



TOWN OF AMENIA

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PLANNING BOARD MEETING THURSDAY, NOVEMBER 7, 2013

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

ABSENT: Larry Moore

CONSULTANTS: George Janes
Julie Mangarillo

MOTION TO OPEN THE PLANNING BOARD MEETING FOR THURSDAY, NOVEMBER 7TH was made by Peter Clair, seconded by James Walsh

VOTE TAKEN - MOTION CARRIED

Public Hearing Continued

Cumberland Farms

Property Upgrade

**3339 Route 343
Amenia, NY**

Richard Olson, attorney for Cumberland Farms addressed the Board stating that it was their opinion that all the requirements the Board needed have been satisfied and Dutchess County has completed its recommendations. The Board received the Dutchess County comment letter. Dutchess County Planning recommended three things:

- An additional street tree
- Narrowing of the curb cut
- One way in and one way out

Ms. Peek asked the Board if anyone had comments on the recommendations. Tony Robustelli felt that another tree was too dangerous. Peter Clair stated there has never been a one way in or out and there never was any problems, so didn't feel that was necessary. Nathan Roy in looking over the new plans felt the bollards have not changed. Mr. Roy brought some suggestions for Cumberland Farms to think about in response to comments at the public hearing requesting changes to the bollards. Mr. Roy also suggested reducing the height of the bollards from 48" to 36" and possibly putting a decorative cover over which would make them look a lot better. Regarding the bollards, The Engineer for Cumberland Farms agreed to consult with Cumberland

Marty Wilms and Dan Wheeler of D. F. Wheeler represented the Applicant and provided some responses to comments from Ms. Mangarillo's review letter. Mr. Wheeler stated he is attending on behalf of his client – in an informational capacity and will follow this meeting up with a formal submittal. Mr. Wheeler noted that they have made changes to the plan and the EAF, though there are some issues we take exception to. Mr. Wheeler showed the Board a 1994 aerial photograph of the proposed project site with the cars in the parking lot and a recent google aerial. The point Mr. Wheeler is making is the parking lot. The applicant has decided to pave the parking lot. Mr. Wheeler has spoken with Dutchess County Department of Public Works about the need for a curb cut entrance off CR 81 and noted they will be submitting that application soon; however they don't anticipate any problems. The parameters for the entryway are included in the drawings. Jim Walsh asked if they were planning on two modes of egress. Mr. Wheeler stated only one entrance and exit. Mr. Wheeler continued they went to parcel access for easement description and determine it is 10' left and right of the water main. The applicant will not disagree with a Type 1 action due to the number of apartments. The landscaping plan has yet to be submitted, however it is suggested that the parking lot landscaping include one 3 caliper tree per 8 spaces. There are proposed 14 parking spaces so we have put in two trees. Those will be put in. Mr. Wilms spoke of screening along the boundary. He continued that there is already a stockade fence. Ms. Mangarillo answered if there is existing screening; just show it on the drawing that it is existing. Mr. Wheeler went to the EAF. The only comment on this is the EAF shows 0 multiple family at the initial phase and 6 at completion of all phases. It should be 6 at the initial and 6 at the final. This will be done. Mr. Wheeler continued they will go back tomorrow and based on the answers here tonight revise the submission.

Ms. Mangarillo clarified that it was Mr. Wheeler who provided the preliminary information to the Planning Board about an existing gravel parking area. Ms. Mangarillo requested that Mr. Wheeler visit the site and if he could stake out where the gravel drive and parking lot is, she would be extremely impressed. Mr. Wheeler accepted. Nathan Roy asked if there was an issue with the proposed new driveway crossing over the leach fields. Mr. Wilms answered they are 20' wide, so it is OK for traffic. Ms. Mangarillo asked if they were proposing to pave the parking lot now. Mr. Wheeler said yes, they are planning to pave with asphalt. Mr. Wilms added they were proposing to the client the first 26' would be asphalt and if not it could be oil and stone. Ms. Mangarillo felt oil and stone would not be preferred. Mr. Wheeler stated Dutchess County would allow oil and stone entrance and this is off a Dutchess County roadway. Ms. Mangarillo stated if Dutchess County is OK with this, then she is OK as well. Ms. Peek asked Mr. Wheeler to send any copies of correspondence between the Applicant and DPW to the Planning Board. Mr. Wheeler said all correspondence would be in the package. Mr. Wilms added they have shifted some lighting and to remove any spillover from the neighbor's driveway. Jim Walsh asked if the lighting they are proposing is a continuous light. Mr. Wilms stated it would be on a sensor mounted on the house, the lights in the parking lot would be on a timer.

