



TOWN OF AMENIA

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PLANNING BOARD SPECIAL WORKSHOP THURSDAY, JULY 31, 2008

PRESENT: Chairman George Fenn
Bill Flood
Norm Fontaine
Gina Mignola
Nina Peek
Tony Robustelli
James Walsh
Dr. Michael Klemens
Michael Hayes, Attorney
Ted Fink, GreenPlan

Chairman George Fenn called the Special Workshop meeting to order at 7:00 P.M.

MAYVILLE Extension of Final Approval May Lane, Town of Amenia

The Mayville project was conditional approved for a 2 lot sub-division on May Lane in February 2008. One of the conditions has not been achieved which was the approval of the Dutchess County Health Department of the sanitary disposal system. They are asking for an extension of the conditional approval from the August 7, 2008 date and extend to February 9, 2009.

MOTION TO GRANT THE EXTENSION OF THE MAYVILLE SUB-DIVISION TO END FEBRUARY 9, 2009 was made by Norm Fontaine, seconded by James Walsh

VOTE TAKEN – ALL IN FAVOR

MOTION TO ADJOURN THE SPECIAL MEETING AND GO INTO THE REGULAR WORKSHOP MEETING was made by Bill Flood, seconded by James Walsh

VOTE TAKEN – ALL IN FAVOR

AMENIA FIRE COMPANY PRE-APPLICATION- CASCADE ROAD LOT LINE ADJUSTMENT AMENIA, NY

Bethany Ralph, Esq. represented the Amenia Fire Company regarding this pre-application. The Amenia Fire Company would like to exchange 2.62 acres with their neighbor who would give them 2.06 acres. This would give the Amenia Fire Company more road frontage. There will be a Public Hearing set for the meeting of September 4, 2008.

Don Walker/Paul Arcario PRE-APPLICATION LAKE AMENIA RD. LOT LINE ADJUSTMENT AMENIA, NY

Paul Arcario presented the Board with maps regarding the lot line adjustment for Lake Amenia Road stating that the property consists of multiple lots. The driveway goes across the corner of Lot 36, which belongs to Theo Moody. Mr. Arcario would like to take this corner to add to the lot. Bill Flood noted that a survey would be needed. The road frontage would be an issue for Mr. Moody creating a sub-standard lot. Norm Fontaine added that he should have Mr. Moody find out what the current road frontage is on the lot as it is now and if it conforms to the current zoning. If it doesn't then that would be an issue before you spend money on the survey. The Board felt they should consult with Nancy Brusie.

SILO RIDGE

FEIS

ROUTE 22, AMENIA, NY

George Fenn stated that tonight they would discuss the revised memo from Michael Hayes regarding Volume I of the FEIS – the Planning Board Voice as well as the visual simulation appendix. Dr. Klemens began with asking a question in regard to page 125, the response about the geotechnical borings. There needs to be further clarification. Mike Camann agreed. Nina Peek – on page 73 in the index of comments there is confusion in the numbering of comments. Mr. Leary agreed to check that. Mrs. Levin asked why the MDP that was put out in April was not on the website. Mr. Leary stated it was not legally required to be posted yet, however it should be a separate document. If the webmaster can put it on we will. It is also available here in Town Hall to be able to go over.

Michael Hayes then started the unresolved issues from his memo. Page 5 – regarding those sections of the DEIS where the applicant has stated its opinion regarding the potential impacts. One option is to remove all statements of the applicant's opinion or use an introductory disclaimer statement. Mr. Leary interjected he wanted to clarify that the applicant had put in the statements at the request of Ms. Peek, so it didn't reflect the Planning Board's voice. Mr. Leary stated that the neutral approach was acceptable to the applicant. Jim Walsh felt since the applicant was following the Planning Board's direction why not putting a disclaimer statement and move on. Norm Fontaine felt comfortable as well. Michael Hayes felt the language may need to be revised. Mr. Leary felt that was OK.

