



## TOWN OF AMENIA

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### PLANNING BOARD MEETING THURSDAY, DECEMBER 4, 2008

PRESENT: Chairman George Fenn  
Tony Robustelli  
James Walsh  
Bill Flood  
Norm Fontaine  
Nina Peek  
Michael Hayes, Attorney

ABSENT: Gina Mignola

CONSULTANTS: Dr. Michael Klemens  
Mary Ann Johnson

MOTION TO OPEN THE REGULAR MEETING AT 7:03 PM was made by James Walsh, seconded by Norm Fontaine

MaryAnn Johnson spoke to the Board regarding the Draft Findings Statement. The document handed out was compiled by all the consultants to pull together the existing conditions sections, the mitigation being offered and any additional considerations for the Planning Board to take a look at as part of the Findings Statement. Still needed is to describe the alternatives and some additional proof inducements. Dr. Klemens spoke on

- SOILS – page 10 – Under existing conditions, this was pulled from the DEIS. On the description it was edited and arranged for clarity taking it from different documents that have been submitted.
- Page 12 – Talks about the impacts of project. The disturbance, what will happen on the golf course, the grading, all the infrastructure, etc.
- Page 13 – There is a chart speaking about the different soil types and the disturbance associated with it. Blasting is not expected, however if blasting is done they will adhere to New York State ordinances. Then the mitigation is given.
- Page 14 – Discusses additional mitigation for the Board to consider.

Michael Hayes added that the applicant came with a concept plan where they showed way to incorporate some of the recommendations that the consultants have identified through the findings process. These must be presented as conditions of the Findings Statement.

- The applicant has agreed to test soil on the golf course prior to construction and Marty Petrovich has laid out the soil testing protocol. The applicant has agreed to relocation of Block L homes. The rest of the additional mitigation measures have not been agreed to.

- WATER RESOURCES – page 28 – Additional mitigation for the Planning Board to consideration. Most of these have already been discussed with the applicant. The consultants do not want the day lighting of Stream V.
- Erosion: basically the Miller driveway, down slope to stream R/S, Stream V from the Vineyard Cottages, and Stream V as it enters Cascade Brook. Block L along the western edge to the southern end of the site. They have all been discussed conceptually with the applicant. Ask for the 150' buffer where ever possible.
- Groundwater quality and recharge – this is standard.
- Changes in water supply to streams/wetlands: the rain gardens reduce use of impervious surfaces. The final SWPPP will be during the Site Plan review and will be evaluated to ensure decreased flows will not occur.
- Wetlands: Wetland S on the Miller property will be restored by the applicant. Vernal pool – to establish and maintain a naturally vegetated area of 750' surrounding the pool, with disturbance in no more than 25% of the zone 100-750' from the vernal pool.
- VEGETATION – Applicant has agreed to follow East of Hudson.
- Use of native plantings – letter was discussed. Native plantings should be used throughout the site. Mr. Torres stated that after talking with the gentleman who wrote the letter he also stated that using completely native plants would require the use of more pesticides. These native plants are prone to diseases. A list of trees would be in the site plan. There is a concern with the introduction of non-native species. Michael Hayes added that in the Zoning Code it states in the SPO you have 100' green buffer, and native trees are in the 100' buffer. There is some discretion to other screening outside the 100' buffer. On page 45, Mr. Janes also identified that as an option you may want to consider to use native trees and vegetation in screening. There are other areas of concern; where development abuts natural forest and where there within 150' of a stream. Dr. Klemens advised you find a landscaper that works with native plants. Mr. Torres added that in the Habitat Management Plan encompasses everything except the grey area. The grey area includes the village green and the things that are developed. Dr. Klemens and Mike Camaan will discuss and review the native plantings.
- Steep Slopes – first part already discussed and applicant agreed.
- Wetlands and the monitoring report – already agreed
- Was discussed between Marty Petrovich and Audubon International people.
- If NRMP is modified the Town should retain the right to approve any changes from the applicant.
- Applicant committed to obtain and maintain Audubon International Signature Program.
- WILDLIFE page 37 – the applicant agreed
- Dr. Klemens added “would like it to be preserved in some natural state” for this bullet.
- 150'buffer for the Vineyard Cottage area.
- The next two bullets have been agreed to by the applicant.
- The last the applicant will probably not object to – waste and garbage cans on the golf course.
- VISUAL RESOURCES bottom of page 44 –Mr. Janes will provide the methodology. At the top of page 44 under Plan Modifications is the first option Mr. Janes wanted to be considered. Under Site Plan Review Mr. Janes felt the applicant “will submit detailed site plans for each phase of development. The site plan must be reviewed to ensure that the basis for these findings is not exceeded and to ensure that consistency with the commitments made in the FEIS are being maintained. If material deviations are made to the following elements of the plan, a supplemental EIS may be required.” He then listed these changes.
- Page 45 – Further Screening Requirements – these will be worked through.