Silo Ridge Site Plan, Special Use Permit/Subdivision

**4651 Route 22
Amenia, NY**

Peter Wise attorney for the applicant told the Board that they were here mainly to hear initial comments from the Board's consultants on our submission they made last month. Ms. Peek

spoke to the Board and its consultants stating that the consultants were asked to give conceptual preliminary unwritten comments on the materials submitted. Mary Ann Johnson stated she went over the application, the amended Special Use Permit, subdivision and the Phase I Site Plan. Dr. Klemens and Ms. Johnson both looked at the EAF, on which Dr. Klemens will comment on the EAF and then we will talk about the Master Development Plan in relation to the EAF.

Dr. Klemens continued he didn't see the full application; however the proper sequence is that the Board review the proposed plan, the EAF reflects the preliminary environmental review of the Plan, which is then developed more fully in the MDP. Mary Ann and Dr. Klemens have gone over the EAF. Dr. Klemens marked up a hard copy of the EAF and will provide this to the Applicant, provided they return his original. Dr. Klemens noted the following general questions:

- on page 3 of the EAF C-3 Zoning. It is Dr. Klemens understanding that there is not going to be any rezoning so basically what they are asking to do with 11 acres is allowed in the OC district. Are these 11 acres going to be subdivided or rezoned?
- Page 3 of the EAF, D. b. proposed action is 681 acres - 670 acres that are controlled by the applicant leaving 11 acres unaccounted. How are we to deal with those 11 acres – in looking through, Dr. Klemens noted that he could not find those 11 acres within the information. Dr. Klemens found a road, extension of golf course and golf shed but does not know how this fits together.
- On page 6, iv, the wastewater discharge is noted to go to an irrigation pond and questioned whether the grey water treatment is still the same.

Some of Dr. Klemens question revolve around the 11 acres, which are not reflected on the MDP and are not shown on any maps. Because there is an inconsistency, it is difficult to review the EAF for content, when the essential facts of the project are not consistent.

Peter Wise addressed the Board regarding the 11 acres noting they are applying for preliminary subdivision approval with the consent of the owner of the adjacent property. They propose to subdivide approximately 11.3 acres from the adjoining property owned by Harlem Valley Landfill Corp. (A company affiliated with the owner of the Silo Ridge parcel) The proposed 11.3 acres will be incorporated into the full project site to be used for portions of golf holes 13 and 14. Dr. Klemens was not sure where this was. Amanda DeCesare from VHB showed Dr. Klemens a map of the existing property, indicating the locations of maintenance for the golf, the road that would be shared and the portion of golf holes 13 and 14. The 11.3 acres is not owned by a company affiliated with the owner of the proposed project site. Mike Dignacco added this is a lot line adjustment as opposed to a subdivision, just shifting the lot line to incorporate the 11 acres into the 670 acres.

Ms. Johnson asked whether the total project will then be 681 acres. Ms. DeCesare confirmed, yes, 681 acres. Dr. Klemens asked if the 11 acres constitutes the small intrusion of the golf course, the road and maintenance. Ms. Peek asked whether this is a lot line adjustment as stated by Mr. Dignacco or a subdivision as indicated by Peter Wise. Mike Dignacco responded that the road and the maintenance will be by easement and only the golf course will be incorporated in the project site by lot line adjustment. Ms. Johnson asked is the golf course the 11 acres. Mr. Dignacco stated yes. Ms. DeCesare told the Board the amount of the property not owned by the applicant is 11 acres. The applicant will come back with what will be subdivided, what will be

the lot line adjustment versus what will be the easement. Ms. Johnson asked again, whether the total project site would be 681 acres? Mr. Dignacco responded that the Applicant would return with revised documents indicating the total Acreage.