On Page 7, third paragraph- this is in the Planning Board's voice that a determination had been made the TND version was more sensitive to the visual character of the site. It has been toned down. The next is pages 52-58 which can't be addressed in detail tonight. Mr. Hayes will get back to the Board with thoughts on this section. Page 77 regarding the Market Study by the Weitzman Group, particularly the price points. Page 111 also relating to the Marketing Study. Page 113 Chairman Fenn stated that Mary Ann Johnson that she had an idea about the references to the Market Study. Ted Fink interjected that that was on the sheet handed out to the Board in the last paragraph. Ms. Johnson worked that out with Michael Hayes. This would not be put in every instance. Ms. Mignola felt it was better to have the applicant's opinion in there as long as it is attributed to their opinion, including on page 139 where you want to include another applicant's opinion. Bill Flood, Jim Walsh agreed and the rest of the Board agreed, as long as the disclaimer statement is there.

Ted Fink went on to talk about the visual. Appendix G is assessment and simulations – G through J in Volume 4. Michael Hayes continued in the first FEIS for each viewpoint above the narrative there was a photo showing the viewpoint. It was very helpful. Could those be added back in for the larger photos? Nina Peek added that the photo simulations in Volume 1 with the notations were really helpful as how tall they were and what structures they were. Is there any reason you couldn't do that in the full visual simulation section? Mike Dignacco stated no. Ted Fink felt the whole thing is vastly improved. Michael Hayes continued on Page 13 the narratives. In Volume I there are now photos that relate to the height waivers and what the impact may be for each waiver. George James felt that when there are new photos there should be some narrative. Regarding the questions raised

by the Board on the visual analysis, starting with Viewpoint 1, the statement that the landfill is quite evident and appears unnatural in its form in this context. Is this a statement the Board agrees with or not. If it is accurate, then it can stay, if it is not then it can come out. Dr. Klemens did not feel it was an accurate statement. Mike Dignacco would say that the landfill is visible. Mr. Hayes said to change it to visible. Viewpoint 2A statement “the placement of the structures helps to express the shape of the underlying landscape. Is this the Planning Board’s voice or marketing. Chairman Fenn felt the sentence should be taken out. The Board agreed. Viewpoint 3 – “the topography of the land lends itself to allow screened-in structures without diminishing the ability of the public to enjoy the current view”. Take out all after structures. Nina Peek had a question about 2A regarding the height of the hotel at 70’ and the banquet conference center 36’ and appears to be the same height. The club house is next at 42’ and appears shorter than the building in the middle. Mike Dignacco stated as the photo moves closer it will be appear a little taller. This is very confusing. Mr. Dignacco said that it is a 3D CAD based on the architecture. Viewpoint 4 – is the Board comfortable with the statement “the geometric forms of the building masses appear to be set into the sloping terrain, with pleasing removed. All - yes. Dr. Klemens felt that “looks like it is set into the terrain” was ok. Nina Peek asked about the height of the retaining walls – 2- 7’ walls. It does not appear to be set into the sloping terrain if you need a seven foot retaining wall. Dr. Klemens felt it would be quite noticeable. Nina Peek, Bill Flood and Gina Mignola felt it should be taken out. The next sentence building masses and detail becomes quite pleasing and inviting. Take out second half of sentence and add the project uses, a period after elements and eliminate the building masses. The next sentence “It’s the applicant intent for the building to become...modify intent. Chairman Fenn’s copy had a different picture. Mike Dignacco will correct the error. In the narrative on 5D, the last sentence “while the color of the units is in contrast with the wooded background, the quality of the view is most disrupted by the foreground chain link fence and stockpiles of DPW facility”. Mr. Leary stated they would take out the word most. Gina Mignola suggested “the view is also disrupted by....” All agreed. The same phrase “site structures are reduced in impact and knitted back into the landscape” is used in Viewpoint 5, 5D, 6E, 7D and 8E. Question of knitted into the landscape really belonged here or not. There is some accuracy that these things make the site structures reduced in impact. It is knitting that is troublesome. Bill Flood suggested put site structures reduce impact, period, or into the landscape. Knitted into the landscape comes out of 5D, 6E, 7D and 8E. Ms. Peek added that the applicant should check the spelling of DeLaVergne because throughout the document is spelled six different ways. Michael Hayes continued “From this view the complex and cottages appear small.” That appears in 6E, 7D and 8E, all unmitigated and where the vineyard cottages can be seen. Does the Board agree that the vineyard cottages appear small? Gina Mignola felt that small does not come to mind as a way to describe what one looks at in the photo. It is smaller than the hotel. Norm Fontaine felt they appear smaller in 7D. Nina Peek stated they still don’t appear small. Dr. Klemens stated they should let the people who read this make their own judgment. Ms. Peek felt they should take out the size element.

