



Town Of Amenia

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PLANNING BOARD SPECIAL MEETING THURSDAY, JULY 28, 2011

PRESENT: Chairman Flood
Peter Clair
Nina Peek
Larry Moore
Michael Hayes, Attorney

ABSENT: James Walsh
Norm Fontaine
Tony Robustelli

MOTION TO OPEN THE MEETING was made by Peter Clair, seconded by Larry Moore

ALL IN FAVOR - MOTION CARRIED

Maplebrook School Site Plan Discussion Route 22, Amenia, NY
Dining Hall

Ken Hale representing Maplebrook School spoke to the Board in regards to Michael Soyka's memo of July 27, 2011.

1. This information will be obtained from the engineers.
2. The set of drawings given to the Board does have the Architect's seal.
3. a. This information is on the map. There are 3 areas that border the property. Mr. Hale will have them change 'dense vegetation' to 'heavily timbered'.
b. The containers are on but not labeled. They will be labeled.
c. Will add Telephone, Cable and electrical systems.
d. Mr. Hale will speak with Mike Soyka tomorrow regarding the erosion and sedimentation control plan.
e. Mr. Hale wrote a letter stating 4/5 of the building is already a dormitory, only one out of the 5 wings is used for the dining hall/kitchen. The rest of the structure will remain unchanged. There is no plan for the empty dining hall/kitchen at this time.

4. Will change wording to read 7 days in the Erosion Control Practice.
5. Mr. Hale will make this a little more clear with regards to parking.

The Board will await confirmation from Michael Soyka before the Public Hearing that is set for the August 4th, 2011 meeting.

Hudson River Health Care:

MOTION TO CLOSE THE ESCROW ACCOUNT FOR HUDSON RIVER HEALTH CARE ONCE ALL OUTSTANDING BILLS HAVE BEEN PAID was made by Peter Clair, seconded by Nina Peek

ALL IN FAVOR - MOTION CARRIED

Roxbury

Site Plan Discussion

Route 22, Amenia, NY

The Public Hearing scheduled for August 4, 2011 has been cancelled and to date has not rescheduled. This application is for the proposed stockpiling of bagged mulch and topsoil. This will be brought in, stockpiled in the fall for distribution in the spring. There will be no production on site. Ms. Peek asked if the plans had been sent to Mary Ann Johnson and Mike Soyka for review. Chairman Flood said they had not been sent yet. Ms. Peek's questions were mainly regarding the land use application and the EAF, however if the application is going to be reviewed by Mr. Soyka and Ms. Johnson then she will await their comments.

Michael Hayes stated that before the applicant came before the board, Mr. Hayes had been contacted by Nancy Brusie, Zoning Administrator regarding whether site plan approval was required as Ms. Brusie was under the assumption this was an accessory use for the property. However, at the last meeting, the applicant explained where the materials were coming from, and it sounded like an accessory use for their operation in Columbia County not an accessory use for the property here in Amenia. Mr. Hayes felt this does not qualify as an accessory use under the Town Code. There are a number of potential use categories that might apply to this project. Each use category has its own approval path. Mr. Hayes recommended that the Planning Board refer this use question to Ms. Brusie so that she can take another look at the Code to see where this falls. Mr. Hayes stated there was a good chance that if this use is allowed under the Town Code, the applicant may need both Site Plan and Special Use Permit. For some use categories, the Planning Board would review the application. For other uses, the Town Board would review the application.

A meeting will be scheduled for next Tuesday with Ms. Brusie, the applicant and Chairman Flood with Michael Hayes available by phone to determine what category this falls under.

Escrow will be given at that time.

Ms. Peek asked what was on the site now. Mr. Weigelt (the applicant) stated they were allowed to bring in finished compost to mix with soil. Ms. Peek stated importing compost whether it is finished or not finished from the other site is still not permitted on this site. DEC has allowed Mr. Weigelt to do this on site. Ms. Peek again stated it is not a DEC regulation it is a Town permitted law. Chairman Flood asked about the liner. The applicant stated there was another person on this site who wanted to do composting and went to DEC and got the needed approvals. They put the liner down also adding a pond. A law of the Town dating back to the 1970's was found that would not allow composting. The other party then abandoned the project. The current applicant just wants to mix topsoil. What will the Town allow?

Chairman Flood felt a road trip to the site might be helpful to the Board. It was set for this Sunday, July 31, 2011 at 11:00 a.m.

**Deda Affordable Housing Discussion 770 Old Route 22
Amenia, NY**

The applicant has retained an attorney. The comments from our consultants have been distributed to the Board for their review: M. Hayes letter of May 23rd; M. Soyka's letter of June 16th and M. Johnson's letter of June 23rd. Landscaping will need to be looked over.

Former Brookside Building:

Chairman Flood had a conversation last week with Nancy Brusie, the Building Department, and the owner of the former Brookside Restaurant on Route 343. The owner was here with an engineering firm and one investor regarding what he can and cannot do with the building. They would need to speak with DEC and then come back to the Planning Board with a plan.

DeLavernne Restaurant Discussion Route 343, Amenia, NY

Michael Hayes stated the last time the restaurant was open was March 2009. Peter Clair asked why the Town was not letting them continue. The Town Code states if a non-conforming use ceases for a period of a year or more at that point it is abandoned and it becomes extinguished. Our code goes one step further and if you have tried to reestablish the use and was unable to do so for reasons beyond their control, the applicant may come before the Planning Board and apply for a Special Use Permit asking permission to restart it. Mr. Hayes was told that the owner of the property has a tenant and is supposed to restart the restaurant, but has never reopened. The landlord may come before the Planning Board with an application saying I made good faith efforts in trying to get this reopened, but the tenant was a force beyond my control and ask for discretion. The further you get from the one year period, the harder it is to make that argument.

There is also discussion of going to the ZBA and asking for a Use Variance, however the Use Variance is very hard to get.

OTHER MATTERS:

MOTION TO FUND THE ESCROW ACCOUNT FOR AMENIA HILLS/SYMS IN THE AMOUNT OF \$522.51 FOR ARREARS PLUS \$2000 TO REPLENISH THE ACCOUNT was made by Peter Clair, seconded by Larry Moore

ALL IN FAVOR - MOTION CARRIED

MOTION TO APPROVE THE MINUTES OF JUNE 23, 2011 was made by Peter Clair, seconded by Nina Peek

ALL IN FAVOR - MOTION CARRIED

SPO:

On the SPO, the Town Board has directed George Janes and Michael Hayes to start working on a draft of a law for the preferred alternative plan that came out of the working group. Mr. Hayes asked if the Planning Board voted to recommend Mr. Janes preferred alternative plan. The Planning Board confirmed that it has not yet made any recommendation. After the law is introduced, it will be referred to the Planning Board for its recommendation.

MOTION TO CLOSE THE MEETING was made by Peter Clair, seconded by Larry Moore

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 July 28, 2011 and are not to be construed as the final official minutes until so approved.

Approved as read

Approved with: deletions, corrections, and additions