TOWN OF AMENIA
36B MECHANIC STREET, PO BOX 126, AMENIA, NY 12501
845-373-8118 • 845-373-8860

PLANNING BOARD MEETING
AUGUST 7, 2008

PRESENT: Chairman George Fenn
Tony Robustelli
Nina Peek
Norm Fontaine
Bill Flood
Michael Hayes, Attorney
Mary Ann Johnson, GreenPlan

ABSENT: James Walsh
Gina Mignola

This is the first Planning Board Meeting to be televised on the local TV channel due to a generous donation from an anonymous donor.

DEPOT HILL DEIS DEPOT HILL, AMENIA, N.Y.

Chairman George Fenn began by stating that they were here tonight to accept the delivery of the DEIS for review. The newest volume of appendices was given to the Board members. The fiscal addendum, the response to the last round of consultant comments have been submitted, Depot Hill would like to see where they stand. Chairman Fenn asked the Board when they felt they would be in a position to review the comments on the draft. Michael Hayes felt that by the workshop on August 28, 2008.

AMENIA HISTORICAL SOCIETY Arlene Iuliano

Arlene Iuliano, President of the Amenia Historical Society and former Town Supervisor read a statement regarding the history of DeLaVergne Hill. The Society felt doubts about the developers claim that it would have a "minimal visual impact". Chairman Fenn thanked Ms. Iuliano and he felt that the proposed restaurant should be abandoned then the space would remain undeveloped and unimproved as open space.

SILO RIDGE DEIS ROUTE 22, AMENIA, NY

Michael Hayes and the Board started the review of his memo:

- Mr. Hayes started on Page 28 – page 213 of Volume I. Regarding the Planning Board's voice – two comments – the first the applicant added in the qualifier, the Applicant believes. The second, the Winery does not negatively impact any ridgeline. Changed to the Applicant's belief. Chairman Fenn believes that it's inappropriate. Michael Hayes stated that in the SPO any building has to be at least 40 feet below the crest line of any

ridge….Where is the crest line on DeLaVergne Hill? Mike Dignacco stated that a map that shows the elevations.

- Mr. Hayes continued on Page 213 that the winery themed restaurant will not fit comfortable on the Miller property. This will depend on what decisions are made with respect to the vineyard cottages. There is an open issue with regard to these cottages.
- Page 215-216 – the photo simulations to help assist in the analysis of the building height waivers. This has been done.
- Page 217 – regarding the Planning Board's voice. The use of subdued tones for architectural roofs and facades and planting materials that both partially screen and break u building mass, site structures are reduced in impact and knitted back into the landscape. It was agreed at last meeting to take out all references to knitted back. Then the second statements is overall character of the view is largely unchanged from existing character. This is the Applicant's belief.
- Page 225 – the visual impacts to the H.V.R.T. There is no suggestion to change the language. Mary Ann Johnson added if you reference that map and plan it would add clarity to what is being discussed.
- Page 229 and 230 Thank the Applicant for providing more information for the purpose of review.
- Page 250 – 232 –Regarding the impact this will demand for public transportation. The response in the DEIS if the demand increases, more frequent trains or larger trains might service Amenia. This does not address the issue and it needs more work. Mike Dignacco stated they have contacted MTA and have not heard back from them yet.
- Chairman Fenn asked about parking in downtown area is beyond the control of the Applicant. Is this an unavoidable adverse impact? Mr. Hayes stated this was an open comment. Ms. Peek stated that there are never any spaces to park at the train station. The shuttle service will reduce the impact of the project on parking Mr. Hayes continued. Mike Camann said it talks about the expansion of the train station parking and doing away with long term parking. Michael Hayes felt it still doesn't address the issue of what it's like today. Supervisor Wayne Euvard stated he has spoken with Robin Fleisher and MTA is in the planning phase of a 500 car expansion. A cross reference would solve this.
- Page 250 comment ending 5B – another Vineyard comment – address in the future.
- Page 251 discussion regarding the Town having sufficient recreation capacity to absorb the project. It was decided last week to delete all of those references.
- Page 252 until we look at the FEIS pages 52 to 58 we can defer this section.
- Page 265 – 38H – this depends on the zoning analysis for pages 52 to 58.
- Page 273 – 30M the impact on the Town's fire resources. This only addresses the issue of the fire department's needs regarding fire equipment not staffing. This will put a strain on the volunteer resources. It may require the Town to bring in professional ALS. Bill Flood added we already have professional Northern Dutchess ambulance service. Staffing needs to be addressed.
- Page 281 comment ending 41RR regarding the Town's available recreation space. That language has to come out.
- Page 294-295 comment regarding the water demand analysis was based on a 40 year old assessment of water shield screen flow. Do these responses address the issue? Mike Camann stated yes, it is here. A 1968 U.S.G.S. summary is the only available information now. This comment is resolved.
- Page 299, comment 3.14-10-PHT this is a improved response. Has the Applicant considered any areas for the wastewater treatment plant other than the site that was ruled out and the proposed site? Mike Camann stated they considered all the sites but didn't look off the site. The one chosen was the most suitable. Include some detail that you looked at other places on