Dr. Klemens asked about viewpoint 7 and the proposed mitigation and simulated landscape five years from the time of planting. This is the only place where the project moves into the future. That was added at the request of the visual consultant. Dr. Klemens felt there should be an overview somewhere in the methodology and assumptions. Tony Robustelli asked if they were keeping the existing buffer. Mike Dignacco said yes. Nina Peek asked what the difference between the images in the front section and then the images that is after the grading. Those were requested by Mr. James. Ms. Peek asked why they looked different. Mick Dignacco stated Mr. James asked them to take out the trees to show worst-case scenario. He continued stating why they looked different was they are computer generated. Dr. Klemens felt the statement of methodology needs to be beefed up to reflect that. Mr. Dignacco agreed. Nina Peek asked if they could add a little text at the beginning of the section to explain that. Mike Dignacco agreed. In talking about the taking out of trees, Mr. Camann stated that a very high penalty will be enforced to any contractor who crosses the

fence. He also said that this will be added to the language in the FEIS. Mr. Torres added that it was their goal to retain as many trees as possible.

The next thing on the agenda is financial feasibility and market study. Ted Fink began with the section where they demonstrated that there is no feasible financial alternative. Nina Peek added that some of the alternatives were responded to by saying this is not financially feasible. So you either have to demonstrate that it is not financially feasible or you have to come up with a different response. Mr. Fink stated that was right. Michael Hayes added there are tight restrictions on how far one can ask relating to financial feasibility.

Ted Fink then went through financially feasibility issues: Volume I

- Page 52 – 1st paragraph under “Demonstrate that there is no feasible alternative. - There are two things in play here. That paragraph deals with this issue, the first sentence is a representation about financial viability and the last sentence deals more directly with Ted’s suggested language about capabilities and objectives of the applicant. Norm Fontaine asked how far back do you go in the feasibility of any project? Mr. Hayes replied one must look at the basic vision or project the applicant is trying to pursue. The applicant’s objective is to develop a resort community. The zoning permits that. So our analysis of feasibility has to be in that context. Mr. Torres explained they went from a development that was sprawled with no underground parking. The main structures are in the core with the wastewater and water systems that must be built. In order for the project to be financially feasible, you need to have a different product mix. If you only have condos, and condo complex with 19 holes you wouldn’t be able to penetrate a market in order to be able to generate enough money to cover the cost of the hotel, parking, clubhouse and other amenities. Ms. Peek understood that, however there is no financially feasible alternative to moving a single family or any construction off a slope that is 30% or greater and still earn a profit. You would either have a sprawling project or get rid of the homes. Therefore the project is going up in height to avoid the sprawl. Michael Hayes will put this last sentence that “the applicant has stated....” then the Board will decide in the findings statement whether this is true.
- Page 53 fourth full paragraph – last sentence- another reference to any changes would not be financially feasible. Ms. Peek stated we change it to a point at which it no longer meets the objectives of the applicant.
- Page 104 response 1.1-1GP8 – final sentence- What about putting the winery on the Miller property and the answer was if they did they would lose a number of the vineyard cottages and move the recreational space. The Board felt it could be left the way it is.
- Page 105, response 1.5-1-GP12 – second paragraph last sentence – this is the applicant’s voice. It was agreed to take out the reference “per the Weitzman Group”.
- Page 106, response 1.5-2-GP13- second to last sentence – another reference to the project which is not financially feasible given the objectives and capabilities.
- Page 210, response m6.1-10-27A – last sentence –delete consequence and replace with impact as well as any other place.
- Page 213-214, response 3.6.3-1-PHT – final sentence on page 214 – new response is underlined.
- Pages 77, 79, 86, 90,320, and 327-337 are all specific responses related to the market study which have already gone over.

