



TOWN OF AMENIA

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PLANNING BOARD MEETING THURSDAY, NOVEMBER 6, 2008

PRESENT: Chairman George Fenn
Tony Robustelli
James Walsh
Gina Mignola
Nina Peek
Norm Fontaine
Bill Flood

CONSULTANTS: Dr. Michael Klemens
Mary Ann Johnson
George Janes

PUBLIC HEARING

ALYSON BENNETT 2 LOT SUBDIVISION ROUTE 343, AMENIA, NY

MOTION TO CANCEL THE PUBLIC HEARING was made by Bill Flood, seconded by James Walsh

VOTE TAKEN – ALL IN FAVOR

**JLM FARM LLC & SUBDIVISION / ROUTE 22
ARNOLD, DORIS E. LOT LINE ADJUSTMENT TOWN OF AMENIA**

MOTION TO OPEN THE PUBLIC HEARING was made by Bill Flood, seconded by Gina Mignola

VOTE TAKEN – ALL IN FAVOR

Brian Huston represented the applicant JLM Farm LLC gave an overview of the project. The property is located on Route 22 just south of Butts Hollow Road. Doris Arnold wishes to convey 1.27 acres to JLM Farm. JLM Farm is currently 50.72 acres. This land is located in the OC Zone. JLM Farm is located in the RA and OC Zone. Mr. Huston passed out a map of the property.

PUBLIC COMMENTS: Dwayne Kishbaugh, Butts Hollow Road a neighbor of the property stated that he was against the proposed subdivision/lot line adjustment until the matter has been looked into further. There are logs piled up on the border of the property and stumps piled in the back. The cattle are annoying the neighbors. Since they do not live on the property they don't hear it. Ms.

Mignola asked if they were violating the proper land use. Mr. Kishbaugh did not know. There should not be a stump dump. This is regulated by DEC. He felt this matter effects this lot line change.

There were no other comments.

MOTION TO CLOSE THE PUBLIC HEARING was made by Norm Fontaine, seconded by Nina Peek.

VOTE TAKEN – ALL IN FAVOR

MOTION TO OPEN THE REGULAR MEETING was made by Gina Mignola, seconded by Norm Fontaine.

VOTE TAKEN – ALL IN FAVOR

MOTION TO CONSTITUTE THE PLANNING BOARD LEAD AGENCY FOR AN UNCOORDINATED REVIEW OF THE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION was made by Nina Peek, seconded by Gina Mignola

VOTE TAKEN – ALL IN FAVOR

MOTION TO MAKE A NEGATIVE DECLARATION WITH RESPECT TO THE POTENTIAL NEGATIVE ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION was made by Gina Mignola, seconded by Norm Fontaine

VOTE TAKEN – ALL IN FAVOR

MOTION TO APPROVE THE LOT LINE ADJUSTMENT AND AUTHORIZE THE CHAIRMAN TO SIGN THE MYLAR was made by Bill Flood, seconded by Norm Fontaine

VOTE TAKEN – ALL IN FAVOR

**SILO RIDGE FEIS/REVIEW OF WRITTEN COMMENTS ROUTE 22
DISCUSSION FOR FINDINGS STATEMENT AMENIA, NY**

After last weeks meeting there was a discussion with representatives from Silo Ridge regarding several matters that had been raised by Dr. Klemens. There was a resolution of discussion regarding Cluster L and also the area north of Route 44. There were questions raised regarding the disposition of storm water on that parcel. Also a discussion of the area adjacent to Route 22 on the east section of the project and that discussion related to buffers in that area. This would be resolved on further consideration with Silo Ridge and Karen Schneller MacDonald. Dr. Klemens stated that Ms. Schneller MacDonald went out on November 5 looking at both streams in the Vineyard Cottage area. The other items Silo needs to go back and try relocating 1 Block as well as others. One thing that came out in the discussion is that we have asked for 100' buffers on the buffer map. Some of the buffers are 150' however was not shown on the map. Ms. Schneller MacDonald is going to speak with Mike Soyka regarding other questions regarding the engineering of the slopes. November 10th, Ms. Schneller-MacDonald, MaryAnn Johnson Mike Soyka and Dr. Klemens are going to meet to discuss these matters. Then we will go to the applicant with the questions all the consultants still had. On the 2 streams that flow in the northern part of the Vineyard Cottages and

winery, the brooks cross twice. By the time they hit the lower curve they are getting runoff from Route 44. Started at the Miller property and looked at that stream. Where it crosses Route 44 it cuts at the highest point of the road. That portion is getting very little road run off at that point. The wetland there is healthy. Below the Miller driveway has great opportunities for restoration. Further down is a spring. Stream V at the bottom on Route 44, there is a dump in the stream, there has been filling and old metal debris. There is also recent trees and brush in the stream. The other end of the stream where it crosses Route 44 is a wetland. There will be road runoff and a wetland on both sides that would absorb the runoff. The stream is beautiful with waterfalls. The headwater streams are not impacted. There will be further discussion between the consultants and then go to Silo. Block G will be discussed with Mike Soyka as Ms. Schneller –MacDonald still has concerns regarding Block L, the golf villas, some of Block K and Block I. There will be a presentation on Storm water Management. Pete Romano spoke with Mike Soyka regarding the storm water drainage on the property and reviewed some of the concepts. Peter Romano presented how the water flows on the site, how it is being treated and released.