the site would help. Mike Dignacco added they would add wording about lift situation and the pump.

- Page 319 – open legal issue regarding performance/restoration bonds. I am working with the Applicant's attorneys on this.
- Page 363 – 34L – Dr. Klemens made a number of recommendations involving elimination of single family residences, eliminating the vineyard townhomes, constructing emergency access road on impervious surface, connecting trail next to town's wetlands parks, compact the development along the west side of the property and eliminate Block K and part of Block J. This does not address any of those recommendations. Mike Dignacco stated they would be addressed here or cross referenced to identify elsewhere in the document. Dr. Klemens felt they could mostly be cross referenced.
- Page 363 – first paragraph of the response next to last sentence – Chairman Fenn didn't believe that's the Planning Board view. Michael Hayes stated the Applicant believes.
- Page 368 GP36 – Ms. Peek stated the Board agreed a different language anywhere "according to the Applicant the reduced scale, a financially viable option," appeared.
- "The MDP is in keeping of the vision of the Comprehensive Plan" Chairman Fenn didn't feel that was the Planning Board's view.
- Page 368 – Michael Hayes was concerned why the comment was taken out, "whether the project was complying with the Town's wetlands and water course protection provisions". Mike Camann explained since Barb Field wrote that, I can't really comment, however she is very detailed and indicated the applicant was going above what's required. Barb Field will speak with Michael Hayes on this matter. Dr. Klemens will be the person for that call.
- Page 369 – 5.2-8 second sentence- the Board had asked the applicant to tone down the language used.
- Ms. Peek asked what happened to 5.2-29mm. Mr. Hayes said it was resolved.
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For unresolved issues from Michael Hayes memo, he will work with the attorneys on the bonding issue, most of the other issues the applicant has agreed to either revise or provide more information. The last group of open issues is dealing with the visual impact analysis, DeLaVergne Hill and the building height waivers.

Martin Petrovic, Soil and Turf Specialist memo of July 31, 2008:

- 3.1-1PHT Marty agrees the golf course cannot be entirely organic.
- 3.1-.PHT- regarding soil analysis: One issue of sampling done with clear chain of custody. Also the question of the Brookside Labs are they EPA certified? Mike Dignacco said they were certified but didn't know if EPA. He will find out. There will be additional testing prior to disturbance. The applicant would use an EPA lab. Dr. Klemens felt that an EPA lab should be used as it needs to be part of the FEIS process. Ms. Johnson recommended that the applicant retest and send them to an EPA lab. Underwriter's Lab is one that is recommended.
- A number of issues come back to this soil testing.
- 3.2-15-32 D – regarding Natural Resources Management Plan –He agreed that this does not pose a risk to the water quality, however lacks specific site detail. This has been addressed with monitoring prior to disturbance. Mike Dignacco said they agreed.
- 3.2-15-32F – issue of monitoring. Mr. Dignacco stated there will be a protocol prior to disturbance that Marty would work out with Audubon and a risk assessment was not required. Dr. Klemens as Ms. Peek's request gave a brief explanation of what is being talked about.
- The last two comments refer back to the soil testing.

