

**TOWN OF AMENIA  
PLANNING BOARD MEETING  
THURSDAY, APRIL 6, 2006**

PRESENT: George Fenn, Chairman  
Eliot Soroka  
Gina Mignola  
James Walsh  
Tony Robustelli  
William Flood  
Michael Hayes, Attorney

ABSENT: Jay Dedrick

Chairman George Fenn opened the meeting at 7:00 P.M.

**BREMILLER/MCROBERTS – LOT LINE ADJUSTMENT, TOWER HILL ROAD,  
NYS ROUTE 22, WASSAIC, NY**

MOTION TO OPEN THE PUBLIC HEARING was made by Gina Mignola, seconded by James Walsh.

ALL IN FAVOR

Kurt Horton represented the applicant. Mr. Bremiller owns two parcels of land that are separated by a narrow strip of land. Mr. McRoberts is going to convey a strip of land to Mr. Bremiller to make it one large piece of property. There were no comments from the public.

MOTION TO CLOSE THE PUBLIC HEARING was made by Gina Mignola, seconded by James Walsh.

ALL IN FAVOR

**O'BRIEN, DANIEL & WENDY – LOT LINE ADJUSTMENT, CLARK HILL ROAD,  
WASSAIC, NY**

MOTION TO OPEN THE PUBLIC HEARING was made by Gina Mignola, seconded by James Walsh.

ALL IN FAVOR

Jeff Plass represented the applicant. Mr. Plass stated that the main house and the horse barn were both on the same tax parcel in the RA zone owned by the applicant. For insurance purposes, the applicant wants the main house and the horse barn on separate parcels. Chairman Fenn brought up the fact that this would be an accessory structure without a main structure. Two women living behind the applicant wanted to know what the applicant was going to do. Mr. Plass explained to them what Mr. O'Brien wanted. Michael Hayes advised that he felt the farm would qualify as a private stable. If the pasture surrounding the barn is part of the farm operation, as farm is defined

in the code, then that is where the permitted primary use. This is where you can have the barn as an accessory building. The lot line change is condition on the continued use of parcel 1B as a farm operation. Horses constitute agriculture. A map note needs to be added.

MOTION TO CLOSE THE PUBLIC HEARING was made by Gina Mignola, seconded by James Walsh.

VOTE TAKEN - ALL IN FAVOR

**AMENIA HILLS/SYMS – 19 LOT SUBDIVISION – DEPOT HILL ROAD, AMENIA, NY**

MOTION TO OPEN THE PUBLIC HEARING FOR AMENIA HILLS was made by Gina Mignola, seconded by James Walsh

VOTE TAKEN - ALL IN FAVOR

Jeff Kane of HDRL&S represented Mr. and Mrs. Syms. Also present was Michael Sirignano the Syms attorney. Mr. Kane explained there are 44 acres on Depot Hill Road on which the Syms plan a 19 lot subdivision in the RM zone. Mr. Kane noted they were here tonight for preliminary subdivision approval. A landscape plan was presented. The subdivision will have town water, individual septic systems for which the soil tests have been done. There will be a private road and storm water management basin. EIS was done at the end of 2005 and the Town Consultants have had their comments addressed.

**PUBLIC COMMENTS:**

Drayton Grant, Attorney for Stephen Kaye asked Mr. Kane to show the boundary of the property and asked where the fence was. Proposed fence is on the boundary line. Possible that a map note may be placed to note that the fence is to be placed outside of vegetation area. Ms. Grant then passed out a letter to the Board and then read it. (Copy on file) During the reading of the letter, Ms. Mignola asked Ms. Grant what the “newly discovered information or change in circumstances” was. Ms. Grant told her that Mr. Kaye now has a year round farming operation that began last fall. Before that time the land was used only for grazing. Now a barn with pastures and the animals are here year round. There are 50 cows now and will be 100 cows in the future. Mr. Flood asked how long Mr. Kaye was going to stay in business. Ms. Grant answered hopefully a long time.

Eve Syms spoke to the Board stating they have lived on Depot Hill for several years. She told the Board that Mr. Kaye knew that they were going to develop the property. Over two years ago Mr. Kaye had been advised that the fencing was not adequate for the cattle he had on the property. The Syms son was hurt due to the cattle. She was glad to hear that Mr. Kaye had increased the voltage for the fence. The fence still needs more work in order for protection.

Dave Reagon spoke regarding the turtles. He went over with Jeff Kane the fact that there would be no unleashed pets in the area for the turtles. He also wanted to know the address of the Berkshire Foothills Land Conservancy Inc. as it is stated they would be taking over the responsibility for maintaining this part of the property. Mr. Reagon would like to speak to them about it. Mr. Kane stated he would get Mr. Reagon the address and phone number. Mr. Reagon was also concerned about the accessory structures that the homeowner may put up in the future.

Frank Ryan spoke on the question of access to Lincoln Court. Mr. Kane assured that it would only be for emergency purposes. Mr. Ryan was also concerned that the access would be used during the construction period. Mr. Kane assured him that it would not be used at that time. Mr. Ryan also asked about the new water tower. The Syms and Town Engineers are working on the water question. Mr. Sirignano stated that the water issue is being designed to anticipate further growth.

