



TOWN OF AMENIA

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SPECIAL PLANNING BOARD MEETINGS WEDNESDAY, OCTOBER 23, 2013

PRESENT: Nina Peek, Chair
Tony Robustelli
Norm Fontaine
Peter Clair
Nathan Roy

ABSENT: James Walsh
Larry Moore

CONSULTANTS: Dr. Michael Klemens-Environmental
Dave Everett-Legal
Julie Mangarillo-Engineering
Mary Ann Johnson-Planning
George Janes-Visual

MOTION TO OPEN THE SPECIAL MEETING OF OCTOBER 23, 2013 was made by Nathan Roy, seconded by Peter Clair

VOTE TAKEN – MOTION CARRIED

Nathan Roy was introduced to the consultants as a new member of the Board. Tony Robustelli brought up the fact that Larry Moore was not in attendance again and asked what was going to be done with the position on the Board. Ms. Peek stated that if Mr. Moore didn't resign on his own, then the Town Board will need to be involved. Mr. Moore does not return any of the Secretary's or Peter Clair's calls or emails.

Tony Robustelli asked about the procedure and what steps would be taken next with the Planning Board and the Silo Ridge Applicant. He continued sometimes it feels that the Planning Board is left out of the loop. Peter Clair felt that there were many phone calls and emails that go on between the consultants and Nina and sometimes Dave Everett and Nina or the consultants and the rest of the Planning Board is not informed of what is going on. Silo Ridge asked for informal meetings with the consultants to be conducted off-line and not in front of the Planning and the Planning Board agreed to this arrangement. After these meetings, the Applicant would appear in front of the Board with a formal application. After the Applicant received comments from the Planning Board consultant, they changed their approach, and requested that all activity occur in front of the Planning Board. But then things happened like the large bill to the Applicant from

Mr. Janes and the Applicant was upset, however the rest of the Planning Board knew nothing about it. Although the Applicant posted escrow, they did not have an application in front of the Board. They specifically requested that the Planning Board would not oversee these meetings with the consultants, and the Planning Board concurred. As such, the Board was just left out of the loop on everything.

In moving forward Silo has presented a plan to the Board and submitted an application. Dave Everett added that Silo is looking for:

1. The Board to start the SEQRA process. The Planning Board would adopt a resolution indicating the Board's intent to be lead agency then circulate the application.
2. Silo wants feedback from the Board's consultants in connection with the plans that have already been submitted. They are not expecting written comments but want to talk about what the consultant's views are of the application and all the materials that have been submitted thus far.
3. Silo also wants to talk about the process moving forward and how the Planning Board wants to deal with the process.

Mr. Everett went on stating with the consultants here tonight the Board should verify who will do which review and what does the Planning Board want the consultant's to do for the meeting on November 7th. Does the Board want the consultants to review the materials:

- who reviews what,
- what type of review do you want undertaken,
- do you want written or oral comments?

Tony Robustelli noted that in the Planning Board classes, we have been taught to embrace the developer, see what they want to do, talk to them, get them in for meetings, make things streamlined, make them work and then go forward. Do we still want to go forward with Silo? There are things that Mr. Robustelli likes about the project and things he doesn't like and how can this be streamlined without going crazy?

Norm Fontaine felt frustration. He was in hopes of having direct offline input from the Planning Board consultants, Silo would give the feedback the pros and cons from that information and then hear the discussion on both sides and then formulate a decision. We are no farther along than we were back in August. Mr. Fontaine wants to support Silo's efforts to do the golf course and resort development, however it needs to be done right but feels the project is just not moving. Mr. Everett noted that although there was a meeting in August, the Applicant had not yet submitted an application to the Planning Board. Nothing can move forward without a formal application. Silo has now submitted their application, which is what the Board has been waiting for. It took Silo a long time to put together the application package. Now that the application has been filed, the Planning Board can proceed with the process. In August they were looking for conceptual feedback. Now the Planning Board must decide what type of review you want to begin and ask the Planning Board consultant's to do that. Norm Fontaine asked the consultants what they feel would be needed, what studies need to be done and what direction it needs to go in.