Memo: Karen Schneller-MacDonald is a biologist working with GreenPlan.

- The issue of the size of the buffers. Dr. Klemens stated the storm water plan remains the largest environmental issue that needs to be overcome. This ties in with the buffers. Ms. Johnson stated that the tables in the Habitat Management Plan indicate buffers from 5' to 50'. Mike Camann said they had the drawings at scale. Dr. Klemens felt that would help. How much of the site is buffered at more than 30'? How much is not?
- Mike Dignacco stated by Hole 15 they were going to remove a culvert and reestablishing drainage. Dr. Klemens felt the day lighting of streams running through a golf course not fully buffered, may create a greater environmental impact by exposing the stream to pollution.
- SWPPP – The pesticides and herbicides used on landscape and lawns, not the golf course where is this addressed? Item 4 deals with groundwater on the site and how it is being replenished and what happens if storm water goes off to someplace else. This needed more information to answer the question posed. During site design there will be more specific information about SWPPP. Mike Camann said they would design that SWPPP.
- Pollutant loading – what is going into the storm water system and what is cleaned out before it moves on. Karen would like to see additional information on this. Mr. Camann will check these references and look into it.
- Large wetland AM15 – What is the percentages of impervious cover existing and what will it be after the project is completed? At 7% there's a statement there that it could possibly be lower or potentially lower, that statement was taken out. Dr. Klemens asked what the overall build out on that watershed would be. Mike Dignacco states less than 4 percent or something. In the FEIS there are two tables one showing 7% the other 4%. Mr. Camann explained the 4% is the overall watershed, the 7% into the overall watershed to see the effect that would have on the total. Ms. Johnson was satisfied the question was answered.
- Item 7 – wastewater, where it is going and how it is going to affect the receiving bodies. Mr. Camann said that they are working with DEC on these issues and we have satisfied their concerns. This will be cross referenced. Dr. Klemens felt this material was scattered and if we could be shown where the information is it would be helpful.
- Soils and disturbing the soils

Dr. Klemens memo of August 7, 2008. During the June 30th consultants meeting, I basically went through and said what I had for comments. Barbara Beale from Chazen took notes and Carl Strauss and the Chazen team responded to a large number of those comments.

- The discussion that this should/should not be in the Planning Board voice. I feel it should be because it is the Board's document.
- Page 2 - I suggest that the HNP for site utilize a multistep approach to address habitat quality for wildlife at the site. Strike the second sentence. Mike Camann suggested that Carl knows the document and he could go over it and contact Dr. Klemens directly.
- Page 3 – a new sentence: In certain instances, narrow strips of vegetation, e.g. hedgerows, can provide viable habitat for certain species of wildlife absent any water quality buffering capabilities.
- Page 17 3.2 sixth line: "The present golf course design contributes greatly to this goal", please clarify.
- Use of square boxed not arched culverts.
- Total area of wetland habitat on the site will remain unchanged. This needs to be clarified.
- Page 24 last lines clarify the net decrease of total ecological service to the site. There will be changes in species richness, biomass, and biodiversity. Also the issue of voice. That statement needs to be in the Applicant's opinion.

- Volume I, Page 125-126, comment 3.1-3-34D –suitability of soils and soils map for the vineyard cottages and winery. Geotechnical borings were done confirming the suitability of the site and throughout the site, however preliminary borings found not suitable soils. Did Mike Soyka look over this information and satisfy the Board and were there other parts of the site found that were more or less suitable for development? Mike Camann said they would work through this with Mike Soyka. The testing that has been done the solid from a construction standpoint was uniform.
- Steep slopes 30% or greater – Environmental concerns. First the steep slope to be developed by AM15 outside the 100' buffer. The buffer needs to be more than 100'. The single family residences running parallel to the slope – 14 of them are located in 30% plus slope. Mike Camann counted only 7. This is a large development in very ecologically constrained area. Dr. Klemens felt the applicant might consider pulling some of the residences off the very steep constrained slopes. The steep slopes and the runoff issue is a concern. There may be engineering solutions for that particular area.
- Page 3 of Memo – page 20 4.3 – Spray/no spray zones and potential for overspray. Dr. Klemens will defer to Dr. Petrovic and Ms. Schneller-MacDonald for more details, however felt this proposed spraying is difficult to enforce without clear demarcation.

