



Town Of Amenia

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PLANNING BOARD WORKSHOP THURSDAY, MAY 26, 2011

PRESENT: Chairman William Flood
Tony Robustelli
Nina Peek
Larry Moore
James Walsh
Norm Fontaine
Michael Hayes, Attorney

ABSENT: Peter Clair

MOTION TO OPEN THE PLANNING BOARD WORKSHOP MEETING was made by Tony Robustelli, seconded by James Walsh

Deda Gazivoda Affordable Housing 770 Old Route 22, Amenia

The applicant was a no show.

Ridgecrest Farms Town Board Referral: Sinpatch Road
Zoning Amendment/ Town of Amenia
Planning Board Report

Michael Hayes brought the Board up to date on the project. At the last Town Board meeting, the revised application was formally submitted and a Public Hearing was scheduled for the June 16th meeting. They will only conduct the Public Hearing and will not do anything in respect to the zoning issue that night. They want to get all the public comments and then have the opportunity to digest it and then pass it by their consultants. There has been a change in the application. The application originally sought to include all 143.91 acres of the property in the soil mining overlay. The revised application is limited to a request that a 70 acre portion of the larger parcel to the soil mining overlay. The DEC requires a separate permit and a Special Use Permit is required by the Town before mining can be approved for the property. DEC will not entertain an application for a mining permit unless one can show the zoning is in place. Dr. Klemens was

hired by the applicant to do the biodiversity studies with the Town's permission. The applicant's consultant did the visual impact analysis. George Janes had the opportunity to review and comment on it. Mike Soyka and Mary Ann Johnson have reviewed the project on behalf of the Town Board and have given their comments. The Town Board has sent a referral to the Planning Board for a report before the Public Hearing on June 16th.

Chairman Flood stated that he and Tony Robustelli could not vote on this project. Mr. Robsutelli sold the property to Mr. Holback and Chairman Flood is a principal in the brokerage, therefore there must be a quorum in order to make a recommendation from the Board.

Mr. Hayes asked what the Board's feelings were about the project and which manner they wish to report to the Town Board. The Planning Board has access to the consultant's comments on this project.

Nina Peek asked if the zoning is adopted they still need to go through site plan approval or some type of environmental review on the action. Mr. Hayes stated yes, DEC has a policy statewide of taking lead agency at that point. There are 4 parcels in the town that are in the SMO. Three of those four abut this property; the fourth is in common ownership and connects to the abutting parcel. The Board will meet on Sunday, 5/29 for a site visit.

Scenic Protection Overlay Map Discussion – Joint Meeting with the Town Board

George Janes has generated a computer program with new maps. He will be scheduled for the next meeting so he can go over the digitized raster images.

MOTION TO CHANGE THE JUNE WORKSHOP MEETING TO JUNE 23, 2011 was made by James Walsh, seconded by Nina Peek

ALL IN FAVOR - MOTION CARRIED

Hudson River HealthCare Update Amenia, NY

Today Hudson River Health Care was issued a temporary CO. After an inspection of the plants by Dr. Klemens, it was found that the developer paid for 5 gallon pots and 2.5 gallon pots were planted so the developer made them take the plants out and replace with 5 gallon plant pots. The blacktop of the parking lot was done and one complaint was received about the street lights. The lights will be shut off at 10 p.m. and possibly filters put on the lights if complaint is not resolved.

Amenia Hills/Syms**Discussion/Update****Depot Hill Road**

Michael Hayes stated the Article 78 was settled and the settlement was that the applicant pay the escrow arrears and fund the escrow account with an additional \$3500.00 balance going forward. Mr. Hayes then went over where the application was left off. The applicant has submitted a revised application that proposes two wells to serve the Amenia Hills subdivision. That was the primary revision in the application for final subdivision approval that was submitted last year. Dr. Klemens was asked to look at the study of the impact of the proposed wells to determine whether or not an SEIS might be necessary and to determine whether or not that change was substantial enough to go back and reopen the preliminary subdivision approval or minor enough to move forward to final. The other concern was the Bog Turtle. This was studied back when the project was reviewed by the Planning Board originally and got its SEQRA findings and preliminary subdivision approval; however, since then there have been changes in the US Fish and Wildlife Service regulations. The Board must make sure that whatever review took place then is accurate and up to speed with the current state of regulatory affairs. Dr. Klemens report spoke to both these issues. After Dr. Klemens report the applicant's engineers gave their response and they disagreed with some of Dr. Klemens conclusions. The Board now needs to make an educated decision regarding whether or not to move forward with the final approval review process without reopening SEQRA and/or without revoking preliminary subdivision approval or whether there is significant changes in the plan and regulations and go back to study them. There are 4 members on the Board today that were not on the Board at the time SEQRA was completed or preliminary subdivision approval was granted. Mr. Hayes will try to get materials post subdivision approval/post SEQRA findings statement to the Board. The applicant's lawyer is trying to get the DEIS and FEIS from their previous engineers. The applicant was a week late with the escrow; however Mr. Hayes recommended the Board move forward with the review.

Mr. Sirigano spoke to the Board regarding discussions between the Syms, their consultants and the Town Board. The booster pump, the water tower and then a cash contribution was discussed. The preliminary subdivision approval from the Planning Board was June 2006, 5 years ago. There were two options at that time: gaining entry into the water district or create their own district. Two wells were drilled on the west side of Depot Hill. All tests were done and passed. Dr. Klemens, based on the new water source, gave a report. The Syms are prepared to respond to any reasonable request for relevant additional information from the Board. Mr. Sirigano asked to be put on the agenda for the June meeting with the Sym's engineers and Dr. Klemens to have a discussion as to Dr. Klemens concerns after getting Sym's engineers response. The Sym's engineers are currently responding to the DEC letter of 04/27/2011. This is the 3rd letter of incomplete application from the DEC prior to Dr. Klemens report.

Mr. Hayes stated since the preliminary approval is 5 years old and the findings statement is 6

years old, the Town code gives you the discretionary authority to revoke once a certain amount of time has passed however it is not automatic. In order to exercise this legal discretion, there must be a change to the plan or some change of circumstances that would justify a decision to revoke preliminary approval or to re-open SEQRA. This is why Dr. Klemens was asked to focus on those two areas not the whole document.

Nina Peek stated that the last letter from Sym's Engineers dated October 21, 2010 did not have the attached documents. So these documents have not been reviewed by the Board. She was also unclear as to how the DEIS was updated in 2009 when the findings statement was adopted four years before that. Mr. Sirigano stated it was updated and he would get the electronic form. Mr. Hayes disagreed that this was updated. There may have been studies but only the Planning Board can update the DEIS. Mr. Hayes stated that the DEIS was not updated by the Planning in 2009, and that one of the questions currently before the Planning Board is whether the DEIS needs to be updated, or whether the information we have is sufficient so there is no need to go back and re-open SEQRA

Chairman Flood felt the next meeting the Board would not be ready to discuss this. Mary Ann Johnson needs to be brought up to date on the project. Amenia Hills will be placed on the agenda for June 23rd and all materials will be to the Board by June 9th. This material will be forwarded to Marco from the water district so he can review it as well.

MOTION TO ADJOURN THE PLANNING BOARD MEETING was made by Norm Fontaine, seconded by James Walsh

ALL IN FAVOR - MOTION CARRIED

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 May 26, 2011 and are not to be construed as the final official minutes until so approved.

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