Peter Clair asked the consultants what is each of your responsibilities. Since Mr. Clair will be looking at all the bills from now on, he does not want to see any bills with Silo complaining. The Board wants to see the right things are being done at the right time. Norm Fontaine in looking over the invoices couldn't believe the bills. He assumed Mr. Janes was doing all that and Mr. Janes was going to pick up where it was left off with Silo. Mr. Fontaine felt if he was thinking that way he couldn't blame Silo for thinking that way either.

George Janes started off saying in August there were many things going on and he told Mary Ann Johnson he would help out by doing some of the planning work. Ultimately the document that we (Mary Ann and George) produced was a 15 page detailed report. Mr. Janes felt that when you go back and look at these reports it helps to remember that in the long run it saves time by addressing some planning issues, like the gates, the changes of use up front. Mary Ann did all of the SEQRA review. Mary Ann Johnson interjected if Mr. Janes wasn't going to do it then Mary Ann would have done it. Mr. Janes didn't review any additional materials that would not have been reviewed by Ms. Johnson. Mr. Janes continued he and Mary Ann reviewed each other's comments and in Mr. Janes opinion this is a much better review than they could have done separately. Mr. Janes contributed to Ms. Johnson's comments as well. Mr. Janes understood the confusion of who was doing what. It was done in an expedient manner as Silo wanted the review done in August.

Mr. Janes is a planner specializing in visual resources and knows how to read comprehensive plans and zoning and was very familiar with Amenia's policy documents. Ultimately when you assess visual resources you must consider what the vision of the town is. The Applicant issued a letter in response to our comments, stating that they would not pay George Janes' invoice because, in their opinion, Mr. Janes had reviewed material that were outside his area of expertise. Nathan Roy asked if the Planning Board consultant's comment memo were distributed to the Planning Board as he never saw it. Ms. Peek felt everyone got it with a cover memo from Dave Everett – approximately 20 pages of comments. Peter Clair noted it was a 20+ page letter that was received the day before the meeting.

Mr. Janes reached out to Mike Dignacco trying to work this out. Mr. Dignacco told Mr. Janes that although the Applicant provided no clear direction to the Planning Board consultants on the expected level of review, he felt that there was a mismatch of expectations between the Applicant and the Planning Board consultants as to the level of review expected. Mr. Dignacco was displeased that they expected informal comments and received 27 pages of comment of which half was Mr. Janes. Mr. Robustelli noted that in the past, his impression was that the Applicant always paid the Planning Board consultants and have spent quite a bit of money on this project. However Tony Robustelli felt that Silo now is very conservative and watching everything. This may be due to budget constraints or because of the different partners. Mr. Janes continued there were comments in this letter that are serious; the point about the gates is a very serious point. To Silo that is a non-negotiable issue but the Zoning Code states that gates are not allowed and will therefore require a variance from the ZBA. The Planning Board previously considered the gates because the idea was there are gates but they will be open and people will be able to come and enjoy the amenities and recreational opportunities. Again the Zoning Code states "No Gates". Now the fact that the gates are there and they won't be open that is material, it's against the Zoning Code and will require a variance from the ZBA. Tony

Robustelli agreed and noted that this issue would come back to the Planning Board for review. Mr. Robustelli noted further that the MDP is a working document that needs to be upgraded and changed. Because the plans have changed for Silo, Mr. Janes suggested the need for a variance for the gate from the ZBA.

Ms. Peek noted that perhaps the directive from the Applicant on the level of review was too vague – but they were clear that they wanted the preliminary consultant review to occur outside the boundaries of this Board. The Board’s consultants were asked by the Applicant to work directly with Silo’s consultants, giving thoughts on a concept plan. The Board discussed this request at our meeting in August and despite advice to the contrary – the majority of the Planning Board agreed to this arrangement with the Applicant. So based on that direction from the Planning Board, the Board’s consultants reviewed the preliminary materials and provided the Planning Board with issues that should be considered and the things that would be contrary to our law and then gave us options. Ms. Peek felt that given this vague direction from Silo, the Board’s consultants gave the Board a clear road map to some issues that the Board may want to consider when we are making a decision based on a concept plan. These things should be considered, however until the Applicant submits an application, the Board has no authority to opine these things.

Norm Fontaine stated it was his impression after that first meeting with Silo and the consultants, that the Board would take that information from the consultants and move forward with it. Ms. Peek stated that was the intention. Mr. Everett continued he believed that the Applicant requested the initial Planning Board consultant review format because they wanted to know early on what the major issues were going to be. Silo received the comments, went over them and didn’t like the comments. The gate issue jumps right out of the Zoning Code. Norm Fontaine agreed, however was surprised Silo didn’t get with the Board and irons the issues out right then. Two months later we are still discussing.