Webutuck School District/School Aid: Michael Hayes stated that the State was not responding that is why the Hudson Group did the study. Mr. Furst said the applicant was a little surprised the H.G. did this. Ms. Johnson said that the H.G. obtained data from the state; they had the software that runs the formulas and were able to take this information and come up with the analysis. Mr. Camann disagreed. In the past there was a conversation about what kind of data they would use to run these formulas. There was no discussion this time. There were some variables that were not talked about that they used. Mr. Dignacco briefly looked this over and the student population number was higher than the actual population. Ms. Johnson stated that the way the state reports the student number varies from the actual student population. Norm Fontaine intervened in the discussion stating that when there are other meetings with the consultants, there needs to be conversation to the people that were not at those meetings, about what is discussed and what is asked for. Bill Flood asked if there still would be a report from the State. Michael Hayes was not sure if they would get one from them. A 50/50 from the applicant's prospective is worst case scenario. If the Planning Board is comfortable with the 50/50 as a realistic worst case scenario then this issue should be ok. Bill Flood and Norm Fontaine felt that was fine with them. The applicant will review this. If the language is a problem then the language can be worked on. Mr. Camann felt if they leave that analysis in we could just say this is a second – a third analysis and include it that way and draw conclusions from that – the applicant said it this way, the H.G. said it that way. Information the H.G. asked for was put together and taken to Dr. John's by the applicant and asked him to run it through the state aid formula. He has not responded.

Dr. Klemens: Going back to look at figure 3.1-1. Mr. Camann was correct. There are 17 houses where the footprint if on slopes of 30 % or greater. There are some small areas however there are a lot of houses on 30% or greater.

Nina Peek asked if any of the other Board members had any questions. Since there were no other comments at this time she continued.

- Page 31, however several other places as well. There will be a roof garden above the clubhouse parking, but the roof garden at the hotel spa, is it the hotel and spa and club or the hotel and spa that is having a roof garden? Mr. Dignacco stated it is the parking, located behind the spa area.

- The group that helped in the design of the single family homes was not given any architectural credit. Why? Mike Camann stated they were not primary.
- Page 113 - Workforce Housing and the analysis done in the June 9th memo regarding additional wastewater treatment plant capacity in lieu of workforce housing requirement. It stated the cost of this housing would be $325,000. Mr. Dignacco stated that was the figure it would cost the applicant, not what the building would cost. Ms. Peek called both Dutchess and Westchester County affordable housing to find their methodology. They determine what the value of affordable housing is if you have the option of providing something in lieu of that housing. To determine what it would cost to develop that housing elsewhere. Mr. Dignacco stated that is what they did. Ms. Peek felt they took the difference in the cost versus the revenue. She didn't think the analysis here is a reasonable analysis for how much it is actually going to cost the applicant to build. Possibly more information or additional discussion on this point later.
- Page 114: Take out the word "decorative" in referring to the grapes. Mr. Dignacco the word to be used was landscaping will include grapes. Ms. Peek added where decorative was used, take it out.
- 2.1.16-41EEE – this reference goes to M1129(a) and that doesn't respond to the commenter's issue. Please check that.
- Page 115 – Same is true for 2.21PHT and also 2.2PHT on the same page.
- As a general comment it would be useful if a map that references the buildings by their numerology. Mike Dignacco stated it would be too tiny to see in an 11 x 17, however they would try.
- Page 128 – the middle paragraph take out "not fight it". The next sentence add in the applicant's opinion if you leave that sentence in. Mr. Dignacco stated they would take that line out because they expanded the analysis of how the architect designed the Master Plan.
- Page 132 – 3.1-10-33W – is there a difference between Master Plan design phase and the site plan review? Mr. Furst stated that some of the details of the Master Development Plan will be ironed out later during the site plan review process. Ms. Peek asked about adding a sentence that says as part of the site plan review.
- Page 131 response 3.1.9-33B – middle of the paragraph regarding proposed grading, please clarifies. Mike Dignacco stated they would.
- Page 132 response 3.1.10-33W – please clarify. Also request that you take out the last sentence of that paragraph. Mr. Dignacco felt in certain instances that it does.
- 3.1-11-33X is not responsive to the comment. Please look at that.
- Page 146 – 3.2-17-33K the reference to 3.2-11-20B does not respond to the comment regarding flooding.
- Page 147 -Reshaping of Hole 4, Dr. Klemens addressed that. Audubon was pleased that we were refurbishing that area.
- Page 149 MDP Design process. Page 153 Response 3.2-23-GP3/GP38 and 3.2.24-GP38A second paragraph dealing with the review of the final scoping document really isn't relevant to the answer and would request it be deleted.
- Page 160 3.2-32GP-44 Storm water runoff – the words "every effort will be made" could you use a more definitive language or methodology? Dr. Klemens suggested "the design principles will be to direct all storm water. Mr. Camann thought it was better. Last sentence of the same paragraph – if the relocation of the roadway doesn't minimize the problem, then what does? Mr. Camann stated it says resolve not minimize.
- Page 168 – 3.2-52GP/54B first sentence the plan reference is not there.
- Page 174 –GP 66 Water – what are the well yields are. Even though it is in the water report it would be helpful to put it in the response.