Dr. Klemens asked what about impacts to the grassland. Pedro Torres told him there would be no impact to the grassland area. Ms. DeCesare stated they are utilizing the existing access that goes up and adjacent to the landfill. Dr. Klemens asked if there was anything happening in the grassland, whether it will still remain owned by the H. V. Landfill Corp. Ms. DeCesare stated yes, the ownership would remain the same and no development is proposed. Dr. Klemens continued the applicant is just moving the small piece of the adjacent property to be included in the golf course, a road and a maintenance area. James Walsh asked would the lot line change be incorporated into the plan. Ms. DeCesare said yes. Dr. Klemens felt that where the applicant is expanding the golf course area is an upland area and is not the grassland area.

Dr. Klemens continued:

- Page 9 of 13 the applicant stated the current acreage of 21 agricultural that does not jive with page 12 of 13-E3B. Need clarification. Mike Dignacco stated they used Google Earth and calculated from that. Ms. Johnson added the DEIS has a calculation of farmland. Just need consistency and clarification.
- Page 10 of 13, item E – Do the wetlands or golf course ponds have dams? Are they considered dams for EAF purposes or not. Please clarify.
- Page 12 of 13 under O, does it contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened? Under P you have stated Hills pondweed is on site. This should be revisited to include additional previously identified species and there is no documentation supporting the assertion that there are no species on Site B. This needs to be provided.
- Page 12 of 13 also under P listed as rare or a species of special concern: the previously completed Chazen report identified other species including: wood turtles, spotted turtles, and he believed there are marbled salamanders in the vernal pool. This needs to be confirmed and amended.
- Page 13 or 13.h. Dr. Klemens was surprised by the “No answer”. Isn’t DeLavernge Hill overlook in the center of the project? He believed that should be yes. Ms. Peek felt the Rail Trail should also be listed as it is a local resource.

Dr. Klemens continued the application should track with the EAF and the EAF should track with the Master Development Plan. At present, the information presented in the documents is not consistent.

Ms. Johnson asked if the intent was to include the 11 acres as part of the Master Development Plan. Mr. Torres stated yes. Ms. Johnson noted on page 9 of the MDP, the site does not include the approximately 11.3 acres to be subdivided. The rest of the text goes on to state, that the project site is 670 acres but is confusing as the maps are showing the 11 acres but then says they will not talk about them. This needs to be cleaned up. For the steep slopes in one place it speaks of 20 acres with 30% or greater slopes then later states 34 acres. Norm Fontaine felt the Planning Board consultants need to point them out to the Applicant. Ms. Johnson felt she probably didn’t catch them all as they were directed by the Planning Board to conduct a

preliminary conceptual overview. Ms. Peek noted that the Applicant should review all of their own materials to ensure consistency.

Ms. Johnson continued the next issue is the Findings Statement and suggested that the applicant go through the Findings Statement and tell the Planning Board and its consultants what components of the project remain unchanged, what is different, what is the impact greater or less and speak about the mitigation. Peter Wise stated they would try to get a preliminary supplementary analysis within two weeks. Ms. Johnson requested that a similar review be conducted for the Special Use Permit, and then the consultants will review the document. Dr. Klemens wanted the applicant to make sure that the commitments made as part of the SEQRA process, were honored and carried forward into the new plan. Dr. Klemens asked the applicant if they were still moving the golf course away from the Amenia Brook. Mr. Dignacco said yes. Then Dr. Klemens continued that the narrative in the Chazen documents should be revised for the new plan. Ms. DeCesare stated the applicant didn't want to take the Chazen document and change it as it is not our document. Peter Wise and Ms. Peek stated that the previously completed documents are owned by Silo Ridge, and therefore can be revised as part of this project. Dr. Klemens noted that there was an agreed upon Habitat Management Plan. The Applicant is going to stay within the nature of it and will revise the document to accommodate the new proposed plan. Dr. Klemens felt it would be useful if the Applicant provided a redline version of the original word document and mark where it is changing.

