TOWN OF AMENIA

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JOINT ZONING BOARD OF APPEALS AND
PLANNING BOARD MEETING
THURSDAY, DECEMBER 8, 2011
6 P.M. – 2ND FLOOR MEETING ROOM

PRESENT:	Chairman Flood	Peter Clair
	David Rosenberg	Larry Moore
	Kevin Cassone	Tony Robustelli
	David Menegat	Nina Peek
	Norm Fontaine	Michael Hayes, Attorney

ABSENT: James Walsh
Leo Blackman
Chairwoman Velletri

NEXTEL/TOWERCO **Cell Tower Renewal** **Route 44, Amenia, N.Y.**

MOTION TO OPEN THE SPECIAL JOINT PLANNING BOARD/ZONING BOARD OF APPEALS MEETING FOR THURSDAY, DECEMBER 8, 2011 was made by Larry Moore, seconded by Peter Clair

ALL IN FAVOR - MOTION CARRIED

MOTION TO OPEN THE SPECIAL JOINT ZONING BOARD OF APPEALS/PLANNING BOARD MEETING FOR THURSDAY, DECEMBER 8, 2011was made by Kevin Cassone, seconded by David Menegat

ALL IN FAVOR - MOTION CARRIED

Michael Hayes went over the resolutions for both the Planning Board and the Zoning Board of Appeals. The most significant difference between the two Resolutions is the ZBA Resolution goes through the five factors that apply to an area variance which were not relevant to the Planning Board's consideration. They all contain the same conditions of approval. Some suggested revisions from the applicant as well as Mike Soyka were received for the draft resolution. Mr. Soyka has recommended a $30,000 reclamation bond due to increased construction costs and also added in the costs associated with the generator that is being required as a condition. That cost would be about $20,000.00. Mr. Soyka then applied the same 1.5 multiplier to that number to calculate the bond amount that was used ten years ago.

The applicant requested their initial application identified TowerCo Entity as Tower 9 Entity, LLC, which was a mistake. It should be TowerCo Assets, LLC.

Other Revisions:

Condition 2: Submitting a landscaping plan - Once the landscaping plan is approved, language should be added stating the time frame the applicant would have to complete whatever landscaping was approved in the supplemental plan. The time period for completion would take into account the time of year and the appropriate planting season for vegetation.

Condition 3: The applicant asked for language clarifying the generator. They need language that would make clear that the generator they require now is sized only to take care of the equipment that is currently on the facility.

The Board then discussed the resolution with Mr. Hayes:

Condition 1 - the Boards were relieving TowerCo of the installation of the permahedge.

Condition 2 - the Boards wanted a supplemental landscape plan to screen the utility pedestals and improve the screening of the neighbor's properties as well as replacing any dead or dying vegetation. The applicant has 90 days from the date of the Resolution to submit the plan to the Boards.

Condition 3 - the generator. The applicant has 90 days from the date of the Resolution to submit whatever the proposal will be for the generator. They have one year from the date of the signed Resolution to actually install and operate the generator.

Condition 4 - The Reclamation Agreement signed ten years ago was not signed by the Town at that time. Tonight (December 8, 2011) at the Town Board Meeting another agreement that has been signed by the property owners will be presented to the Town Board. The Town Board will

approve and authorize the Supervisor to sign. It will then be recorded in the Dutchess County Clerk's office.

Condition 5 - The amount of the reclamation bond, which has been set at $30,000.00.

Condition 6 – If any deadlines are missed the Boards will have the ability to revoke the site plan approval, special use permit approval and/or variances the applicant received. However, the applicant can also have an extension of time if good cause is shown.

Chairman Flood went over the Environmental Assessment Form with the Boards.

MOTION TO GRANT A NEGATIVE DECLARATION FOR TOWERCO ASSETS LLC was made by Peter Clair, seconded by Tony Robustelli

ALL IN FAVOR - MOTION CARRIED

MOTION TO SCHEDULE A SPECIAL JOINT ZONING BOARD OF APPEALS-PLANNING BOARD MEETING FOR THURSDAY, DECEMBER 15, 2011 AT 7:00 P.M. was made by David Menegat, seconded by Kevin Cassone

ALL IN FAVOR - MOTION CARRIED

MOTION TO SCHEDULE A SPECIAL JOINT PLANNING BOARD-ZONING BOARD OF APPEALS MEETING FOR THURSDAY, DECEMBER 15, 2011 AT 7:00 P.M. was made by Peter Clair, seconded by Larry Moore

ALL IN FAVOR - MOTION CARRIED

MOTION TO APPROVE THE SPECIAL JOINT PLANNING BOARD/ZONING BOARD OF APPEALS MINUTES FOR DECEMBER 1, 2011 AS READ was made by Larry Moore, seconded by Peter Clair

ALL IN FAVOR - MOTION CARRIED

MOTION TO CLOSE THE SPECIAL JOINT PLANNING BOARD-ZONING BOARD OF APPEALS MEETING was made by Peter Clair, seconded by Larry Moore

ALL IN FAVOR - MOTION CARRIED

MOTIN TO CLOSE THE SPECIAL JOINT ZONING BOARD OF APPEALS-PLANNING BOARD MEETING was made by Kevin Cassone, seconded by David Menegat

ALL IN FAVOR - MOTION CARRIED

Meeting adjourned.

Respectfully submitted,

Susan M. Metcalfe
Planning Board Secretary
Zoning Board of Appeals Secretary

The foregoing represent unapproved minutes of the Town of Amenia Planning Board from a joint Special Meeting held on December 8, 2011 and are not to be construed as the final official minutes until so approved.

__X____Approved as read 1/26/12

_____Approved with: deletions, corrections, and additions