TOWN OF AMENIA
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PLANNING BOARD MEETING
THURSDAY, OCTOBER 2, 2008

PRESENT: Chairman George Fenn
Nina Peek
Gina Mignola
Bill Flood

Michael Hayes
Dr. Michael Klemens
Mary Ann Johnson

ABSENT: James Walsh
Tony Robustelli
Norm Fontaine

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

KEAN STUD LLC DRAFT EIS DEPOT HILL, AMENIA, NY

Chairman Fenn started off with Dr. Klemens comments. On the maps there are no NY DEC wetlands (9C and 9D), and felt that the legend that NY DEC should be removed as well as 9E. Ms. Nelson and I have exchanged e-mails on this and had questions regarding the response of leaving the 100' buffer around the wetlands for planning purposes. Ms. Nelson explained there are two types of wetlands on the property; Army Corp wetlands and DEC wetlands. DEC wetlands have the 100' buffer as shown on the drawings. However the Army Corp wetlands do not have a regulated buffer. On figure 9C there is the Town stream corridor overlay. In lieu of the 100' buffer we would show the actual regulated area which has the 150' stream corridor overlay zone and the 100' stream protection offset. Dr. Klemens concerns was an issue with the Silo Ridge project trying to understand what was going on within 100' of any of the streams, wetlands and water courses. Let's put a line on the map so we can understand what is going on inside that line. If Karen Schneller McDonald is going to be involved in this project, she will also want to know what is going on inside that line. You can call it a storm water management line or whatever even if it is not regulatory, but at some point we will be asking for that information. Ms. Nelson asked if it would be better to incorporate it in the MDP. Dr. Klemens said no. Mr. Stark suggested in the FEIS we showed on the map a 100' line to guide you. Bill Flood agreed with Dr. Klemens that it would be needed before the FEIS. Ms. Nelson stated a 100' offset that would be in 9A through 9E drawings. Michael Hayes said for the Silo Ridge project they called it a Water Quality Buffer. Mary Ann Johnson said this was for planning and analysis purposes. Gina Mignola suggested 100' Water Quality Analysis Offset. Mr. Stark agreed.

Dr. Klemens other concern was steep slopes. Ms. Nelson stated this memo what will be reinserted in the DEIS. The only remaining item was one clarified on the phone with Dr. Klemens with Norbert as to the language that would be taken out of the Bog Turtle report. Dr. Klemens agreed.

Chairman Fenn then went to Michael Hayes memo of September 26, 2008. Michael Hayes began

- Page 2 – of the Crawford memo – page 10 the Zoning Compliance Section. I had asked for a revision of the language that dealt with the RDO requirement as it applies to the TND. The first paragraph of the response there were a couple of points. The end of the first sentence it refers to TND guidelines/principles. Ms. Johnson felt that 20th century urban. Just state "new urbanism".
- The last sentence in paragraph 1 – Under the Zoning Law RDO requires you to go with TND development unless you can show that a waiver should be granted as the TND design would not be economically viable. The argument presented here because the agricultural and equestrian components and topographical issues the TND model is not appropriate. This doesn't support the waiver. This language must come out, and you need to provide some discussion as to why you are asking for the TND waiver.
- Page 3-4-5 of the Crawford Memo regarding the Traffic Analysis – Most is fine. A question regarding the discussion of the drop in level of service if you do cumulative impact analysis of Silo Ridge and Depot Hill. Drop Silo out of the analysis, Depot Hill has no real impact. Ms. Nelson responded the level of service is created due to Silo's development. Depot Hill is only 5% of the total number of trips at that intersection.
- Fiscal – No comments here the Hudson Group and GreenPlan are involved. Ms. Nelson stated that what is in here pertain to impacts to the Town. School Aid is the only outstanding one.
- Visual – I will defer to George Janes.
- Page 13 – the section dealing with Workforce Housing Law. Depot Hill's intent is to make a donation if the Town Board passes a law that allows that as an option. The Town Board has not taken that step yet. If the law is not passed, alternative means of compliance would be pursued by the applicant with the Planning Board as part of the site plan process. Bill Flood asked if it made sense for the Town Board to adopt that at this point. Michael Hayes replied if they are interested. If they adopt a local law they will also establish the parameters for how to calculate what the donation would be. The Town is trying to set up a meeting with Hudson River Housing and Dutchess County Planning to get guidelines for the workforce housing program.
- Bill Flood asked about the water. Michael Hayes said they are still trying to get approval of a plan to test the wells. DEC and DOH required the Town to complicated tests that were expensive and no one bid. The Town asked them to reconsider. DEC and DOH again said no. Ms. Nelson said it was a yield test where it would run for 72 hours on the well and takes another 72 hours for the well to recover. Each of the wells would have to be tested. The Town is trying to work with the water company we have now to figure out some way to be done. Until this is done there will be no expansion of the water district.