MaryAnn Johnson worked with Michael Hayes and the consultants on a schedule on how to proceed. Hopefully the draft will be done by November 25th so the Planning Board will have a chance to look this over. Ms. Johnson then went over the memo she wrote today.

- **DEC Letter** – Resolved
- **Development on DeLavernne Hill** – Many comments regarding the winery and the vineyard cottages. Dr. Klemens felt there were very good points from Mark Doyle's letter regarding the applicant has made broad statements about the feasibility and need however there is lack of support. Mike Camaan stated that this was all addressed in the FEIS. Norm Fontaine stated much discussion regarding the views going up as well as down the hill. He personally felt going up one does not think about the views. The winery would be detectable however seeing something is not necessarily destroying the view shed. Mr. Janes asked if he felt the same way about the vineyard cottages. Mr. Fontaine stated are you going to see homes, yes – will they obstruct the view, no. Ms. Peek added you will see the retaining walls looking up around the winery. Jim Walsh felt there would be greater impact along old Route 22. My concern is the vineyard cottages and the steep slopes they are on. Those will be quite visible. Gina Mignola asked regarding the winery restaurant, this is where the public will have the most access to this view. The public will be able to look out over the view and will benefit the public. Norm Fontaine agreed. Michael Hayes added there were a number of public comments received stating there were some impacts on views with the winery that moving it back was an offset. They now have a means of enjoying the view not only from a moving car. Mr. Janes stated there are policy issues regarding the view. The Board must make the judgment as to whether it is acceptable. The Findings Statement can be written where it can be found the Vineyard cottages have been mitigated to the maximum and go forward or it can be the opposite, or with changes can be met in the middle. Michael Hayes said that another issue that came up in the public comments was the visual impact and the scale of the development. This relates to the community character and relates zoning terms of the rural character of the community. SEQRA requires you to look at what the impact of this development on community character. A number of comments felt the bulk of the project was consistent with the character of the community, however they felt the vineyard cottages was almost like a separate development. Are the Vineyard cottages consistent with the rural character of the community, or are they two different projects. The applicant states they are interrelated. Bill Flood asked if the Vineyard cottages with some modifications could fit in to the community better. Amenia is in the worst shape in many years. Economically this will help the village with the sewer and help bring business back to Amenia. Part of the

Master Plan was made much tighter. Mike Camaan asked the Board to look closely at page 424 and there is a discussion on community character. Many issues discussed are open space, natural resources, economic phase and community revitalization. Gina Mignola felt the Board must make the choice of whether the project is too big or just the right size. Has the Board taken a look at an alternative to the Vineyard cottages and whether the project is feasible without them, or a scaled down version of them? If the project is not feasible without the Vineyard cottages is this supported in the FEIS? Michael Hayes stated it was in the record, the applicant through the marketing study and the information provided to the Board. They have already scaled down the size of the development and moved it out of the scenic protection overlay buffer and added additional buffering landscaping. The applicant has represented marketing studies to support that they need a certain mix of types of units and price points in order for the project to be viable. They cannot eliminate the Vineyard cottages altogether. Gina Mignola asked how do we know that the project could be financially feasible without those 19 units. Mr. Hayes asked are you satisfied with the information that has been provided and whether you credit the representations made regarding feasibility. Nina Peek stated the marketing study just supported the fact that this was marketable it did not support the fact this project would not be financially feasible without the Vineyard cottages. Mr. Torres felt that this project evolved protecting habitat and the view shed. We needed to put in underground parking spaces, we increased the building size, increased plantings, restoring wetland buffers, maintaining buffers on streams that are not regulated thus increasing our costs tremendously. Michael Hayes added this was recurring representation in the FEIS and this is the record upon which to make that determination. Norm Fontaine stated that over the past 30 years there have been many projects that have walked away when challenged to the point sufficiently. An acceptable compromise would be to take the benefits and impacts of the underground parking is strong benefit of trying to preserve the rural character of the community that the 19 Vineyard cottages are consistent with the community. That would be the Board's judgment. Chairman Fenn felt that a number of the comments regarding this were unaware that the cottages started out at 38 and have been cut to 19. Bill Flood asked Mr. Janes if the project could be over screened. He felt it could be. Where views are concerned, screening can cut off views as it grows. In the Findings Statement it can be written detail about the screening. Bill Flood felt that smaller trees grow in time so in the Findings Statement needs to be written how this project is to be screened. Dr. Klemens told the Board one of the letters from a Mr. Rollins who felt the trees should be moved and discussed that many of the trees for the screening would not be suitable. He spoke of the differences between dogwoods. Dr. Klemens felt if screening is going to be accomplished by plants the Board may need to be very specific on the types of plants and deviate from the native plant palate. Also a question of night view. Michael Hayes in regards to night time view, as part of scoping there was not any requirement they do night time photo simulations. Mr. Janes said there were no night time requirements in the scoping document for Silo Ridge. Ms. Mignola felt the public's main concern was the day time view. There is not much negative impact at night. Michael Hayes added that the FEIS does address this issue.

