLATION OF THE SITE PLAN APPROVAL OR ITS CONDITIONS SHALL BE DEEMED A VIOLATION OF THE ZONING LAW 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.

Motion Made by: *Foz Bullock* Motion Seconded by: *Walter Dietrich*

The foregoing resolution was voted upon with all members of the Planning Board voting as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Robert Boyles, Jr. Chairperson	_____	_____	_____	_____✓_____
Nina Peek Deputy Chairperson	_____✓_____	_____	_____	_____
James Walsh	_____	_____	_____	_____✓_____
Walter Dietrich	_____✓_____	_____	_____	_____
Kenneth Topolsky	_____✓_____	_____	_____	_____
Jamie Vitiello	_____✓_____	_____	_____	_____
Lyzette Bullock	_____✓_____	_____	_____	_____

Dated: June 11, 2025  
Amenia, New York

Voted certified by:

*Judy Westfall*  
\_\_\_\_\_  
Judy Westfall, Planning Board Clerk