On the workforce housing proposal Ms. Johnson asked are there 24 units in total being proposed? Phase I will include 16 units and Phase II will include 8. Pedro Torres replied yes in Phase I, but they need to understand where the Town is going with the wastewater treatment plant. Right now the applicant is proposing workforce housing. The applicant is meeting with the Wastewater Committee as well as Dutchess County Wastewater Authority to understand what direction the Town would like to take. Ms. Johnson wanted to know if the town accepts workforce housing is there a program in place. Ms. Peek stated the town has a Housing Board. Ms. Peek asked the applicant if they were going to submit an application for the workforce housing concurrent with the golf course development. Pedro Torres said that is the way Silo is moving but they need direction from the town. He continued the applicant is meeting with Dutchess County within the next couple of weeks. The main problem even if the town goes with the plan they currently have there will not be enough funds to finish. The applicant is trying to work to see if they can help cover the gap. Chairman Peek asked if there was anyone from the Town Board to speak regarding where the Town is with the waste water treatment plant. Mrs. Perotti stated they were not in the process. There is a piece of land that is possible to put the waste water treatment plant on that Silo Ridge owns. There is a proposed system chosen from Clark Engineering. The Town could secure a 3 million dollar interest free loan however the proposed cost of the waste water system is \$4.4 million so we need to look at the options for funding. The Town needs to find outside sources for funding. Norm Fontaine felt the Town is not going to be able to go fast enough to keep up with the application process to be able to make a determination of going with a waste water treatment plant or not. Ms. Peek noted that if the Applicant wishes to pursue an application for workforce housing on a different piece of property, they will need to process that concurrently with this application. The Code requires the workforce housing to be located on the primary project site – not an alternate site. Mr. Torres said an application would be submitted for Phase I only - 16 units. Ms. Johnson said that was

OK. Mrs. Perotti said that is why we have a Workplace Housing Board. Norm Fontaine added the Waste Water Treatment Board does not know how much money they have to spend. Mrs. Perotti added that the EFC loan they applied for was \$4.4 million and they received \$3 million based on those numbers the benefit units came down to \$1440. The Town cannot finance the other \$1.4 million. Mr. Torres asked can they do the engineering of the plan they are proposing to ensure that the cost they estimated as the actual cost. Then perhaps the applicant can help pay and it will really tell if it is \$4.4 million or whatever the number might be.

Nathan Roy asked what it would cost to put that infrastructure in Silo Ridge if it were just private. Mr. Torres stated it was more expensive. There are private roads and there are additional costs to be involved with Dutchess County Waste Water. What the Waste Water Committee has done is good. This is still far away for the town and the question Norm brought up is valid, this is why the decision was made to move forward with workforce housing. We would like to see waste water however we are prepared to do either. Mr. Roy felt that the waste water treatment plant would be better for the town as well. Mr. Torres also stated they are doing the engineering right now for the project so they can price it as well. Mr. Walsh stated because of the limited resources the town has the applicant is prepared to move ahead with workforce housing as part of Phase I plan. Mrs. Perotti added it is not so much of the limited resources but rather that the stipulations of the interest free loans the town will need grants, etc.

Mr. Wise stated that from the point of view from the applicant they are going with workforce housing as that is more certain. We have a project we want to get approved and start constructing. That does not mean that we are closing the other discussions regarding waste water with the Town. Mr. Walsh then asked if the Town does find the capital to go ahead with the waste water facility will that be a variable. Mr. Torres said that is what we are working on.

Marty Grossman from the Waste Water Treatment Committee stated at the last committee meeting, EFC had indicated they would provide a \$3 million dollars interest free loan and that the Town would need another \$1.4 million. That is the amount of money required. There is no uncertainty. The system the Town proposes is not in any way connected to Silo Ridge's system. The property across the street from Town Hall (currently owned by Stoneleaf) would be used for the leaching fields. Mr. Torres stated if Silo can find a way to work it they will donate that property.

Ms. Johnson asked about an inconsistency regarding a road connecting at the south end of the property, which does not appear in the MDP. Ms. DeCesare stated in order to get this portion of Phase I in we needed to put a temporary gravel road. Plans will be revised for consistency.

Mr. Wise stated that he felt all the materials should be consistent however there has been much work that has been done quickly so there will be these inconsistencies and minor errors. We do recognize that the process should lead to absolute consistency and it will be when finished. Dr. Klemens asked if their commitment to the Conservation Easement was still there. Mr. Torres stated they were still way over the required open space conservation easement.

