

SPECIAL TOWN BOARD MEETING  
June 5, 2007 - 7:00 PM  
Town Hall

The meeting was called to order by Supervisor Reagon at 7:00 p.m.  
Salute to the Flag was conducted.  
Emergency Exits were pointed out by the Supervisor.

Roll Call:

|                      |         |
|----------------------|---------|
| Councilwoman Perotti | Present |
| Councilman Euvrard   | Present |
| Councilwoman Doyle   | Present |
| Councilman Russell   | Present |
| Supervisor Reagon    | Present |

PUBLIC COMMENT

Supervisor Reagon explained that the purpose of this meeting was to discuss the public comments that had already been received related to the May 10 version of the Draft Comprehensive Plan and Draft Zoning Law. There was no intention to have a Public Comment period at this meeting. However, the Poughkeepsie Journal mistakenly reported that public comments would be accepted at this meeting. The Supervisor announced that public comments may be heard at the end of the meeting.

COMPREHENSIVE PLAN AND ZONING LAW

Joel Russell used a prepared handout to walk the Town Board through changes that had been suggested by various people [see attachment].

SPECIFIC PLAN OPTION

After some discussion of this section and considering the advice of Attorney Michael Hayes, it was decided to remove this section from the Draft Zoning Law.

TOWN BOARD COMMENTS ON COMPREHENSIVE PLAN AND ZONING LAW

Councilman Euvrard had several comments on the Draft Zoning Law:

- Page 5 refers to six different hamlets. What are they?
  
- Page 8 specifies that "adult entertainment" is allowed in the MCO (Mixed-Use Institutional Conversion Overlay) district. Is this necessary? Joel Russell explained that it was. If "adult entertainment" is not specifically mentioned, then an adult bookstore could locate anywhere that a bookstore is allowed.
  
- Why aren't special permits needed in MCO? Joel Russell explained that this was done to streamline the process and to attract certain uses that the Town felt were appropriate for the MCO area. Supervisor Reagon read from the 1991 Master Plan which said essentially the same thing. Joel added that in the MCO district, the Town has already decided that the uses listed on page 35 are desirable and, therefore, a 'special permit' is not needed.
  
- Page 11 gives too much power to the Planning Board.
  
- Page 15: the RA zone was always 5 acres, why did it go to 10? Joel replied that this was done to encourage open space preservation.

- Page 64: illuminated signs are not allowed. Existing signs will be grandfathered in for a period of 5 years.
- What is a “vernal pool”? Joel Russell replied that the term refers to an area that is seasonably wet but is not connected to any stream or waterway.

Supervisor Reagon had several comments on the Draft Comprehensive Plan:

- Page 8 Delete second added sentence “The Taconic DDSO has gone so far...”
- Page 16 Revise added paragraph as follows: In the 1990's, concern over the future of the Harlem Valley Psychiatric Center in Wingdale led the Taconic DDSO to begin an in-depth public planning process to determine the best use for the entire facility if the state decided to close it and reintegrate all developmentally disabled citizens back into their communities.
- Page 17 delete “and in very poor condition.” Also delete “Much more could be done with the portion of the site that is now privately owned.”
- Page 26 and 27: Add to Hamlet of Wassaic :Explore the possibility of linking Wassaic Hamlet to the existing Sewer Treatment and/or Water facilities at the Taconic DDSO.
- Page 53: Change headings as follows:
  - LEEDSVILLE ROAD (AMENIA UNION TO ROUTE 343—COUNTY ROUTE 2)
  - SOUTH AMENIA/AMENIA UNION ROAD (FROM STEELWORKS CIRCLE TO AMENIA UNION –COUNTY ROUTES 3 AND 2)
  - p. 54: BOG HOLLOW ROAD (COUNTY ROUTE 3 FROM A QUARTER MILE EAST ON SINPATCH ROAD TO STATE LINE)
  - OLD ROUTE 22 (COUNTY ROUTE 81) FROM CULVER FARM TO ROBERTS PROPERTY
- Page 56: AMENIA-WASSAIC ROAD (COUNTY ROUTE 81 –HALF MILE SOUTH OF DEPOT HILL ROAD)

#### BUILDING AND ZONING COMMENTS ON DRAFT ZONING LAW

Supervisor Reagon reported that she had spoken with Zoning Administrator Nancy Brusie about the Draft Zoning Law and that she (Nancy) had attended several CPIC meetings and was very happy with the new zoning code. The Supervisor had also spoken with Code Enforcement Officer Mike Segelken who said that he was fine with whatever the Town Board decided because it did not affect him directly. Councilman Euvrard commented that when he talked to these people, he got a different perspective. It was decided to invite Nancy and Mike to the June 14 Town Board meeting to get their input directly.

