

**TOWN OF AMENIA
PLANNING BOARD WORKSHOP
THURSDAY, JUNE 26, 2008**

PRESENT: Tony Robustelli, Acting Chairman
Bill Flood
Nina Peek
Jim Walsh

Mary Ann Johnson, Greenplan
Michael Hayes, Attorney

ABSENT: George Fenn
Gina Mignola
Norm Fontaine

The meeting was called to order by Acting Chairman Tony Robustelli at 7:00 P.M.

**KEAN STUD/DEPOT HILL FARM
NY**

DEPOT HILL, AMENIA,

Jeffrey Stark represented Depot Hill Farm/Kean Stud and wanted to discuss with the Board the letter from the Environmental Simulation Center (ESC) dated June 11, 2008. There were good points and many they will be able to follow. However there are a few matters that we don't think are appropriate.

The Inventory of Visual Resources – Mr. Stark felt ESC didn't understand the history of the Scoping document prepared in our case. The Board has already determined the important view shed view points from which we need to do our visual resources and therefore don't think an inventory of visual resources needs to be redone by Kean Stud/ Depot Hill. The Board has already made its conclusions and its directions as to where the scenic resources have to be taken. Mary Ann Johnson responded that the policy is asking you to identify the State resources not local resources. When a DEC permit is involved, they look at State resources that may be affected visually. They are asking that you identify the State resources that are in that policy. This is standard procedure. Michael Hayes quoted the State guidelines. Local concern is important. Mr. Stark stated that the issue is identifying State forest preserve, State parks, etc however the Scoping document has stated the viewpoints from which they want all the simulations. After all the work is done at the direction of the Board, will we need to do additional simulations based on this inventory? If it is just the inventory itself, that would not be a problem. Michael Hayes felt that what ESC has recommended for now is not a visual simulation. They want to create the inventory and do a view shed map that will indicate any of the areas on the inventory that

will be impacted. Ms. Johnson added that ESC is willing to provide resources to pull the inventory together.

Photo simulations – Mr. Stark stated they have taken new photos, expanded the text to show methodology and how the photo simulations were produced. From discussions with Ms. Johnson, ESC would have preferred that the photos be taken in the leaf off season; however we were not asked to wait until this happens this fall. Ms. Johnson stated that was correct.

Assessment of Impacts - There is no problem in this area.

Effects of Lighting - Mr. Stark stated that ESC tells us that night time photo simulations can be done with advanced computer techniques. Our landscape architects have said they could do renderings to depict what the night time scene would be. Would this be satisfactory? Michael Hayes advised the Board that the scope requires illustrated exhibits that provide some visual representation of what the night time lighting effects would be. There is a list of exhibits that could be required. If the Board determines that an artists rendering is acceptable and will give the public enough information to analyze that impact, then it can be accepted. Nina Peek asked about the lighting that would get people safely from garage to home. Mr. Stark said there are motion sensor lights on the garage and also the homes. The commercial building will have lighting that will only be on when in use.

Design Intent and Methods - No problems

Alternatives – The Board requested and prepared 4 or 5 alternatives, none of which we will ever do. Do we need to prepare photo simulations of alternatives that we will not do? Nina Peek added she thought they had done a visual simulation for the conventional layout. She felt they did not need to do this. Mr. Stark stated one of the alternatives is a standard 45 houses spread across the property. Would having a photo simulation of 45 houses vs. 137 houses along the tree lines be of interest the public? This would be based on the alternative that is in the DEIS. Nina Peek added they have 3 alternatives; no action, conventional and the cluster layout. She also asked if they could do a 3-D cad model of the cluster. Mr. Stark took the information and will report back. Mr. Stark summarized that they will do a photo simulation of the conventional subdivision and a 3D CAD visualization of the others.

Grading - Mr. Stark stated they are working hard to match existing grades with the house locations and road. They are asking for a waiver to permit the road grade up to 15% in order to keep the existing grade, therefore in hopes to have very little impact of visual of change of grade.

Ms. Johnson then stated George James from ESC had sent a power point presentation to be reviewed. The Board and Mr. Stark watched the presentation. Mr. Stark felt that this

power point presentation did not apply to their project. Ms. Johnson felt there would be grading done and there are some steep areas. The grading around the buildings and the grading of the roads have not been accounted for. Mr. Stark continued that the siting of each house, they will have to show the Board when asking for approval the map for each building envelope. Michael Hayes felt that there has to be some visual simulation of the impact that this grading plan is going to have on the property. If the Board feels that the grading plan supports what is being asked for in waivers and will satisfy SEQRA, it will support the decision to grant the waivers. Ms. Johnson explained that they must simulate all the action, not just the end result of the buildings. Trees are being added but also show us how that grading is going to impact that site. Mr. Stark is in agreement that the DEIS needs materials in regards to grading, does that mean it needs photo simulations. Ms. Johnson added that the point ESC makes is that the photo simulations should take into account the whole action. How much is going to happen and what is it going to look like here in these areas? Mr. Stark stated that it would be about 25 feet per house of cutting and filling. Ms. Johnson felt this should be in the photo simulations so that the Board can see what it is going to look like. She also brought up the fact that the RDO and Comprehensive Plan talk very much about the views to and from DeLavergne Hill.