Ms. Peek interjected that the Applicant has not submitted a formal application and they have not paid their bills. The Planning Board has a strict policy to not place an application on the agenda, if they have outstanding unpaid bills or insufficient escrow. Peter Clair stated his feelings are he was not looking to blame anyone, this is what Silo asked for, this is what they got and now they are upset. Moving forward let’s sort out what everyone’s job is and as the process moves on we do have an obligation to our Applicant. Tony Robustelli stated that even the small lot line – subdivision some of these applicants are on a tight budget. He wondered who is going to police all these things we have asked the applicants to do, for example the Salt issue with Cumberland Farms. This makes for a longer process, more things to check out and feels it sometimes is overkill – use a common sense approach. Peter Clair answered the standard never gets lower, look at the new SEQRA forms, they made it more difficult. Development in New York is very expensive Mr. Janes went on to say and there is a qualitative difference between a lot line change and one or two houses. When it comes to being a consultant with a development of this size, the threat of a lawsuit is very high. The Comprehensive Plan affirms how important these developments are for the town, but includes very specific requirements. RDO development can change the town and it is important for the future of the town and it must be done right. So it is also really important that the process is done right, so if there is a lawsuit it is not going to be stopped. Ms. Peek added that a lawsuit doesn’t help anybody and will hold up the Applicant and

cost the Town money. Dave Everett added there must be a balance between providing enough information to meet the standard under SEQRA and studying every blade of grass on the site. Nathan Roy stated one of the gentlemen from Silo felt that Silo Ridge was being taken advantage of because it is such a big project. For almost \$10,000 Mr. Roy would have expected more than just a write up.

Dr. Klemens noted that Silo has been the master of their own destiny. Last time around they wasted a lot of money rushing things; quickly rushing, that didn't work then they wasted so much money and time and they are doing it again now. Last time around, the Planning Board and the consultants accommodated them. Dr. Klemens was not in favor of conducting this review outside of the Planning Board, yet, the Planning Board directed otherwise, and the consultants provided Silo with their best thoughts early and comprehensively. Dr. Klemens has never seen an outfit waste so much money by creating unnecessary process and problems. He continued it is a self-created problem for Silo and the best thing to do is to get Silo into a formal planning process. The Board needs to tell them they want a submission for the entire project site, not bits and pieces, and they must be held to the required deadlines. Dr. Klemens was in hopes that when Silo came back this time, they would have a more orderly process, so things would go smoother. They are annoyed because they did not like what they heard from the Board's consultants so let's try to get the process back on track, use the SEQRA process, have Silo meet the deadlines, and have the Board's consultants meet the deadlines. No more rushing around! When you rush something gets left out, something was incomplete or something had to be redone. Tony Robustelli and Norm Fontaine agreed.

Mary Ann Johnson felt the reason the process stopped was because Silo came in after the Board's consultant comments and asked on a week's notice to come to the Planning Board meeting. Silo had concerns; they had issues and were unhappy, however, did not provide any response in writing to the Planning Board or its consultants. They demanded to be placed on the agenda - on a week's notice. Escrow checks were late last time but we did get paid. Ms. Johnson agreed with Dr. Klemens it was crazy last time and Ms. Johnson doesn't want to work in that environment again. It needs to be reined in. We just can't clear our schedules just because Silo says they want a meeting in a week's notice. Tony Robustelli felt the Board was out of the loop with that. Norm Fontaine felt that after the consultant's comments were received the Planning Board, the Board's consultants and Silo would be getting together and go over the comments. Ms. Johnson said Silo went out of the process and asked for a meeting. Ms. Peek added without any formal application, without posting any escrow or without meeting any deadlines.