Ms. Peek asked what the Board should expect regarding the supplementary technical reports to be submitted in two weeks. What should we be expecting? Ms. DeCesare stated it would be the

parking analysis, the traffic, and the steep slope analysis. The August 6th memo has the full list. Ms. Peek asked when the remaining technical reports (including fiscal, visual, storm water, etc.) should be expected. No answer was provided. Dr. Klemens asked if the August 6th list was generated for additional studies to be conducted for the 188 acres proposed in August, and asked whether they would be conducting these wildlife studies referenced therein. Ms. DeCesare said no they won't be required. Dr. Klemens noted that he never filed the Phase I assessment with DEC for the 188 acre parcel and asked whether the Applicant would like him to file it for future reference. Mr. Wise felt Dr. Klemens did not need to file it with DEC.

Ms. Peek asked when the Applicant intends to resubmit the revised application materials in order to make them consistent with each other. She continued the Board will need a set of documents that are updated and consistent with one another. Ms. Johnson added that the revised submission include all information about the 11 acres.

Mr. Wise stated he would like to begin the coordinated review process under SEQRA and in order to do that you will need the EAF. The inconsistencies will be remedied as soon as possible. Ms. Peek went on to state in moving forward we will need full application packages whatever you are submitting all at one time. Give us the EAF and we will circulate it. We need full packages of what you ask the Board to review all in one set all updated that helps the Board and is more efficient for you as well. Then you will get one round of review from the consultants and that will move faster that way. Dr. Klemens asked if he could get ½ size submissions. Not the very large maps, etc. Ms. DeCesare was happy that was asked for and she would be happy to provide a CD if needed.

Ms. Peek went on saying the Board can do a vote to declare our intent to serve as lead agency under SEQRA and get this started pending the applicant's resubmission of the EAF.

MOTION TO DECLARE THE PLANNING BOARD'S INTENT AS LEAD AGENCY UNDER SEQRA PENDING THE SUBMISSION OF THE REVISED MATERIALS was made by James Walsh, seconded by Peter Clair

VOTE TAKEN - MOTION CARRIED

Ms. Peek continued as soon as the EAF is provided, Dr. Klemens and Ms. Johnson will review to make sure comments/changes have been incorporated. Once they have signed off, the Applicant should provide sufficient copies for interested and involved agencies and the Planning Board, and the Planning Board secretary will handle the circulation.

Peter Wise wanted to have a discussion about some previous commitments regarding technical standards – as the decision of the Board will inform how the plan is developed and refined as we go through the process - Ms. DeCesare will address the East of Hudson Standards. Ms. DeCesare started by saying although the project is not in the East of Hudson watershed therefore the DEC does not require the project to meet those requirements, the Applicant had committed to the East of Hudson standards as part of their mitigation. Currently, upon their review, it was determined that the previously submitted plan and some of the commitments therein were

unrealistic and could not be achieved, particularly on the South Lawn area, where the Applicant is physically unable to engineer the site to meet the East of Hudson Standards.

Mr. Wise added that the East of Hudson Standards were a form of mitigation, and as such, the Applicant will honor that mitigation as it was imposed in connection with the prior approval except the Applicant is looking for relief for only that one particular portion of the site. Mr. Wise continued, even though, the Applicant is looking for relief from East of Hudson Standards for that portion of the site, the Applicant is still providing 75% of the same mitigation that was required previously. The determination of the Board, whether this will be permitted, bears on how the plan is designed.

Dr. Klemens stated that the Applicant committed to design the site to East of Hudson Standards to get out of other requirements. It was an agreement in lieu of doing certain types of mitigation. Pedro Torres interjected the Chazen plan, felt that we could comply. Now, it was determined that even the Chazen plan could not have been designed to these standards and it would not be easy to comply for the current plan. Mr. Torres noted that the Applicant is trying to do everything they can to see what can work. Dr. Klemens said we would have to go back and see why the Planning Board required the East of Hudson Standards in the first place, what was the goal, why this was imposed what was the target that generated the concern to have East of Hudson Standards. Ms. Peek added that the plan has been significantly revised since the Chazen plan. Dr. Klemens asked where is the water that will not comply with East of Hudson Standards. Ms. DeCesare said the Green Island Pond. Dr. Klemens then asked is the water that is going into the DEC wetland is that going to be up to East of Hudson Standards. Ms. DeCesare said it would be just that one area. Dr. Klemens advised Ms. DeCesare to provide additional documentation to the Board regarding what percentage, volume, area, etc. to continue to give some comfort to the Board.