Gina Mignola asked a question of the applicant considering 25+ houses being built in the future on the other side of the road of Mr. Sirignano. He stated if there were future development proposed it would go through a separate comprehensive review.

Mae Jones spoke to the Board in regard to who is building the water tower. Mr. Sirignano stated that it is a town owned system now and will be in the future. Mr. Syms will bear the cost of the new tower. She was concerned with the old water tank, plus the cell tower and the new tank. The visual impacts of the tower and old tank will be taken into consideration in discussion with the Town Board on the water issue. The public will have an opportunity to speak to the Town Board on that issue when it comes up.

Gail Hermosilla read a statement to the Board. She is concerned that the subdivision will change the neighborhood from rural to suburban. (Copy on file)

Patrick Nelligan spoke to the Board. He felt that preliminary approval could not be given until the water issue has been resolved. He felt this issue was premature.

Mr. Sirignano stated that if preliminary approval was given and the Town Board cannot connect, then the Syms would not be able to go forward for final approval. Mr. Sirignano in regards to Ms. Grant's comments of permitted use, both the Syms and Mr. Kaye are using their respective parcels for permitted use.

Mr. Nelligan asked if each home had to drill its own well would the subdivision have the same layout in regard to septic vs. well placing. They may not be able to accommodate all those lots for the subdivision if that were the case.

MOTION TO CLOSE THE PUBLIC HEARING was made by Gina Mignola, seconded by Eliot Soroka.

VOTE TAKEN - ALL IN FAVOR

Michael Hayes will prepare a resolution for the next meeting to be held on April 27, 2006.

Eliot Soroka asked if there be a different set of drawings when it goes for final approval. There will be a new set of drawings for final approval. Mr. Soroka commented on the drawings; what size are the water mains going to be, question of the fence on Lincoln Court, question of metal gate with lock for use of the Fire Department for emergency use.

**O'BRIEN, DANIEL & WENDY – LOT LINE CHANGE**

MOTION TO CONSTITUTE THE BOARD LEAD AGENCY FOR AN UNCOORDINATED REVIEW OF THE ENVIRONMENTAL IMPACTS OF THE PROPOSED LOT LINE CHANGE was made Gina Mignola, seconded by Eliot Soroka

VOTE TAKEN - ALL IN FAVOR

MOTION TO MAKE A NEGATIVE DETERMINATION WITH RESPECT TO THE POTENTIAL ENVIRONMENTAL IMPACTS was made by James Walsh, seconded by Gina Mignola.

VOTE TAKEN - ALL IN FAVOR

Michael Hayes read to the Board the map note for the O'Brien lot line change: "the use of the barn on parcel 1B as a private stable shall be continued as an accessory use to the parcel to perform agricultural operations or any other permitted principal use on the parcel."

MOTION TO GRANT FINAL APPROVAL WITH THE CONDITION THAT THE MAP NOTE BE ADDED AND AUTHORIZE THE CHAIRMAN TO SIGN THE MYLAR was made by Gina Mignola, seconded by James Walsh

VOTE TAKEN – ALL IN FAVOR

MOTION TO APPROVE THE MINUTES OF THE MEETINGS OF MARCH 16<sup>TH</sup> AND MARCH 30 MEETINGS was made by William Flood, seconded by Gina Mignola.

VOTE TAKEN – ALL IN FAVOR

**BREMILLER/MC ROBERTS – LOT LINE ADJUSTMENT**

MOTION TO CONSTITUTE THE BOARD LEAD AGENCY FOR AN UNCOORDINATED REVIEW OF THE ENVIRONMENTAL IMPACTS OF THE PROPOSED LOT LINE CHANGE was made by Gina Mignola, seconded by James Walsh.

VOTE TAKEN – ALL IN FAVOR

MOTION TO MAKE A NEGATIVE DETERMINATION WITH RESPECT TO THE POTENTIAL ENVIRONMENTAL IMPACT OF THE PROPOSED LOT LINE CHANGE was made by Gina Mignola, seconded by Eliot Soroka.

VOTE TAKEN – ALL IN FAVOR

MOTION TO GRANT FINAL APPROVAL OF THE LOT LINE CHANGE AND AUTHORIZE THE CHAIRMAN TO SIGN THE MYLAR WITH THE CONDITION THAT ALL FEES HAVE BEEN SATISFIED was made by Gina Mignola, seconded by Eliot Soroka.

VOTE TAKEN – ALL IN FAVOR

BROKEN HORSESHOE - Harry Bly is filling out the ZBA application. There is a question

regarding Lot C, which is a flag lot. According to the regulations, “no flag lot on a rural lane”. Michael Soyka stated in his memo that if it is called a flag lot then there is a problem. Michael Hayes suggested if there is less than 12 houses use Private Road not Rural Lane. They may have to reengineer the road to bring it to Town specs. He will speak with Harry Bly concerning this matter. Eliot Soroka wanted to know if the Wassaic Fire Department should look at it.

Nancy Brusie brought up the fact there is no accessory use to the barn located on this lot and is used for storage. This is another reason to go to the ZBA.

MOTION TO CLOSE THE MEETING AT 9:05 P.M. was made by Tony Robustelli, seconded by William Flood.

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 April 6, 2006 and are not to be construed as the final official minutes until so approved.

Approved as read  
 Approved with: deletions, corrections, and additions