- TRANSPORTATION – page 48 – two items under additional mitigation.
- Shuttle Service between site and hamlet of Amenia and train station
- Alternative energy vehicles will be available for on site use and local exploration.
- LAND USE AND ZONING – page 50-51 – Stream corridor overlay. The Planning Board has the authority to require standards that exceed DEC or Army Corp of Engineer minimums the SCO and wetlands and water courses sections of zoning provide that authority. In looking at the additional mitigation for those areas, the Planning Board has that authority to go for the heightened standard. On development of 30% slopes Michael Hayes will work on the language. The last paragraph on steep slopes leads to an additional mitigation measure the Board may want to consider. This relates to grading and excavating, Section 121-34 of the zoning code requiring “the applicant to furnish an irrevocable letter of credit, certified check or other form of security to guarantee reclamation of areas to be excavated or graded if a project is abandoned”.
- Open Space Buffers page 52 – clarify the open space buffer. In this section impose a condition stating that the FEIS is depicted as the cabana closer than 100’ to the property line and require moving the cabana and having no structures within that 100’ buffer.
- Page 53 – top of page TND requirement of the RDO. The Vineyard cottages are not consistent with the TND. It is not connected or walk able to the resort core area and has its own recreational amenities. Is the consensus of the Board is that the Vineyard cottages are consistent with TND or not consistent TND. The applicant has made it clear that for the entire project to work the Vineyard cottages must be a part of it.
- Last paragraph – the Zoning law states that streets shall not be gated in a TND - all streets and the Vineyard cottages are to be gated. The Board can determine to eliminate the gates. Mr. Torres felt these gates/welcome house was necessary. This is mainly for security. MaryAnn Johnson spoke regarding the security issue; there is a commitment to have a private security firm on site on a daily basis. There are studies that show it is no safer for a community to have a gate up then without a gate. Gating is known as exclusiveness and segregation. Michael Hayes will speak with Joel Russell regarding this issue and report back to the Board.
- Page 56 – Police, Fire and Emergency Medical Services – these additional measures came from Mike Soyka.
- RECREATION OPEN SPACE –The Planning Board is reserving the right to determine if a Recreation Fee will be imposed during site plan.
- WASTEWATER - Page 66 – Mike Soyka felt all tanks within 500’ of other structures be placed inside the treatment plant as proposed in the DEIS
- No portion of the cost of constructing the WWTP be passed through to resident of a Town wastewater district, as part of the rates or fees that the Transportation Corporation charges those residents.
- SOLID WASTE – Page 67 – Implement a solid waste management plan that addresses the accessibility of waste and refuse on a site from subsidized species.
- NOISE – Contractors shall comply with the Town of Amenia Zoning Code as well as constructions activities on Sundays.
- COMMUNITY CHARACTER – Gate issue.

If there are any comments or anything you feel needs to be added, please email to MaryAnn Johnson.

MOTION TO APPROVE THE MINUTES OF OCTOBER 2, 2008; OCTOBER 30, 2008 AND NOVEMBER 20, 2008 was made by Bill Flood, seconded by James Walsh

VOTE TAKEN – ALL IN FAVOR

MOTION TO ADJOURN THE MEETING was made by Bill Flood, seconded by Tony Robustelli

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 December 4, 2008 and are not to be construed as the final official minutes until so approved.

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