Sub-Division Regulations

Michael Hayes

Nina Peek began on page 5 –105-9 Sketch Plan (4) – do we need to include any other county or state departments? Don't limit to just DOH. Page 7 – 105-10 -2nd sentence – The applicant would not have submitted DEIS at that point. Michael Hayes stated that it was unlikely; however under the regs they have that discretion. Page 8 – 105-12 C – last sentence – This should extend to SEQRA documents, the DEIS, the FEIS. Michael Hayes said that the point made is in the rules and regs. This point deals with the issue of certain time limits under NYS Town Law. Throughout this document Mr. Hayes has reiterated that an applicant's obligation includes under the Sub-Division Law as well as the additional requirements the Board enacts through its rules and regulations. Bill Flood asked about Page 6 and the deletion of Submission of Sketch Plan to the Code Enforcement Officer for the Town – that will do away with Ms. Brusie. Michael Hayes stated that for Sketch Plan Review, because the way the Zoning and the Rules and Regulations are set up, it makes more sense to have the materials submitted to the Planning Board Administrator. This will streamline the process. If the Board feels this would be better left in, it will be put back. Bill Flood felt that Ms. Brusie could alleviate many problems before it went to the Planning Board. Michael Hayes will consult with Ms. Brusie to see if she felt it would be better to put this point back in. Nina Peek - Page 16 – 105-21 Lots – in referring to wetlands do we want to count wetland buffers? Michael Hayes will get that answer. Bill Flood - Lots A – 2- Should the Board be looking at Septic designs or the Town Engineer. Michael Hayes stated that

the Board would get advice from the Engineer, then DOH approval before final approval. Bill Flood – D – Driveway grade and design – Do these specification match, fire codes and building codes, widths and grades. Michael Hayes felt they add “in the event of a conflict between these, the Board shall.....”. Jim Walsh A – 4 –No potential for flooding or ponding. Why was this put in? Nina Peek added that as part of the sketch plan you have to do an analysis of whether or not you are in a flood plain. Michael Hayes felt that this is the only place where there is the reference to potential for flooding or ponding. The Board felt they would leave this as is. Bill Flood asked about private driveways. Once the project is done and years later when the road is unsafe, who has the authority to go in and ask that the roadway be fixed. Michael Hayes stated that the Board can require as part of the common driveway agreement that is filed in the County Clerk’s office, the Town has the right of enforcement. If the people living there won’t fix the road, the Town can go in and fix it and charge it back to them in their property taxes. The driveway agreement at this time has to be submitted to the Town Attorney for approval. This can be added in. Bill Flood asked who oversees these projects. Once these sub-divisions are approved we have only Mike Segelken to oversee these projects. For instance that the soil erosion is in, the storm water is done, and we have no one to do this. Mr. Hayes felt that would fall on the Engineers inspections. When the Engineer sees something happening that is not in compliance, then he would communicate with Mike Segelken. A Town Engineer is needed. Nina Peek stated on page 26 – 105-24 E 2 – Who is the Town Engineer in regard to that section? How does the Board make sure that on all minor/major subdivisions the loop is closed? That inspection takes place during and after it is certified. Michael Hayes added that for minor sub-divisions, it falls on the building inspector, as he will not issue the building permit if the application does not comply with the requirements of the sub-division approval. Then he will not issue a CO if what was done in the field does not match with the building permit. For major sub-divisions where a bond is required, like Silo Ridge and Depot Hill, the inspections need to be done by the Engineer for the Planning Board. He will change Town Engineer to Engineer for the Planning Board. On page 21 – H – 3 – Rural lanes Ms. Peek we reference the rural sighting principals section of the Zoning Code 121-31 as another point of reference. Michael Hayes agreed to put this in. Ms. Peek asked if we have a Town Recreation Master Plan. Michael Hayes said yes. Ms. Peek – on page 28 – 3- Storm Drainage System, is this required for a minor sub-division. Michael Hayes felt this should be looked at. Bill Flood asked if there needed to be a special thing for the DLC for conservation easements; what is required and what is not required. Michael Hayes said that the zoning law lays out standards for conservation easements. Look at the review, the confidentiality, etc. should this be spelled out? Michael Hayes will include this. Nina Peek asked that on pages 47 #3 and 49 #10 to provide more detail on the wetlands.

Michael Hayes went through the document briefly to show where there were language changes, additions, deletions, sections moved, language clarification, reinforcing the ability to adopt certain requirements through rules and regs and making language more consistent with the zoning laws.

Meeting adjourned.

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

June 26, 2008 and are not to be construed as the final official minutes until so approved.

Approved as read

Approved with: deletions, corrections, and additions