Chairman Fenn felt that Depot Hill had worked things out with the Hudson Group. Mr. Stark stated that the resolution of the remaining issues required input from Dr. John's. We tried to set up a meeting with no success so we prepared a letter that was sent out and asked him to give the figures that were in dispute. We are hopefully going to get a response.

Visual issues - George Janes Ms. Nelson's letter was written before my latest materials had gotten to her. Since then we have had discussions. Ms. Nelson went on to say we agreed in early

September was because of the concerns of the method that was used (sketch up model). He wanted the 3D model matched to the photograph. Ms. Nelson passed out the color photos from Mr. Janes. He did an analysis from one of the most prominent viewpoints. Viewpoint 2 is our simulations; standard method is Mr. Janes simulation. We provided the photo from viewpoint 2, our landscape architect provided the layout of the neighborhood with match points they used and Mr. Janes ran through his model. The biggest difference is the contrast. Mr. Janes stated that contrast was the least important difference. He went on to state that the buildings were in the right place, the right size and less about the color of the buildings. Then we added a sun. There is no sun in the pictures in the PDEIS. When a sun in June is added there is more contrast. Gina Mignola stated in looking at the two photos there is a difference in the way the buildings are positioned. Ms. Nelson explained that how the model is laid down on the site you get the variation. Ms. Mignola asked which one was more accurate. Mr. Janes felt his is most accurate. Ms. Nelson felt they were pretty similar. Mr. Janes went on to say these are massing diagrams. In Neighborhood 4 which is high density it is a different design than what is in the DEIS. It is about the same footprint. The hillside is the most important view. Ms. Nelson said that at the last meeting, this would be our worst case scenario. Ms. Peek asked why the simulations do not show roads, grading and retaining walls? Ms. Nelson said there were no retaining walls. Mr. Janes explained about the reference points to the Board. Mr. Stark felt the most important issue is how our site looks from DeLaVergne Hill. I feel this simulation is highly inaccurate. We will have dark roofs and the buildings will look more like in our picture. Mr. Janes picture may be more accurate in the placement of the buildings in the field. Mr. Stark proposed that he is prepared to pay him to redo their simulations, however would like him to use the contrast in our pictures and then we will have the best of both. Mr. Janes said that the Board would have to decide. He would still be working for the Board. Ms. Mignola stated that with the contrast adjusted and the roofs to reflect the type of materials to be used could that accurately reflect the visual. Mr. Janes felt that would be acceptable. Mr. Stark wanted to know how much more work for a building. Ms. Peek stated it would be all the buildings. Mr. Stark wants a fair representation for the Board and the public and would like Mr. Janes to redo these simulations. Michael Hayes stated that the Board could have their consultant help prepare the DEIS at the applicants expense or have him help prepare a portion of the DEIS at the applicants expense. The consultant will remain the Board's consultant. It would help bring the process to a conclusion if the Board is comfortable with it. Mr. Janes stated it is easier for lay people to understand when looking at these simulations when there are materials on the buildings. Ms. Nelson said that when this was scoped there was no specific method being spelled out, now you feel it has to be a certain model. Ms. Mignola asked about the cost. Dr. Klemens asked if the Board was accepting the location of the houses as shown on the standard model. Mr. Stark is accepting that Mr. Janes software is more modern, therefore is more accurate. Dr. Klemens asked if in Neighborhood 2 the houses are that far out in the field. Ms. Nelson stated yes. Mr. Janes interjected this is the unmitigated simulation. There will be a road and then another hedgerow planted. Ms. Nelson went on to say for SEQRA we want to provide worst case scenario for public review. Michael Hayes said that for purposes of SEQRA the photo simulations would only have to show the unmitigated view. Mr. Stark said they had presented a mitigated simulation and Mr. Janes was unhappy with it. Gina Mignola asked how much detail we want. Michael Hayes said that there has to be a sufficient level of detail to enable anyone reviewing it to make an informed judgment and is the information provided in a clear manner. Mr. Janes felt that lay people do not understand massing models. Gina Mignola stated that if it is financial feasible and the people saw how nice the project looks, they would have less complaints. Mr. Janes agreed. Mr. Stark will discuss this with Mr. Janes. Michael Hayes stated for the applicant and the Board, the Planning Board will require for SEQRA purposes that Mr. Janes will do the model for standard method with location and size, with at least roofs and siding on the buildings. Ms. Peek added that the simulations should include roads and grading. Bill Flood asked if they could be bigger. Ms. Nelson asked what size paper. Mr. Janes felt 11' by 17". Ms. Peek