#### MICHAEL KLEMENS COMMENTS

Joel Russell observed that Dr. Michael Klemens had many non-substantive suggestions for changes to the Draft Zoning Law. [see attachment 2 below]. Dr. Klemens also had several potentially substantive changes [see attachment 1

below] which Joel suggests deferring until after adoption of the Comprehensive Plan and Zoning Law.

NEXT MEETING

Thursday June 14 at 6:00 was set as the time of the next Town Board meeting.

PUBLIC COMMENT

- Tim Osborne asked what makes the MCO district special. Joel Russell responded that the area has both sewer and water infrastructure, which does not exist anywhere else in Town.
- Neila Cardus commented that the cement that was poured down the drains at DDSO was done to seal the drains and to prevent sewer gas from escaping.
- Tom Werner commented on the workforce housing on page 77.

ADJOURN

The motion to adjourn was unanimous at 9:55 p.m.

Respectfully submitted,

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Gail Hermosilla,  
Amenia Town Clerk

Approved by Town Board: Aug. 16, 2007  
Draft to Town Board: 7/9/07, paper to all including attachment

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Gail home PC:\C:\Gail\Town Clerk\ minutes\2007-06-05 - Compr. Plan.doc, 7/8/07

# **Town Board Meeting on June 5, 2007 on Remaining Issues in the Proposed Zoning and Comprehensive Plan**

## **Attachment 1**

### **1. CHANGES PROPOSED BY SILO RIDGE (HGCC):**

#### **A. Wetlands Section, pages 58 and 59**

##### **§121-35 WETLAND AND WATERCOURSE PROTECTION...**

##### **B. Required Watercourse and Wetland Mapping and Delineation**

Any Site Plan, plot plan, building permit or zoning permit application, variance application, subdivision plat, preliminary subdivision plat, or other plan submitted to a Town regulatory board or official shall show the location and stream classification of all watercourses, the location of any land or water identified as significant habitat in a Biodiversity Map adopted by the Town Board, and the location of any wetlands shown on the National Wetlands Inventory and DEC-regulated wetlands and wetland buffers on the parcel, as determined by a DEC field delineation, if available, or from current DEC wetland maps. If the proposal requires that a wetland delineation be performed for the ACOE, the applicant shall submit a copy of such delineation to the reviewing board or official. The applicant and reviewing board may consult the report "Significant Habitats in the Town of Amenia, Dutchess County, New York" by Hudsonia Ltd (2006) (hereinafter cited as the "Hudsonia Report") and may use the recommended methodologies for study and protection of wetland habitats identified in that publication. A wetland delineation may also be required if necessary to determine allowable maximum density for a conservation subdivision pursuant to §121-20.

##### **C. Imposition of Conditions to Protect Wetlands and Watercourses**

The reviewing board or official shall ensure that applicants comply with the requirements of DEC and ACOE, and may impose additional appropriate conditions to as necessary to minimize damage to wetlands and watercourses based upon studies of wetlands as recommended in the Hudsonia Report. Such conditions may include modifications in the size and scope of a proposed project, as well as changes in the location of structures or other improvements on the parcel. The reviewing board or official shall not be limited by the regulations of the DEC and ACOE, but may impose protections on wetlands and related upland habitat areas that are more stringent than required by these agencies, provided that such conditions are reasonable and are based upon the advice of a qualified expert. The Hudsonia Report may be consulted in connection with this requirement.

**D.** For projects in the RDO for which a Draft Environmental Impact Statement has been submitted prior to the adoption of this section, the environmental analysis set forth therein for "Water Resources", "Vegetation" and "Wildlife" shall serve as a substitute for the provisions of this section applicable to the Town's review and regulation of wetlands and watercourses, provided that all field investigations, studies, data and other work supporting such environmental analysis have been performed to the satisfaction of the Town's retained biodiversity expert for environmental review of such a project.

#### **B. Definition of Hotel-Condominium, page 117:**

**Hotel-Condominium:** A lodging facility or a set of dwelling units used as lodging for transient occupancy and/or as part-time residences by owners, renters, or lodgers, whether in condominium, time-share, fractional, fee simple, single-owner, cooperative, or any other form of ownership. For purposes of this definition, (1) "transient occupancy" shall mean that the lodging facility and/or

dwelling units are not occupied by any occupant for more than 48 days in any calendar year nor more than 15 continuous days; and (2) “part-time residences” shall mean that the lodging facility and/or dwelling units are not occupied by any occupant for more than 120 days in any calendar year nor more than 30 continuous days. For purposes of enforcement of these occupancy limitations, the Town may, in its discretion, require that compliance be established by annual certification provided by the owners of such units, the manager thereof, or any condominium or similar association for such units. **(Note: The definition of “lodging facility” will be changed so that it refers to transient “occupants” rather than “guests,” to keep the definitional terms consistent.)**