- Page 182 – 3.4-3PHT/38J reference to 3.22P doesn't respond to the commenter issue with regard to wetland, wastewater impacts on downstream wetland, and aquatic species. Please check that.
- Page 200 – Response 3.6-0-GP/85B – second sentence remove that sentence, reword or put in the applicant's opinion. Mr. Camann agreed to take it out.
- Page 202 3.6.0-13-GP/88 – language needs to be taken out or it needs to be the applicant's opinion.
- Page 203 at the bottom – that was discussed in Mary Ann Johnson's memo and the response has been prepared for that.
- Page 205 Response3.60-22GP/97 – Just state the hotel is not being built in two phases.
- Page 206 Response 3.6.0-25-41CCC - Add in the applicant's opinion or remove the sentence. Mr. Dignacco stated it was determined that the winery is in the view but it does not block the view.
- Page 216 Response 3.6-44-25G-regarding the heights of the buildings included in the model. This was the old plan. Ms. Johnson wanted to know if it was the visual model. It will be determined which model they are referencing.
- Page 217 – end of first paragraph – it was decided to take that out. Applicant agreed.
- Recreation fees – will be dealt with in the site plan. The applicant will take out all statements to the effect that the Planning Board has concluded there there are sufficient recreation facilities to absorb the project.
- Heights of the retaining walls. They are not represented in the visual or photo simulations. Mr. Dignacco that that was addressed with George Janes. There were grading simulations on viewpoint 7B and 5D. Other than the winery they are not shown. Ms. Johnson will check with the visual consultant for the Board to find out whether it will satisfy his requirements.
- Wastewater treatment plant capacity-Does the analysis for the plant capacity and flow account for the additional 200,000 gallons to be committed to the Town. Mr. Dignacco said it was 160,000 gallons and yes it does include that flow. Dr. Klemens added that includes the calculations of the discharge to AM-15 that you are dealing with the DEC. Mike Dignacco stated that was correct.
- Visual Simulations-A lot of attention is paid going down the hill but what about the view going up the hill. There should be equal protection. That will mostly be seen coming from the south and east. There is only one chance to change it forever. Mr. Furst added that the submission of today might cover some of those aspects and answer some of the questions raised here.
- How does the Board feel about a Public Hearing after the FEIS is adopted to show the public where the applicant presents the substantial changes? Mr. Hayes was not sure if the Board can just decide to conduct a public hearing. There will be a public hearing on the MDP/subdivision and then again on site plan. By that time the FEIS will be complete and the Findings Statement adopted. Norm Fontaine didn't want one. Mr. Furst felt the applicant would not be comfortable with one. Nina Peek felt it was a good idea. Mike Dignacco stated that the MDP April 3rd submission will be posted on the web site tomorrow.