Pedro Torres stated they are doing the visual right now and need some guidance. Mr. Torres showed Mr. Janes drawings and wanted to know if the details for the buildings are right or do we need more? Mr. Janes stated he was looking at an articulated massing model, which is good. Mr. Janes noted for the Board, that the impact analysis is guided by reasonable worst case. The colors reflected in the drawing provided by Mr. Torres are all quite neutral. For purposes of assessing visual impacts this type of model is generally OK in terms of massing, but that the Applicant should select light colors on the buildings that could be visible. Mr. Torres asked if they needed to model the golf course. Mr. Janes felt the standard is to define the area of disturbance and show what the change is going to be. The analysis will need to indicate where the ground is being disturbed. When defining the model you will have the area of disturbance color in around the golf course, which should be reflected in a bright green color. Ms. Peek added she felt the Findings Statement was very specific about what is needed with the visual impact analysis and recommended that the Applicant refer to that document and the Special Use Permit document for additional guidance.

Pedro Torres stated because the buildings are much smaller the Applicant does not need as much big trees like before. So when this was started the modeling we can screen most of the development if not all by short hedge. Is that something that would be OK to present as a mitigation factor? Mr. Janes stated it sounded reasonable to him but he will need to look at the

analysis and refer to landscaping and screening commitments in the Findings statement and Special Use Permit conditions. Mr. Janes has always been concerned about the use of big trees to screen the development and the downside of this is you would also screen the views. This would be a tragedy in this DeLavernge Hill area.

James Walsh asked how many buildings will there be over 35'? Mr. Torres stated 4 buildings. When the engineering phase begins they will be looking at those buildings and they are only a few feet over the 35' height and you can't see them from the road.

Mike Dignacco stated that there are about 25 sugar maple trees that they would like to move and now is the time to move them. The Applicant would like them to be moved to the entrance to go along with the stone walled entrance. Mr. Dignacco asked whether they could be moved now, without permits or approvals, otherwise it will need to wait till next October? These trees would be located near the pond parallel to Route 22 on the property line. Pedro Torres stated if they cannot be moved they will need to be cut down and they are beautiful trees and would like to save them. Ms. Peek asked if this was part of the SPO waiver. Mike Dignacco said some of the trees were within the SPO, and therefore the SPO waiver request would need to be amended to include the tree work – and reviewed by John Fenton, Julie Mangarillo. Pending their review, the Board felt it was ok to move the trees now.

SPO – Ms. Peek received a note from John Fenton that he finds the Waiver acceptable and noted that the Applicant needs to submit a letter to the Planning Board requesting the waiver and supporting it.

James Walsh asked the Applicant if everything has been worked out with the consultants to everyone's satisfaction. Mr. Torres had spoken with the consultants and worked things out. In the future the Applicant needs a clear scope and direction from the Board. Mr. Wise felt written comments from the consultants would be helpful. Ms. Peek added unless the Applicant specifically asked the consultants not to write comments down, all future correspondence would be provided in writing. Mike Dignacco told the Board that the Applicant has an agreement with the town of Amenia bookkeeper, that they will keep track of the escrow, and when the balance on the escrow account gets below a certain amount, a check will automatically be generated to replenish the account. The Applicant has someone internally tracking the escrow.

Ms. Peek concluded the Board will wait for the EAF and as soon as it is received it will be reviewed by the consultants to make sure all comments have been incorporated, and after signoff, it will be circulated and they await the revised documents. Ms. Johnson will send the Applicant her notes on the EAF and MDP, and as soon as the Board receives a complete application within the required deadlines, including technical reports, the Applicant will be placed on the Planning Board Agenda. Ms. Peek reiterated the Planning Board will only accept complete consistent documents. The Board will not review piece by piece documents. Ms. Mangarillo will hold off reviewing any of the site plans submission documents as they will be revised. Mr. Wise asked if he submits the request for the site plan waiver would we have an agenda item for December. Ms. Peek stated yes. Ms. Mangarillo asked if there was an update for the archaeology. Mike Dignacco stated they were doing an avoidance plan. Ms. Peek asked

whether that would be submitted with the technical report in a couple of weeks. No answer was provided.