Ms. Mangarillo began stating it was her understanding that the consultants would meet with the Applicant, prepare one round of informal comments. The consultants went to the August meeting, did the site walk and then would offer comments. Then Silo would take the comments, and incorporate changed into their formal application. Not to continue going back and forth informally. Ms. Mangarillo noted that the Planning Board consultants gave Silo their feedback. Ms. Mangarillo continued that from her professional experience on both sides of the table (trying to get things developed and doing Planning Board reviews), having such a heavy front ended review in the beginning is a huge benefit to the Applicant. Ms. Mangarillo believes the Applicant decided to take the southern parcel in part because of the Planning Board consultant

review memos. The earlier this information becomes available to the Applicant; they can then incorporate it into what they want to do, so hopefully the overall process will be shorter. Ms. Peek added she felt Silo did revise their plan based on the comments they received. Ms. Mangarillo continued instead of taking 4 months to review a lot of material, their review compressed this schedule by identifying the big issues, the big concerns that may slow things down and bring them out in the beginning? Even though the escrow bills look large in the beginning it will save Silo money in the long run.

Norm Fontaine asked where we go from here, we need a clear process. Going forward the Boards consultants will continue in the parameters of the assessments, analysis, etc. before. They consultants stated yes. Dave Everett asked the Board's consultants to go over their primary responsibilities:

- Mary Ann Johnson -looking at the general planning issues including the 100 page SEQRA findings document and see how this new plan complies or doesn't with the findings. Look at the zoning issues that have arisen.
- George Janes - primary responsibility is for visual resources and assessing Silo's methods and their conclusions when they do the visual resources analysis. In order to do that Mr. Janes will need to know what is in the Comprehensive Plan and the Zoning to support that.
- Julie Mangarillo – will do engineering but will be overlapping with most of the consultants. Water – wastewater – storm water – transportation – environmental protection and anything else that may come up. There will be room for overlapping.
- Dr. Klemens - If the 188 acres is removed, there will be less. There will still be the Habitat Management Plan, all the things to do to restore the habitat, to restore the plantings, and the vegetation. Mr. Dignacco handed Dr. Klemens a list of plants, and asked "is this OK", which is not the proper process. Dr. Klemens added also the review of invasive plant management, the bio diversity, the protection, the stream restoration and the previously submitted very vague Habitat Management Plan will need to be reviewed. He continued that the development on the 188 acre parcel is much dispersed and if they go back to the original footprint, the development would be more consistent with TND, as required by the RDO. So therefore it will be pretty much the environmental stuff with some overlap.

Mary Ann Johnson stated there is going to have to be coordination with all this. Tony Robustelli asked if the consultants could email him directly to his personal email. Ms. Peek suggested that Mr. Robustelli work his problem of personal email out with Gretchen Hitselberger as the IT policy director for the Town. Mary Ann Johnson asked if Mr. Robustelli wanted the emails between the consultants or the emails when we have a final product. Right now the emails are funneled through the Planning Board Secretary. Norm Fontaine added there were many emails that went between Silo, the consultants, Dave and Nina that the Planning Board was not a part of and then Norm finds out after the fact of what is going on. When consultation is going on, discussion about what do we do next that should involve the Planning Board. Ms. Peek went on stating that the consultants will be preparing memos, funneling that to the Planning Board Secretary and then she will distribute it to the Planning Board members. Peter Clair added that Mr. Robustelli was speaking about general conversations between the consultants, Silo and Nina and Dave. Ms. Peek asked if Mr. Fontaine wanted to review all emails regarding all applications

or just Silo? Peter Clair felt it should be all applications. Ms. Peek added that she gets 16+ emails regarding the Planning Board on a daily basis. Norm Fontaine noted that when the consultants went up to Silo for the site visit, no one on the Planning Board knew about it until after it was over. When the consultants had the 1 ½ hour consultation with Dave and Nina no one knew about it or the results. Mary Ann Johnson stated when George Fenn was Chair; she always had a call with Mr. Fenn about the upcoming meeting or about a project. He was a point person to coordinate with. Dave Everett felt it was OK if the Planning Board wants to get all these emails; however what you cannot do is emailing between the Board and coming to a conclusion as that would violate the Open Meetings Law. If you have all the Planning Board members convening via email that could constitute a quorum. Dr. Klemens added there are too many emails going around this town. In Salisbury everything is done through the Planning Board office. Mr. Everett added internal emails are not subject to FOIL because they are intra agency communication, so the Board can deliberate and have these conversations in private however, no decisions can be made via email. Moving forward Ms. Peek felt that:

- Peter Clair is now going to take care of escrow matters. The Board preferred not to be involved in this.
- George Janes continued after the consultant conference call, the consultants submitted our comments to Mr. Everett and each other to review and then we got together to talk about the content of those comments. Does the Board want to review drafts before they go out and be involved in those types of conversations? Norm Fontaine felt if an email is going out about a draft issue then the Board should know about it.
- The consultants will send their memos to the Planning Board Secretary then Susan will forward it to the Board.