Michael Hayes suggested they go over the abridged version of his July 10, 2008 memo.

- Page 7 – page 4 of Volume I – discussing the TND alternative – delete “very minor exceptions and no significant impacts”. Very minor exceptions remain. Take out. Put in “in the applicants opinion” regarding superior design.

- Page 12 – Volume I – regarding the photo simulations that address building height waivers. Narrative needs to be created to guide the reader through the new photo simulations dealing specifically with building height waivers. Mr. Dignacco agreed. It will be a separate section in Appendix G relating to it.
- Page 32 – Table of Impacts and Mitigation Measures. Regarding disturbance – it is not answered here. Mike Camann stated that it is on one of the plan illustrations. Specifically what do you want? Mike Hayes replied how many acres of disturbance are occurring on DeLaVergne Hill? How many acres of disturbance on steep slopes will be visible from DeLaVergne Hill and the viewpoints on DeLaVergne Hill and what are the largest areas of site disturbance. Dr. Klemens asked was there any information on the largest areas that are being disturbed. Mike Camann stated that if you look at the illustration, you can see graphically where the steep slopes are. Michael Hayes suggested maybe a cross reference to figure 3.1-1 in the table would be helpful. They agreed.
- Page 10 – satisfying scenic protection, steep slope requirements- I will get back to you next week with my thoughts about pages 52-58.
- Page 40, Volume I – Mr. Hayes asked to be included a summary of the proposal to construct the additional wastewater treatment plant capacity for the town. That has been added, however the language adding it has not tied in that excess capacity to satisfy the applicant's work force housing obligations. This needs to be added. Mr. Leary stated they did attach the letter that supports the tradeoff. Mr. Hayes asked adding the sentence stating that excess capacity is being offered to satisfy the applicant's obligation on more work force housing. Mr. Leary agreed.
- Page 42 – recreation. There is the comment that the town has sufficient recreation needs to absorb this project. Mr. Hayes feels this is not an accurate statement. The Town will be losing access to the Golf course. Mr. Leary pointed out the golf course is a privately owned facility that currently is open to the public. Mr. Hayes continued in a number of places in the FEIS it points to the continued availability of the golf course to members of the public as a recreational resource. There are a couple of places in the FEIS where the Planning Board's voice is saying that the town had adequate existing recreational facilities to absorb the 360 housing units. Mr. Hayes does not feel this is the Planning Board's voice. This needs to come out. The Board may take a look at this at a later stage when looking at recreation fees or fees in lieu of public recreation space. This needs to be taken out and this will be an issue that will be looked at in site plan during the subdivision approval process. Mr. Leary felt the project will not have a significant effect on the town because of the on-site recreational facilities; however it will be evaluated at a later date. If you want it deleted – we will take it out. Gina Mignola asked about the availability to the spa and golf. Mr. Dignacco stated it would be on a limited basis. People who live there and people who are staying at the hotel will be given first choice getting reservations through the hotel. Ms. Peek felt the language should state that the residents of the Town of Amenia will be able to play golf on a very limited basis, that these other groups will be given first choice.
- Page 52-58 – Mr. Hayes will get an analysis on that. On page 58 Volume I, significant adverse unavoidable impacts. The applicant here should provide some summary of those significant impacts that have been identified as unavoidable, so the reader does not have to go to another part of the document to find it. Mike Camann said it would be put in.
- The next page is the Habitat Management Plan. This was just emailed today so Mr. Hayes had no comments regarding this. Dr. Klemens felt that some of those had already been addressed. Mike Camann asked about a clarification on the habitat. Why does this need to have the Planning Board's voice. It is a stand alone document done by a Ph.D. Michael Hayes replied it is being incorporated by reference as an appendix into the FEIS. Dr. Klemens also brought up the fact that he was not on the list of consultants on page 60. Nina Peek also added George James is not their either.

