



# Town Of Amenia

36B MECHANIC STREET, PO BOX 126, AMENIA, NY 12501  
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## Planning Board Meeting January 7, 2010

### Members Present:

Chairman William Flood  
Anthony Robustelli  
Joseph Fontaine  
Peter Clair  
James Walsh  
Nina Peek  
George Fenn

Attorney Michael Hayes, Esq.

Chairman called meeting to open at 7:05PM

Motion to Re-Open the Public Hearing on Palen/VonMerkatz Subdivision  
Made by G. Fenn; Seconded by J. Walsh; All in favor

**Palen/ Von-Merkatz Subdivision 326 Leedsville Road, Amenia**  
Represented by John Walsh, Zarecki's Office

Attorney Hayes went over the DEC letter dated December 4, 2009 (attached in file) signed by Joseph R. Murray. This letter states that the DEC has no objection to the Amenia Planning Board assuming lead agency status for the review of this application.

Attorney Hayes reviewed Dr. Michael Klemens' letter dated December 2, 2009 (attached in file), which concludes environmental constraints are present at the far back portions of the parcel, but the location of the proposed project has no potential wetland constraints. Attorney Hayes noted that he is comfortable with the findings presented in Dr. Klemens letter and noted that the Board could proceed with their review of the subdivision application.

Attorney Hayes also reviewed with the Board, the comment memorandum submitted by Michael Soyka, P.E. dated November 5, 2009 (in file), which offers the following for the Board to consider.

1. Restriction on further subdivision beyond the total of four (4) lots created through the Small Scale Development Process shall be noted on the approved subdivision plat.
2. Sections of both the existing and the proposed driveways exceeds the maximum slope permitted (12%) as called for in §105-22.L (4).

3. There is no indication that the driveways slope from the road at a grade of not greater than 2% for a minimum distance of 20 feet measured from the edge of pavement.
4. Show the location of the soil stockpile for parcel B.
5. Agricultural Data Statement is required if there is an active farm within an Agricultural District, or is this property is within 500 feet of an Agricultural District.

To date, revised plans including these revisions had not been submitted to the Planning Board, though John Walsh, P.E. acknowledged all of these considerations and informs the board that he will submit revised maps. The Agricultural Data Statement has been signed this evening by the applicant and will be circulated.

The applicant will circulate the Agricultural Data Statement and submit revised plans to the Planning Board and M. Soyka for their review. Because these items had not been resolved by the applicant, the public hearing was kept open.

*Motion to keep the public hearing open until February 4, 2010*

Motion made by P. Clair; seconded by J. Walsh; All in favor

#### REGULAR MEETING

**Smithfield Farm      Lot-line/Subdivision      Flint Hill Rd/County Rt. 83, Amenia**

Presented by Kirk Horton.

Revised map presented; application complete; escrow received.

Public hearing set for February 4, 2010.

#### **Other Matters**

2010 Policy & Procedures (attached in file)

2010 Meeting schedule (attached in file)

**Amenia Hills      Subdivision,      Depot Hill Road, Amenia**

NYS Department of Health letter dated January 7, 2010 addressed to Adam Peterson, NYS DEC, Division of Permits read aloud by chairman. (attached in file)

M. Hayes, Esq. briefly reviewed the 19 single family residential project. This proposed project was to have been included in the Amenia Water district.

As the project moved forward the Amenia Water District found that they do not meet standard of DEC and DOH capacity for the existing residences in the Water District (with the largest producing well out of service), much less excess capacity to accommodate the Amenia Hills Subdivision.

The Applicant has since initiated well drilling on a parcel they own directly across the street from the proposed subdivision in order to provide their own, on-site water supply, which would presumably be privately managed through the formation of a Transportation Corporation.

The DOH recently forwarded a letter to the Applicant recommending that the Applicant reconsider being part of the Amenia Water District.

The Planning Board granted preliminary approval for the project; however the project never received final approvals. As such, the Planning Board will continue to review the project and the now needs to further discuss the facts of the proposed project and should the project resurface they will need to discuss if the project is compliant to current regulations and standards. This is a project that has been dormant for some time, escrow is past due, and although the board is in receipt of the mentioned communications, the applicant has not approached the board. Attorney Hayes will take no further actions with this project until advised to do so by the board.

Chairman reminds the board that 4 hours of annual training is required for board members each year.

Chairman updates board that for all new building permits, storm water and erosion control plans will be required to be submitted with the permit applications. This is not required by law at this time, but our southern counties and towns have already incorporated these standards and we will begin to follow suit.

### **Approval of Minutes**

*Motion to approve December 3, 2009 minutes*  
Motion made by J. Fontaine and Seconded by P. Clair  
All in favor

Motion to adjourn  
Motion made by J. Walsh seconded by J. Fontaine  
All in favor

Respectfully submitted,

Dawn Marie Klingner  
Acting Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from the meeting held on January 4, 2010

\_\_\_\_\_ Approved as read

\_\_\_\_\_ Approved with deletions, corrections, additions