Tony Robustelli asked when does the Board get an application? The process is after the Planning Board Secretary receives the application, it is then sent out to the Board and the necessary consultants for their review, if the escrow has been posted. The applicant must submit an application 3 weeks before a meeting to be put on an agenda. Tony felt that the Board should receive the materials at least one week before the meeting. Only final review memos should come to the Planning Board Secretary for circulation, no drafts. The consultants need to submit their review comments to the Planning Board Secretary at least one week before the meeting so they can be circulated to the Planning Board for their review.

Ms. Peek continued there is a substantial historic resources component. They started work on September 9th then got halted pending design review and review of cultural resources. Documentary research indicates that the site may represent the remnant of the DeLavergne Farmstead. It is not determined yet if the site is eligible for the National or State Register of Historic Places. At present, the Planning Board does not have anyone that can review this component of the project. Silo stated that Louis Burgur had reviewed the site for cultural resources in 2006 and conducted a Phase I in 2006 and a preliminary Phase II site evaluation, however they never did test pits. They have artifacts dating back from 1770 and 1840. The area of significance is located at the northeast corner of the project site adjacent to and down slope from Route 44. Norm Fontaine thought it to be near the silo area. Ms. Johnson felt she could come up with some names for a historical review of the site. Norm Fontaine went on saying the Phase II work was halted because it was determined that the site location would not be impacted by proposed actions. The layout has changed. Ms. Peek read from the Applicant's documents,

“At present, the design of the project is being modified. Based on the design revisions developed to date, the reported location of Site-82 will be impacted by proposed actions which include tee boxes. For this reason, the completion of the phase II investigations has been undertaken. The archaeological investigations are being conducted under a Work Plan that was reviewed and accepted by Mr. Brian Yates, ORPHP Compliance Reviewer. The plan was developed in accordance with the state guidelines for this phase of work. “Dave Everett stated Silo will need to submit those documents to the Planning Board as part of SEQRA. The Planning Board will need to look at that issue so we should see what additional information Silo submits than the Board can decide at that point if you need anyone to review it.

John Fenton is dealing with Silo and the 5 holes on the golf course and is meeting with them to discuss it Thursday. The big issue with the 5 holes and this has been discussed with Peter Wise is that they are doing this excavation work potentially in the SPO. Dave Everett described that under the Code that type of excavation work requires site plan approval from the Planning Board, but this can be waived. Mr. Fenton is speaking with Mike Dignacco regarding whether the proposed work would be in the SPO, and if so, does Silo need to come to the Planning Board for a site plan waiver. Silo is reconfiguring the golf course at those 5 holes. They approached Mr. Fenton with a letter of intention and asked if they needed any approval with what they were doing. They basically are asking Mr. Fenton to render a determination so they can move forward without getting any permits or approvals from the Town. They are asking to take down a building, and the code requires a demo permit for any building over 200 square feet. Ms. Metcalfe felt they were seeking a demo permit for a shed. Norm Fontaine felt that with the new partnership there is pressure to make things happen because of the money involved in this process. Ms. Mangarillo felt that until they have a final layout, it seems silly to be moving dirt around in case the developers say they want to go with something else instead. Ms. Peek noted that they started the archeological investigation, but then halted it because they might just end up moving the tee box. Dr. Klemens added they are doing little pieces before they have the whole picture sorted out. Dave Everett added, they are taking a risk that the Planning Board process will be completed by the spring. Tony Robustelli asked if the plan had changed that much? Mary Ann Johnson added the plan the Board looked at in August, they had shifted some things around. Mr. Robustelli asked was this a visual impact? Ms. Peek said they are moving lots of earth. Mr. Fontaine asked are they cutting holes that have not been changed. Dr. Klemens stated they were going to move the holes away from the Amenia Brook. Ms. Peek asked if they want to subdivide off a little piece of property from the 188 acres, do they need to get rezoned to put that in the RDO. Mr. Everett looked at that today and feels it is in the OC district, recreational business is an allowed use.