- Page 76, Volume I, page 17 of Michael Hayes's memo. The language needs to be revised to say that the town will secure both performance and restoration bonds. This is an open legal issue that Michael Hayes and Dan Leary will continue to have and work out. Mr. Hayes asked Mr. Leary about the performance bond for the wastewater treatment plant. Is that limited to the plant or does that include the delivery system from the hotel and the houses bringing the effluent to the plant itself? Mr. Leary stated he would have to go back and take another look at the transportation corporation law.

Peter Clair from Wassaic asked Dr. Klemens if he heard that you were waiting to hear back from some other consultants. Dr. Klemens responded Marty Petrovic who is the Board's golf course integrative pest management consultant. Mr. Clair asked if there was a deadline for those comments. He was supposed to have those comments today but at 5:00 P.M. they had not arrived. The Board was not going to discuss the habitat management plan until next week anyway. Someone in the audience asked if the comments were due sooner or was there a deadline? Dr. Klemens explained that the comments come in, that generates more comments and it is a continuing dialogue of comments and responses trying to get clarification. Ms. Mignola stated no one was slacking off.

- Page 103, Volume I, page 18 of my memo – regarding parcels of land. The Miller property is to be used for residential and recreational components of the vineyard cottages. Moving the winery further north would cause a reduction in the vineyard cottages. However if the Board determines the number of cottages needed to be reduced, this may create an opportunity for the winery to be moved further north. This is noted as a place holder.
- Page 120, Volume I – noise levels relating to construction activities. There is need for clarification in regard to not pursue construction on Sunday. Mr. Dignacco asked if interior work was OK. Michael Hayes is concerned about the excavator, somebody who's got steel beams they are putting up. No Sunday outdoor construction activities.
- Page 122 – Audubon International Program. Clarification about the difference between participating in the program and getting certified. Dr. Petrolia's comments note that he suggested that getting awarded this certification should be a requirement. The applicant does not want this. How will this be resolved?
- Page 145 – Comment reference to the environmental benefits of golf courses. Dr. Klemens stated it all should go. Mr. Dignacco agreed to take it out.
- Page 146 – The statement the amount of chemicals that are used on an acre of a golf course are substantially more than the chemicals that are used on an acre of farmland. The response needs to respond to that point. The Board agreed.
- Page 162 – This is the issue of whether you have complied with the SWPPP to satisfy SEQR. Mr. Camann said they had already made the change. On Page 161 is the cross reference. Michael Hayes and Dr. Klemens were ok with the change.
- Page 163-164 – language change. Applicant is ok. Dr. Klemens asked if there was going to be a periodic review and updates as part of the approval. With new chemicals and new products they will not be used forever.
- Pages 166-167 – Water quality issue regarding wetland AM-15 – this was resolved. By hold #4 Karen was concerned they were within a hundred foot of the stream corridor. That has been shifted.
- Page 184 – Chairman Fenn had an objection to that. Dr. Klemens added the removal of one house, taking it to the southern end of the site and tucking in another house in order to give a hundred foot buffer around that wetland. Mr. Dignacco felt the last sentence should be taken out.
- Page 194 – Historic places adjacent to the property. The Board felt it was ok.
- Page 197 – If there is a new section 8, that pages 52 to 58 are sufficient, that will satisfy this issue. If those pages are not then this must be dealt with.
- Pages 201-203 – GP-87(b) language change – The visual simulations of the winery indicate that the view to the east from the hairpin curve is not diminished. Not diminished has been

revised to not obscured. Is this the Planning Board's voice? Are you comfortable with that representation? The Board was OK. Later in that same comment, another language change. The sentence selection of building colors and placement of vegetation will minimize any visual intrusion and will not impede or obstruct views changed to serves to reduce the overall visual impact of the project. Does the Board agree? The Board was OK. The same page discussion of the winery being moved to a portion of the Miller property. Ms. Peek suggested refer back to the original more lengthy discussion of why it doesn't fit as a cross reference. 87(c) page 202 it say applicant's opinion. Item #89 the land, topography of the land lends itself perfectly to the landscaping as a mitigation measure. This was revised to "is suitable to the provision of landscaping." All OK with the Board. Ms. Peek asked what that meant. Mike Dignacco explained due to the slope of the topography, because you are at a higher point from the viewpoint, and the slope slopes down, you put the landscaping on there, the landscaping that we are putting in will not obscure the view, but it screens the buildings that are lower in elevation. Ms. Peek asked that be put in that way. Mr. Dignacco agreed. Page 203, 360 16-GP91, the last sentence. Mike Dignacco will take out the last two sentences.