- **SCALE** - Ms. Mignola asked about the parking at the Winery. Is the parking where it should be or be moved north or elsewhere? Does it impact the view? Mr. Fontaine felt it did not affect that much. Mr. Torres stated it would be impervious surface for the winery parking lot.
- **VISUAL** - Bill Flood asked if the landscaping could be done in phases. How will this be done? Mr. Janes stated it would be part of the site plan. Michael Hayes said the details will be laid out during the site plan. There will be a landscaping and development plan. There will be a select and mix of species that will not fall to disease. Norm Fontaine asked how the

Board will determine if there is to be development on DeLavernge Hill; is considered to be a good location and the information the consultants have given the Board. This will be done in the draft Findings Statement and it isn't complete until the Board has voted to approve it. Then the Special Use Permit, site plan and subdivision process where you will have to make motions to either approve or rejecting the project.

- **SCALE** – In the RDO you have the ability to grant the waiver if by building up it avoided sprawl. In order to achieve a certain density of units one will go up instead of out as the applicant did with the underground parking. Ms. Mignola felt that with the amount of work done on DeLavernge Hill this is evidence to support it, however she is concerned about the height waivers. The height of the tallest building would be the hotel. In the FEIS there is an individualized building by building discussion of the waivers and photo simulations. Ms. Peek felt the view is equally important going up and down the hill; the winery will have a public benefit, however the Vineyard cottages are not specifically promoted in the RDO. If the height waivers are granted for the central portion of the site then could they get rid of the Vineyard cottages in the view shed that is important to so many people. Mr. Janes added that some of the tallest buildings are located at the lower end of the site where the elevation is lower. Dr. Klemens asked about the sprawl. Is the Vineyard cottages more sprawl like than the rest of the project? Regarding screening the view will be different when screened. He wanted the Board to think about what the buildings would look like when hidden behind screening. James Walsh felt that the two issues were visual and environmental impacts, however also stream issues.
- **WASTEWATER TREATMENT PLANT** – Darlene Reimer's letter regarding the Wastewater Treatment Plant. This proposal is in lieu of workforce housing. Because the plant is uphill it will increase costs to the town as they won't be able to create a cost effective district. Have the applicant donate the last pump station or have the applicant apply for NYSERTA grant money and using it as a pass through making a donation to the Town. DC Planning's letter wrote that providing the excess capacity was not a means of satisfying the workforce housing law. It could be satisfied by workforce housing or a cash donation to the Town. This option is not currently available this is anticipated and the Town Board must adopt a local law. Ms. Reimer's letter seeks some sort of mitigation Subsection D which states you can satisfy the obligation by making a substantial contribution for the cost for providing water and/or sewer infrastructure for Amenia or Wassaic. \$600 is considered affordable to hook up to the system per unit. Mr. Torres told the Board this was redesigned and will be presented on Monday to the Wastewater Treatment Committee to which the Board is invited. The applicant will work with the Town with NYCERTA grants. Mike Dignacco stated that the applicant is working with the Town and the Wastewater Treatment Committee to make this work. Dutchess County Wastewater can bond the project. The work the Wastewater Treatment Committee and Morris and Associates have done has been helpful to the applicant.

Mike Dignacco stated that Mary Ann Johnson's email regarding moving the homes in Block L. The applicant engaged the services of LRK, planner and architect, and did some work in regard to this. Gonzalo Echeverria, urban designer showed the Board some of the designs and placement of the units. They moved 9 houses to the southern end of the site in Block L will also keep existing trees. Also noted 100' from the stream. Pete Romano and Mike Soyka had conversation regarding the stream areas as well as sending him figures. Mike Soyka can then talk to the Board about slopes around the wetland AM 15 and where the Vineyard Cottages and storm water management. From a visual perspective Mr. Janes felt it was a great improvement.

MOTION TO APPROVE THE MINUTES OF SEPTEMBER 4, 2008; SEPTEMBER 16, 2008 AND SEPTEMBER 25, 2008 was made by Bill Flood seconded by Gina Mignola

VOTE TAKEN –ALL IN FAVOR

MOTION TO ADJOURN THE MEETING was made by Bill Flood, seconded by Nina Peek

VOTE TAKEN - ALL IN FAVOR

Respectfully submitted,

Susan M. Metcalfe
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on November 6, 2008 are not to be construed as the final official minutes until so approved.

Approved as read

Approved with: deletions, corrections, and additions