Elizabeth Whaley felt the Board should let the public view the FEIS and then hold a public hearing before the final FEIS because there is a major difference from the DEIS to the FEIS. Mr. Hayes stated the FEIS would be available within a few days after being determined complete. I can research whether there is any reason you couldn't do it or have the authority to do it. Dr. Klemens asked who will do the work for the written comments. Michael Hayes felt the Planning Board would be responsible, however it would be informal not like the DEIS - a meeting between the consultants and the Board. Norm Fontaine was not comfortable with

holding a public hearing and not doing anything with the comments other than listening to them. Mr. Hayes stated it would be more of a way for involved agencies and the public to try to influence or inform your decision making process, but your decision will be based on the FEIS. Bill Flood felt comfortable with extending the written comment period. Mr. Hayes felt if the public does not get their comment in within the 10 day period, it may not be seen by the Board. An audience member asked if a comment from the public would be taken into consideration. Mr. Hayes said that any comments that are received and found persuasive or inform the decision making process would have that impact. Tony Robustelli is against another Public Hearing. Mr. Hayes informed the Board and public that the public has a minimum opportunity of 10 days to comment, however this can be extended. As the Board receives those comments, they absorb them and then go through the process of developing a Findings Statement. This statement must be completed in 30 days. The FEIS will be on line once it is deemed complete.

- Dr. Klemens had one additional comment: Page 175 Response 3.2-67GP/69 – there is another metric for impervious surfaces, 6% metric introduced. We need to be consistent throughout this document.

Ms. Levin spoke to the Board regarding the public hearing. She felt a public hearing would be better to hear the public comments rather than reading the written comments. She also suggested a supplementary EIS before going to the FEIS. She felt there had been many changes and the public had not been able to access the MDP to see them all. Michael Hayes replied that there have been any changes to the project that introduced any new potentially significant adverse environmental impacts that haven't been already reviewed. He went on to explain what an SEIS was. Chairman Fenn asked if the appendices would be on line. Mr. Furst said yes. Mike Dignacco asked now that we have all the information will we produce another FEIS with all the revisions and give it to the Board. What is the next step? Nina Peek asked if the Board could have time to review the information they got tonight. Michael Hayes stated they should go ahead and make the changes they agreed to and suggested start putting together the next redline copy to finalize some of those issues. Two issues left are the bonds, which should be able to be resolved between the lawyers. And the second is where the Board draws the distinction between a conclusion that belongs in the FEIS and a findings determination that belongs in the Findings Statement. The materials received tonight some of the points rely upon the DEC visual policy statement. Mr. Hayes then went on to read some fuller quotes that didn't appear in their entirety but were relevant to the points that are made.

Elizabeth Whaley asked if the comments when they were irrelevant stricken and taken out of context. Chairman Fenn stated the comment was noted. Ms. Whaley asked when there are repeated comments are the new comments footnoted if they consolidated the relevant comments into one comment, does it show that eight different people made a comment toward it? Mike Dignacco said yes, the people who made the comments are listed. Nina Peek added there was a table in the front of the DEIS that refers you to where, by whom, and what page that comment would be responded to. When the FEIS deemed complete and is accepted the public can get copies of those comments and responses. Also all those things letters, comments, public hearing transcripts are included in the appendix.

MOTION TO APPROVE THE MINUTES OF JUNE 26, 2008 AND JULY 10, 2008 was made by Tony Robustelli, seconded by Norm Fontaine

VOTE TAKEN - ALL IN FAVOR

MOTION TO CLOSE THE MEETING was made by Norm Fontaine, seconded by Bill Flood

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 August 7, 2008 and are not to be construed as the final official minutes until so approved.
____X_____Approved as read
_____Approved with: deletions, corrections, and additions