Ms. Peek asked the Board what they would like the Planning Board Consultants to prepare for the next meeting. Dave Everett stated Silo wants to hear from the Board and its consultants at the next meeting with initial comments on the application and the revised MDP. We are still waiting for the revised new EAF. Ms. Peek reiterated again what does the Board want to see happen on November 7th? Ms. Johnson asked if there was escrow so the consultants can move forward. Ms. Peek said it had been taken care of; however there was an initial conversation requesting that the Board provide estimates to Silo before we authorize our consultants to do any work. Nathan Roy volunteered to coordinate that process. Ms. Peek feels it is a terrible idea and the Planning Board agreed that that was not practical. Nathan Roy felt that since Ms. Peek

has expertise in the field he felt it would be the best that Ms. Peek directs the consultants as to who needs to do what. That streamlines the process.

Ms. Peek again asked the Board what they want to happen at the next meeting - from Silo as well as our consultants. Mr. Everett felt that a preliminary review from the consultants and their initial comments was needed. Norm Fontaine asked what is a reasonable time frame to expect a review of this magnitude to occur.

1. Dr. Klemens asked if the Board wanted written comments and he would not know the level of efforts or time commitment until he had looked over the submission.
2. Ms. Mangarillo stated it will depend on what level of detail they have in their submission.
3. Dave Everett went on saying the Board has rendered over 150 pages of decision in your SEQRA Findings and Special Use Permit.
4. Ms. Johnson stated it will be a coordinated effort. Tony Robustelli felt that Silo's plan was a lot less, less plan and less impacts. Ms. Johnson stated most of the plan is still relevant.
5. Even though it looks like less, Mr. Everett continued, it still has to be evaluated and go through the plan. Initial work would involve reviewing the adopted Findings Statement and comparing it to what the project is; this is no longer relevant because, this is still relevant, we are still going to comply with this mitigation measure, these additional mitigation measures are going to be required because we changed the plan. Mr. Everett recommended that Silo do the initial comparison and then the Planning Board consultants would review and comment. Ms. Johnson added maybe they are not ready at this point.

Ms. Peek summarized Silo will provide to the Planning Board (1) Full Application, EAF, etc. (2) review of what they have already prepared to analyze the impacts of the proposed project, (3) a list of the studies they have already done, and including a fiscal impact analysis to analyze the difference in the tax revenue that is expected from this project, what is the difference in storm water calculations, what are the water and sewer demands. These are the things the Board will need to look at.

Norm Fontaine asked if there are two parts: one being numerical type and then the agreed upon mitigations like the gate issues and the public access. They may be more of a stumbling block and do we need to get into those issues in a different way. Ms. Mangarillo stated like waste water treatment, whatever Silo decides either a package plan or large septic systems, they have consultants on board and the numbers will be able to fit. Ms. Mangarillo will then go over those same numbers and either agree or disagree. George Janes added there are three planning issues that are big:

- The gates – which they got a conditional waiver for during the first SEQRA review, however, they will no longer meet those conditions
- The waste water treatment plant vs. affordable housing
- Downsizing the commercial component making it a residential community.

Those three big issues are very different than the previous ones and are not consistent with the goals in the Comprehensive Plan. The Comprehensive Plan was written thinking about Silo

Ridge as it was. Norm Fontaine asked if the Board should tackle those on our own before we meet with Silo. Dave Everett said no, the consultants should raise those issues and provide their side for the Board to consider and ask for responses from Silo. Ms. Peek noted that the technical review by the Board and their overall determination should be a balance between the impact of the project, the mitigations that are proposed and those 3 big planning issues that may or may not be deal breakers. This needs to be balanced between the overall benefit of the project. George Janes added you can make the applicant aware that certain things are acceptable or not acceptable. Tony Robustelli thought that Silo was doing sewer but instead might do affordable housing. Peter Clair added maybe give money. Norm Fontaine said that Silo's proposal was going to cost too much money for the town to hook up.

Dr. Klemens could not understand the map for environmental matters. Dave Everett said no one should be reviewing these materials any further, because in their letter to the Planning Board Silo decided not to include the additional 188 acres.