- Page 208-209 – The applicant has presented a comprehensive evaluation of the visual impacts of the project documenting the build condition, numerous measures have been taken to avoid and/or mitigate any adverse impacts. Dr. Klemens felt the middle sentence should come out. Numerous measures sentence. Mike Dignacco agreed. Michael Hayes continued page 209 the comment ending in 11(b), the winery does not block the view from DeLaVergne Hill. Nina Peek suggested take out that sentence and cross reference to 1.11-GP8. Mr. Dignacco suggested the winery is within the view but does not block the view. The Board was fine with that.
- Page 210 27(a) the word all is deleted. The sentence now reads, the project as proposed incorporates a number of methods of avoiding and mitigating visual impacts. Board was OK.
- Page 211 3,6,12-32G – The vision of Amenia's comprehensive plan and zoning law are in keeping with the sponsor's traditional neighborhood alternative. It should be the other way around. Mr. Camann will turn it around.
- Page 210 – The value of the view from DeLaVergne Hill – Discussion of the view at DeLaVergne Hill and the number of vineyard cottages. There hasn't been any information that shows the vineyard cottages are an integral part of the project from a financial feasibility standpoint, which is phase 4. In giving the building height waivers being asked for it would be fair to get something back from the applicant. DeLaVergne Hill is a place the Board should give serious consideration as to whether you're getting fair value back in return for the height waivers. If the vineyard cottages were eliminated or reduced would it make sense to move the winery further north? Norm Fontaine wanted to discuss this further at another time. Ms. Mignola agreed. Michael Hayes told the Board that you can make decisions like this during the findings to a certain degree. Norm Fontaine asked wouldn't the Board have answered that when we went the route of considering the waivers at that point? Mr. Hayes said you haven't said it. Ms. Peek agreed that the Board has never consented to this. Gina Mignola said that they were just getting around talking about it. Dan Leary and Michael Hayes will have a discussion regarding this issue to try to resolve.

Frankie O'Connell spoke to the Board regarding a FOIL for information from the Planning Board. The Board's Secretary, Susan Metcalfe answered her FOIL. Specifically Ms. O'Connell wanted to know a list of all consultants hired by the Planning Board and all consultants hired by GreenPlan, all corresponding board minutes and resolutions authorizing the hiring of these additional consultants by GreenPlan, all GreenPlan correspondence, email and snail mail with applicant Silo Ridge since the DEIS was passed. Also would like timeline for all consultants to respond to Silo Ridge, the date they were promised to the applicant and the date they were actually submitted, a list of consultant comments outstanding as of July 21, 2008 and the date they were due to the applicant. Also the

Planning Board resolution to make Nina Peek the Planning Board member designated as contact with GreenPlan. Do you know where I could get this information? Ms. Peek responded I am the GreenPlan designated person? Ms. O'Connell asked were you designated. Chairman Fenn replied he didn't think so. Ted Fink stated he was the consultant for the Planning Board for over 10 years. Then other consultants are brought in independently by the Board. The applicant pays these consultants. Michael Hayes and Ted Fink both explained the process.

Phil Carroll asked about the hiring of consultants, how they were hired and who authorizes them. The Board doesn't vote on hiring consultants nor do they pass a resolution to hire them.

MOTION TO ADJOURN THE MEETING was made by James Walsh, 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 July 31, 2008 are not to be construed as the final official minutes until so approved.

 X Approved as read 09/04/08

 Approved with: deletions, corrections and additions.