## **2. REVISED DEFINITION OF CODE ENFORCEMENT OFFICIAL PROPOSED IN RESPONSE TO LETTER FROM COUNCILMAN WAYNE EUVRARD (page 115):**

**Code Enforcement Official:** The Town official or officials charged with the administration and enforcement of this chapter and/or Chapter 63 of the Amenia Town Code, regardless of whether or not such official has obtained certification from New York State as a Code Enforcement Officer in connection with Building Code enforcement. In this Chapter, the Code Enforcement Official is also referred to as the Zoning Administrator or Building Inspector, depending upon the context. The enforcement of this Zoning Law is the responsibility of the Zoning Administrator, who may or may not also serve as Building Inspector, as determined by the Town Board. The Building Inspector is charged with enforcing Chapter 63 of the Amenia Town Code.

## **3. CHANGES TO COMPREHENSIVE PLAN SUGGESTED BY JANET REAGON:**

p.8 Delete second added sentence “The Taconic DDSO has gone so far...”

p. 16 Revise added paragraph as follows: In the 1990’s, concern over the future of the Harlem Valley Psychiatric Center in Wingdale led the Taconic DDSO to begin an in-depth public planning process to determine the best use for the entire facility if the state decided to close it and reintegrate all developmentally disabled citizens back into their communities.

p. 17 delete “and in very poor condition.” Also delete “Much more could be done with the portion of the site that is now privately owned.”

pp. 26 and 27  
Add to Hamlet of Wassaic

7. Explore the possibility of linking Wassaic Hamlet to the existing Sewer Treatment and/or Water facilities at the Taconic DDSO.

p. 53  
Change headings as follows:

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## **4. CHANGES TO ZONING SUGGESTED BY DR. MICHAEL KLEMENS:**

**Non Substantive Changes: See Attachment 1**

**Potentially Substantial Changes (defer until after adoption):**

- A. General: Wherever new planting is required, refer to it as requiring “native” species.
- B. In §121-10H, reduce allowable impervious surface limitations in the OC district from 40% to 25%.
- C. Do not allow golf courses to be treated as protected open space in conservation subdivisions, HPO Adaptive Reuse Plans, or RDOs. They should be considered to be part of the “developed” land and not count toward the open space requirement.
- D. In §121-14E (Stream Corridor Overlay District), reduce review threshold for clear-cutting from 10,000 square feet to 5,000 square feet.

## **Attachment 2**

### **Non-Substantive Changes Suggested by Michael Klemens to selected sections:**

#### **Section 121-3 Scope, Authority, and Purposes...**

**B.** To avoid or minimize negative environmental impacts of development, especially in visually and environmentally sensitive areas such as Delavergne Hill and its viewshed, along the Wassaic Creek, Amenia Creek, Webutuck Creek and Ten Mile River and their tributaries, in aquifer and aquifer recharge areas, and on steep slopes, erodible soils, wetlands and their buffers, floodplains, prime agricultural soils, and other designated open space resources identified in the Comprehensive Plan;

**C.** To encourage a range of business activities in appropriate locations which are compatible with the Town's rural character and scale, concentrating retail businesses in and near hamlets, encouraging farming operations, and allowing large-scale business and industry in well-buffered locations with good transportation access;...

**F.** To encourage the continuation of agriculture and the preservation of open space, and to avoid regulating agricultural uses in a manner that unreasonably restricts or regulates farm structures or farming practices, while encouraging other economic activities that require large areas of contiguous open space, such as sustainable forestry, tree farming, and recreation, as well as the support services and industries that add value to all of these uses, such as wood products, food processing, resort, and tourist facilities;...

**H.** To integrate harmoniously different types of housing and varied land uses in hamlet centers to encourage pedestrian activity and reduce dependency on automobiles;

#### **Section 121-20**

##### **A. Conservation Analysis.**

1. As part of any Sketch Plan submission for a conservation subdivision (or as required for a conventional subdivision in § 121-19A above), an applicant shall submit a conservation analysis, consisting of inventory maps, description of the land, and an analysis of the conservation value of various site features. Applicants shall consult the report “Significant Habitats in the Town of Amenia, Dutchess County, New York” by Hudsonia Ltd (2006) (hereinafter cited as the “Hudsonia Report”) in preparing the conservation analysis. Applicants are encouraged to consult with the Dutchess Land Conservancy and Dutchess County Soil and Water Conservation District when preparing a conservation analysis. The Planning Board may waive some of the requirements below for portions of a property where the applicant makes a binding representation that no development will occur and which have been identified as priority conservation areas by the Hudsonia Report or where the collection of field information listed below would be an unreasonable burden to the property owner. The Board may also waive any requirements that, in its sole discretion, it deems unnecessary for a complete conservation analysis. The conservation analysis shall show lands with conservation value on the parcel and within 200 feet of the boundaries of the parcel, including but not limited to the following:

- a. Wetlands, watercourses, slopes 15% to 30% and slopes over 30%.
- b. Prime and statewide important farmland soils, land in active agricultural use, trail corridors, scenic viewsheds, public water supply wellheads, park and recreation land, unfragmented forestland, wildlife corridors and habitats, vernal pools, and historic and archaeological sites, if

- such areas are specifically identified in the Comprehensive Plan, in the Hudsonia Report, in the New York Natural Heritage Program, or in any adopted open space or farmland protection plan.
- c. Designated overlay zones for stream corridors, aquifers, scenic protection, and floodplains.
  - d. Buffer areas necessary for screening new development from adjoining parcels
  - e. Stone walls and individual trees or forested areas containing trees that are 18” diameter at breast height (dbh) or larger.
  - f. Land that has been disturbed or altered in the past and therefore may be more suitable for development. (This does not include land disturbed by an applicant prior to applying for a development approval.)
  - g. If identified by the Planning Board or the Town’s planning consultant in the course of pre-application discussions, other land exhibiting present or potential future recreational, historic, ecological, agricultural, water resource, scenic or other natural resource value
2. The conservation analysis shall describe the importance and the current and potential conservation value of all land on the site identified in (1) above as well as potential ecological connections to adjacent parcels. In the course of pre-application conferences and initial Sketch Plan review, the Planning Board shall indicate to the applicant which of the lands identified as being of conservation value are most important to preserve. In making this determination, the Planning Board shall take into account the purposes of this Chapter and of the various overlay districts, the recommendations in the Amenia Comprehensive Plan, and the Town’s goal of protecting biodiversity. The Planning Board may, at the applicant’s expense, seek the guidance of a conservation organization or retain a consultant to assist in making this determination. Such expenses shall be paid from deposits made into an escrow account pursuant to §121-58.
  3. The outcome of the conservation analysis and the Planning Board’s determination shall be incorporated into the Sketch Plan showing land recommended to be permanently preserved by a conservation easement, as well as recommended conservation uses, ownership, and management guidelines for such land. The Sketch Plan shall also show preferred locations for intensive development as well as acceptable locations for less dense development.
  4. The determination as to which land has the most conservation value and should be protected from development by conservation easement shall be made by the Planning Board, which shall make written findings supporting its decision (the “conservation findings”). The Planning Board shall not endorse any application that does not include a complete conservation analysis sufficient for the Board to make its conservation findings. The Planning Board’s conservation findings shall be subject to revision based upon field analysis of the site and information developed in the course of the SEQRA process...

#### **E. Arrangement of lots**

Lots shall be arranged in a manner that protects land of conservation value, minimizes habitat fragmentation, and facilitates pedestrian and bicycle circulation. The lot layout shall be designed with consideration of applicable portions of the Rural Design Guidelines and Hamlet Design Guidelines published by the New York Planning Federation (1994). ...

#### **I. Conservation subdivision with reserved land**

In order to encourage small subdivisions to follow conservation subdivision principles, there is no minimum tract size or number of lots required for a conservation subdivision. An applicant may create a conservation subdivision on a portion of a large parcel and reserve the remainder of the parcel for future development. In approving a subdivision of fewer than 15 lots on a parcel of land which may be further subdivided in the future, the Planning Board may require the applicant to execute a conservation easement that sets aside open space land on a pro rata basis in connection with the land being subdivided, rather than for the entire parcel. The land that is neither subdivided

nor protected by a conservation easement shall be considered to be “reserved land” that is available for future subdivision and future open space protection. For example, if a parcel is large enough to have thirty lots, but the applicant is only proposing ten, the applicant may do a conservation subdivision on one-third of the property, preserving the amount of open space required only for the portion to be developed rather than the amount required if the entire property were developed. The open space land must be in a configuration that will preserve buildable land of conservation value based upon a conservation analysis, and must allow for subsequent extension of the conservation subdivision, unless the applicant elects to preserve the remainder of the parcel as open space land. The preserved open space therefore does not need to be contiguous with the building lots. Priority in open space protection shall be given to land identified as a priority conservation area in the Hudsonia Report. The Planning Board may require a conservation easement to limit future development of the parcel to the lot count permitted by §121-20B. The Planning Board may waive submission of documentation of the full lot count where, in the Planning Board's judgment, the number of lots proposed is substantially less than the total allowable lot count. This provision may not be used to circumvent the restrictions on segmentation of development under SEQRA...

**K. Preservation of open space by conservation easement...**

4. Ownership of open space land.

- a. Open space land that is protected by a conservation easement may be dedicated to town, county or state governments, transferred to a nonprofit organization acceptable to the Planning Board, held in private ownership, owned in common by a homeowner's association (HOA), or held in such other form of ownership as the Planning Board finds adequate to properly manage the open space land and to protect its conservation value, based upon the conservation analysis.