



# Town Of Amenia

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## **PLANNING BOARD MEETING THURSDAY, FEBRUARY 3, 2011**

**PRESENT:** Chairman Bill Flood  
Peter Clair  
Norm Fontaine  
Larry Moore  
Nina Peek  
Michael Hayes, Attorney

**ABSENT:** Tony Robustelli  
Jim Walsh

**MOTION TO OPEN THE PLANNING BOARD MEETING** was made by Norm Fontaine, seconded by Nina Peek.

ALL IN FAVOR - MOTION CARRIED.

**Lippincott/Cawley      Limited Development      Tower Hill Road**  
**2-Lot Subdivision      Town of Amenia**

Michael Hayes began meeting with brief overview of application before the planning board. Approval of application would require a waiver from the planning board because approximately 1,500 feet of the driveway exceeds a grade of 12%. Except for an approximately 60 foot section of driveway, the grade exceeds 12% for the first 1,360 feet +/- of driveway, with a maximum grade of 20.3%. Of the 1,500 feet that exceed 12%, the average grade was approximately 15%. The planning board has the option to provide an outright waiver, waiver with conditions, or denial. Michael Hayes summarized technical and other information received from Mike Soyka, the applicant, the applicant's engineer Dan Wheeler, and Stan Whitehead, and stated his belief that the board has received sufficient technical facts and information to make a decision. Moving forward, there are several potential options for the Planning Board, including:

1. Grant the Waiver;
2. Deny the Waiver for everything;
3. Grant the Waiver for only the 200 feet at the top of the hill;
4. Grant the Waiver for all 1,500 feet but require pavement for all 1,500 feet;
5. Grant the Waiver for all 1,500 but only require pavement of lower 1,300 feet;
6. Consider substitutes for paving such as oil and stone; and
7. Require that the applicant install guard rails or more rocks or other safety precautions that can catch a vehicle when it starts to slide off the driveway.

Michael Hayes stated that this was not an exhaustive list of alternatives. Michael Hayes reiterated that legally the driveway would be as of right if constructed only for a single house. However, with the proposed subdivision application, the driveway would be a "common driveway" serving more than one home. The town highway department issued a permit for the driveway, when it was serving only one residence. The fire department has written two letters approving of driveway grade and the neighbor Mr. Feldman authorized a willingness to be bound by the common driveway agreement in exchange for access to his parcel. There are additional concerns identified by Mike Soyka in his December memorandum to the board, including that a Notice of Intent will need to be filed with the DEC. Michael Hayes reminded the board that site plan approval is also required because the driveway exceeds the minimum disturbance threshold for projects in the SPO.

Dan Wheeler addressed issues identified by Mike Soyka. The first two items have been resolved. Dan Wheeler believes the third item, regarding the NOI and SPDES number, would not be required by the DEC unless the planning board requires paving. If the board requires paving the applicant is prepared to submit the NOI. Michael Hayes reiterated to the board that they can decide to approve a waiver with conditions or deny.

Nina Peek asked Mr. Lippincott, the applicant, about the current conditions of the driveway given the snowy and icy weather. Mr. Lippincott explained he mixes sand and salt and has had no problem. Nina Peek raised safety as the main issue. Dan Wheeler added that storm water measures are in place and erosion issues could be handled easier if the road remained gravel. Large stones as a safety measure are not recommended by the DOT. Mr. Lippincott added that two wheel drive vehicles have been able to reach the top without an issue during this winter season. Peter Clair is concerned about not paving but is aware of cost considerations. Mr. Lippincott stated that said paving would not remedy the situation. The remedy is diligent upkeep of the road. Nina Peek questioned the ongoing maintenance of the swales. Mr. Lippincott replied that a channel for runoff needs to be provided and that the culverts need to be kept clear. Bill Flood questioned if there was a way to guarantee proper future maintenance of the driveway and the drainage features. Michael Hayes stated that given the unique nature of the application the board should not worry about precedent being set in all future driveway applications. Michael Hayes stated if the board intends to vote in favor of providing a waiver for the driveway, the resolution would provide a detailed record of the uniqueness of the project in the resolution. Bill Flood requested that turn offs and turn off markers be provided along the driveway for the fire department and some type of maintenance agreement be prepared for future owners of the driveway. Michael Hayes said that he could provide language in the common driveway agreement to guide future maintenance of the driveway. Norm Fontaine said that he would like the zoning code to be revised to state a maximum slope for single occupant driveways to avoid the steep slopes issue altogether. Bill Flood is concerned with potential of future precedent, but is ok if Michael Hayes believes that project characteristics are unique. Michael Hayes will add language to common driveway agreement regarding future maintenance.

Michael Hayes will prepare resolution for following meeting.

<b>Mondrian Land Products</b>	<b>Timber Harvesting</b>	<b>Cascade Mt Road</b>
	<b>Site Plan</b>	<b>Amenia, NY</b>

Bill Flood explained that the Applicant could not attend the Planning Board meeting, but the Board received a letter from Doug Ramey that the proposed timber harvesting plan was acceptable. The applicant completed an EAF short form, which required a Board vote for the SEQRA review. Michael Hayes said that the Board could move forward with Negative Declaration and Site Plan approval. Bill explained current timber removal activities.

**MOTION TO ADOPT NEGATIVE DECLARATION AND SITE PLAN APPROVAL** was made by Norm Fontaine, seconded by Nina Peek.

*Other Matters:*

**Winnakee Land Trust**

Bill Flood received call from the Winnakee Land Trust regarding a potential conservation easement on the Petrides property Bill explained past actions by Board and referred Winnakee to the Dutchess Land Conservancy as Mr. Petrides had previously indicated that the DLC held an easement on his property. The Board was not sure of the status of a conservation easement on the Petrides property.

**Silo Ridge**

Bill Flood discussed meeting with Silo Ridge regarding the MOU between the Town, Silo Ridge and the Dutchess County Wastewater Authority. Michael Hayes was also in attendance at that meeting. Silo Ridge has agreed to move forward with MOU and Michael Hayes is currently waiting for the most recent redlined version of MOU. Issues at this point are believed to be minor. Bill Flood gave a brief overview of Greg Ball's "job summit" event at Silo Ridge. Silo Ridge has approach the state requesting economic development funding. Information was released that Silo Ridge had picked a hotel operator for the site, but specifics were not released.

**Syms Settlement Conference**

Michael Hayes stated that he will have a settlement conference regarding the Syms property. A judge will attempt to mediate the two sides. Michael does not anticipate resolution from the mediation session.

**Wassaic Lantern Inn - Anthony Zunino**

Anthony Zunino has submitted a Land Use Application to the PB and will appear for pre-application meeting at the February 24 workshop regarding site plan application in the hamlet of Wassaic historic overlay.

MOTION TO APPROVE THE MINUTES OF January 6, 2011 was made by Nina Peek, seconded by Norm Fontaine.

ALL IN FAVOR - MOTION CARRIED

MOTION TO ADJOURN was Norm Fontaine, Nina Peek.

MEETING ADJOURNED

Respectfully submitted,

Sunny McCool  
Planning Board Secretary