Ms. Peek stated that the applicant has confirmed that the new package is the proposed project that should be reviewed by the Board (with the exception of the EAF which needs to be on the new EAF form) with the subdivision application and site plan application. Ms. Mangarillo asked if the subdivision application is because they are going to cut off pieces from the 188 acres and add it to the larger piece. Dave Everett stated they will do a lot line adjustment to include those pieces, then they are going to subdivide the golf course into one lot, then they are going to do individual single family homes so there will be lots for all those and at some point they will have to do a condominium. Dr. Klemens asked if there were going to be individual owned lots. Mr. Everett said some of them. Ms. Peek added there is still the requirement for the master development or homeowners association which was a condition of findings. There needs to be some management entity in place to take care of the overall site.

Peter Clair asked the consultants to look at the submission give preliminary initial comments, verbal not written for the November 7th meeting. George Janes asked if needed to come to that meeting? Dave Everett added Silo has asked for Mr. Janes to attend and felt he needed to be there as these will be an initial comment that involves the project. Ms. Peek stated Mr. Janes had not been paid and asked for Board comments on that matter. Mr. Robustelli asked if Mr. Janes had spoken directly with Silo and Mr. Janes told the Board he reached out to Mike Dignacco. Mr. Janes called and spoke with Mr. Dignacco providing a very detailed description of what Mr. Janes had done (time sheets, hours and description) and asked what kind of relief Silo was looking for and never have gotten an answer from Mr. Dignacco. This was done a couple of weeks ago around the 15th. Mr. Janes noted that he called him first, and then sent him a detailed description by mail. Dave Everett advised that Mr. Janes and Silo should be able to work this out between themselves and suggested that he call Mike Dignacco again.

Mr. Everett asked Ms. Peek if she wanted him to put together the Resolution for SEQRA. Ms. Peek added the Board does not have the EAF yet. The Board can adopt a resolution subject to Silo submitting the EAF. Ms. Peek was not comfortable with adopting a resolution if the Board has not received or reviewed any actual SEQRA document. Norm Fontaine asked why not? Ms. Peek continued because there is a procedure and the Board needs to follow the procedure and if you do not have the SEQRA document then we wait until it is produced. Silo has had 4

weeks to produce this and it should not take that long. Ms. Peek added the resolution can be done and when Silo has submitted the required documents then Lead Agency circulation can be initiated.

Tony Robustelli asked if anything needs to be done about the golf course and the SPO. Mr. Everett noted that Mike Dignacco and John Fenton are working that out. They will be meeting to talk about this soon.

Ms. Peek told the Board the Zoning Code changes that were discussed back in July will be on the Town Board agenda tomorrow night. Could someone from the Board attend that meeting? Peter Clair volunteered.

Dave Everett spoke to the Board regarding the SEQRA process for Silo Ridge. At some point the consultants are going to need to review the proposal to determine whether or not the changes create any potential significant adverse environmental impact that was not evaluated in the prior DEIS. If they come to the conclusion that there are some of those impacts then the Board needs to have a conversation with Silo to see how they can mitigate it to reduce the significance. If this cannot be worked through you may be looking at an SEIS. If they do not find any significant adverse impacts that are new then you may be able to do "amended findings". The consultants must look at the technical issues first. At the next meeting you can probably ask the consultants to undertake that review. Then have a conversation with Silo about that process. This is the way the SEQRA process will be resolved. Norm Fontaine asked what is a realistic time frame for that type of review. Ms. Johnson felt it depended on what information has been provided for the consultants. It may be longer as she felt Silo does not have all the details the consultants need to be able to tell you that. Ms. Johnson continued once the consultants have the materials possibly a couple of months to go through it all, it is 100 pages of findings in addition to 40 pages of the SUP. Tony Robustelli asked could the Board direct the consultants to meet directly with the applicants consultants to review issues. Dave Everett felt the Board needed to stick to the process and all reviews should be provided in writing to the Planning Board secretary who will circulate to the Applicant and the Board. Dr. Klemens asked if someone would let Silo know that the consultants are coming with verbal comments so there is no other expectation. Mr. Everett will inform Peter Wise.

Peter Clair thanked all the consultants for clearing their schedules and coming to the meeting tonight.

MOTION TO CLOSE THE PLANNING BOARD MEETING was made by Peter Clair, seconded by Nathan Roy

Respectfully submitted,

Susan M. Metcalfe
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a special meeting held on October 23, 2013 and are not to be construed as the final official minutes until so approve.

Approved as read 01-16-2014

Approved with: deletions, corrections and additions