asked does that eliminate the third party objective review of these simulations. Bill Flood was concerned as well. Michael Hayes said that it was the project sponsors option as to whether it is going to prepare the document or delegate it to the lead agency. Mr. Stark felt if the Board was uncomfortable with their consultant doing this, they will get someone else. Ms. Mignola asked if Mr. Janes was comfortable doing this. Mr. Janes felt this was a big job. The model is already done, however if we must put facades on the buildings that is a fair amount of work. He suggested that Mr. Stark wait till the leaves are off the trees. Chairman Fenn felt the Board was comfortable. Bill Flood said no, stating how does the Board know Mr. Janes will do it correctly? With the amount of public comments that we have had with these projects one needs to know that the work has been done right. Gina Mignola felt that the Board already knows Mr. Janes and they are confident that his methodology will not be attacked. Ms. Johnson added that the Board will defend the judgment of your consultant. Ms. Peek felt Mr. Janes does a good job it was the issue of the third party. Bill Flood agreed. Mr. Janes suggested another way. Mr. Stark could speak people from other firms who would be primarily responsible to produce these but whom Mr. Janes works in the process with. Mr. Stark wants the best job done for the Board and the public.

Nina Peek asked about the visual simulations for Neighborhood 4 and the design intent. They look like storage facilities. It's a major concern to reevaluate that Neighborhood it is designed particularly with reference to whether or not it is in concert with the rural character of the area. Mr. Stark felt there would be discussions with the Board about that plus other design issues.

OTHER MATTERS

Bill Flood asked Michael Hayes about the regulations there are no guidelines for the visual analysis. It is on a site to site basis. Nothing is spelled out. We need guidelines so we can say this is what we want and this is what you have to do. Mr. Hayes felt this could be done in the sub division regulations of zoning, putting more detail in the scoping document would be better.

JLM FARM LOT LINE CHANGE ROUTE 22, TOWN OF AMENIA

MOTION TO SET A PUBLIC HEARING FOR A JLM FARM FOR A LOT LINE CHANGE NOVEMBER 6TH was made by Nina Peek, seconded by Gina Mignola

VOTE TAKEN - ALL IN FAVOR

MOTION TO ACCEPT THE MINUTES OF 08/07/08 AND 08/28/08 was made by Bill Flood, seconded by Nina Peek

VOTE TAKEN - ALL IN FAVOR

Nina Peek asked about the status of the subdivision regulations. Michael Hayes said they were just about ready. Ms. Peek also asked the letter from Dutchess County EDC from Anna Conroy to the Planning Board. It was discussed at Town Board meetings and contained statistics on revenue generations on the Silo Ridge project. Vickie Doyle had a copy. Michael Hayes said that it was discussed at a Town Board meeting but Silo Ridge said it was addressed to them. Ms. Peek said it was addressed to the Planning Board. We would like a copy of that letter.

Bill Flood asked when would they start the findings process. Michael Hayes said Dr. Klemens, Mary Ann Johnson and he would begin to work on it now. Once the 30 day comment period was finished the comments would be considered in it. The Board will be kept informed.

Chairman Fenn stated the Trust for Public Land was sold to an individual as one parcel. At the cemetery located on the property, the Amenia Historical Society was looking over local cemetery's. Two members were arrested for trespassing on that land.

MOTION TO CLOSE THE MEETING was made by Gina Mignola, seconded by Nina Peek.

VOTE TAKEN - ALL IN FAVOR

Respectfully submitted,

Susan M. Metcalfe

Susan M. Metcalfe
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on October 2, 2008 and are not to be construed as the final official minutes until so approved.

_____Approved as read
_____Approved with: deletions, corrections and additions