Nathan Roy asked to speak briefly about the gated community. Mr. Roy was concerned that the gates did not fit in with the Traditional Neighborhood Development. Mr. Torres stated the direction they have from their financing partner, Discovery, was this had to be a gated community. But they intend to push the gates back so they are not seen from the road. In order for Discovery to be involved in this project it was a necessity for them to have a gated community. Ms. Peek asked why? Mr. Torres stated because all of their communities are built that way and if they can't have gates they can't be involved in the project. Marty Grossman (audience member) asked if they would be the same as Tuxedo Park. Tuxedo Park is very restrictive. Mr. Torres didn't know but would check. Ms. Peek continued this will be discussed further as we move through the process as there were many concessions made by this Board to allow the Applicant to have the gates. Given that the original plan included commercial development on site, this part of the property would be accessible to the public and the gate would not be closed. This is no longer the case. There would be no public access to this project, which is now a residential gated community which does not meet the requirements of the zoning code, or comprehensive plan for an RDO development. The Board will need to take a good look at the mitigation measures and the reasons for this Board having made some decisions about the gates which are prohibited in the Town's zoning. Norm Fontaine felt this should be done sooner rather than later. Ms. Johnson stated that is part of going through the Findings Statement as it is very clear in the statement of the balancing that occurs to allow those gates. Dr. Klemens felt there have been a lot of improvements and changes for the better. The whole mix needs to be looked over.

Ms. Peek reminded the Applicant that Mr. Janes would need a copy to review. Pedro Torres stated they were waiting for the final visual analysis and then they will send him the whole package. Ms. Mangarillo asked if they were doing two different designs for the storm water for the next submittal with the East of Hudson to show the differences, one to show compliance with East of Hudson and what you want relief from. Ms. DeCesare deferred to Dr. Klemens' judgment about what we can do. Dr. Klemens stated East of Hudson Standards is very specific regarding water quality requirements. If you can't meet them in a certain area then the Applicant needs to address if there are impacts or not. If the Applicant cannot design East of Hudson Standards on one small sub water shed they need to determine the specific and overall impact.

Mr. Wise stated that the revised submittal will make the case for what the Applicant can design. Dr. Klemens asked the analysis needs to show, what will flow to the DEC wetland, what will it look like and will it have nutrient or other levels that could adversely affect that wetland. Pedro Torres commented that that whole wetland just got dredged. Dr. Klemens said yes however it has been restored.

Sharon Kroger asked whether the public would be reassured that the water quality and water quantity are not going to hit the water shed in such a way to threaten the wells in the hamlet of Wassaic. The wells in the hamlet are pure. Ms. DeCesare stated the DEC has the SPDES permit for construction activity. The Applicant will be well above the DEC standards. The East of Hudson Standards is set forth for the watersheds for New York City drinking water supply. The

SPDES general permit is what governs the design. East of Hudson Standards manages water quality not quantity.

Evelyn O'Connell requested that these Planning Board meetings could be taped for TV. There are so many people who would like to see the meetings televised. Ms. Peek stated this would be a Town Board issue. Mr. Torres stated the Applicant had done it in the past and would be happy to do it again.

Tonia Shoumatoff with Housatonic Valley Association – At the last meeting Mr. Torres stated that if a separate SEQRA was required for the 188 acres where there would be 10 additional houses, they would not be built. Is this SEQRA including the 188 acres? Ms. Peek stated no, the Applicant has selected to not include the 188 acres. They have decided to either sub divide or have a lot line change to incorporate 11 acres of that property into this project. There will be no houses on the 11 acres.

Norm Fontaine asked Ms. Perotti if she could bring to the Town Board the question about having the Planning Board meetings televised. Ms. Perotti said yes.

MOTION TO APPROVE THE MINUTES OF OCTOBER 3RD, 2013 AND OCTOBER 17TH, 2013 was made by James Walsh, seconded by Nathan Roy

VOTE TAKEN - MOTION CARRIED

There will be no meeting on November 21, 2013. Next meeting will be December 5th, 2013. Ms. Peek asked whether all the Planning Board members have completed their 4 hours of training and provided certificates of completeness to Susan Metcalfe. Peter Clair will be going next week.

MOTION TO ADJOURN THE PLANNING BOARD MEETING was made by Peter Clair, seconded by Tony Robustelli

VOTE TAKEN - 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 November 7, 2013 and are not to be construed as the final official minutes until so approved.

 X Approved as read 01-16-2014

 Approved with: deletions, corrections and additions

