



TOWN OF AMENIA

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Planning Board Meeting

Thursday January 16, 2014

Present:

Chairman Fontaine
Peter Clair
Anthony Robustelli
Nathan Roy
Bill Kroeger

Consultants:

Dave Everett, Attorney
Julie Mangarillo, Town Engineer

Absent: James Walsh, Larry Moore

MOTION TO CALL THE PLANNING BOARD MEETING TO ORDER was made by Peter Claire, seconded by Nathan Roy.

ALL IN FAVOR- MOTION CARRIED

DeSantis- 770 old route 22

Dan Wheeler presented. Mr. Fontaine began with the statement that John Fenton the building code enforcer has received comments from owners about getting things done. It was explained that Mr. Fenton is not in a position to do anything about it. Mr. Wheeler stated that owners cannot do anything until planning board signs off on project, so the next step can then be the interior and working on building code review. Mr. Wheeler handed out a copy of the county letter (DPW). DeSantis has items to address according to the DPW. Mr. Wheeler thought that the DPW, would circumvent Julie Mangarillo's questions that were not previously answered.

Mr. Wheeler would like to begin with a statement about the Ag district. He maintained that the farm is not active within 500 feet. Ms. Mangarillo responded that the decision would be up to the Planning Board. Nathan asked what would the implications to the project be if it is within 500 feet of Ag district? Mr. Wheeler responded informing board you would need an agricultural data statement, it is a one page form and would not be a "show stopper". Dave Everett interjected that the farm has to be notified that this is a project 500 ft of their operation. Norm Fontaine asked how it was determined the project was not in the Ag district? Ms. Mangarillo reviewed the property that Dutchess County parcel access shows it as abandoned. It has been said that there is farming going on. Pete mentioned that they are always growing stuff there. Mr. Everett suggested even though it said it was abandoned on the tax record it doesn't mean they aren't farming there. Ms. Mangarillo posed a question to the board asking what they see when they drive by it. Comments were they are growing something and guess was a hay field. Mr. Everett informed Mr. Wheeler that notifying the farmer is not a big deal. It was deemed a board decision to have Mr. Wheeler notify the owner and fill out the one page form.

Mr. Wheeler opened up the discussion about the SEQRA type action. This is a type one action because of the consumption of water. Wheeler goes on to explain that there are two reasons for type one action. Consumption of water (the aquifer overlay district) that it is deemed a major project. Dave interjected that those are two different issues that will be addressed separately.

Aquifer overlay – the sited problem is that DeSantis takes in water from the water district. The wells are located far away and there is no guarantee that the wells are hitting the same aquifer. Mr. Wheeler goes on to explain a study that was done showing that 1.5 acres are needed for the recharge to balance the consumption. Villages and compact locations have less than 1 acre zoning. Mr. Wheeler uses the example of going into town and informing others that they cannot use existing water that they have been using because it shows it is in violation of the aquifer overlay. The code requests to do a balance of how many people are using it to allow them # of gallons per day, put in a dilution factor. Residential usage with subsurface water discharge 70 per capita times a multiplication dilution factor. This would be tough. Soils map help determine soil type.

Mr. Everett interjects to make a suggestion – the articles Mr. Wheeler is raising are reflecting if there is a significant environmental impact not whether it is a type one action. A type one action is a legal determination. Town law says all proposed actions where water exceeds natural recharge shall be designated a type 1 action. So this is a type 1 action regardless of the arguments Mr. Wheeler makes. This means that it is a procedural issue. Needs to file a long EAF which they did, and now the board needs to do a coordinated review. We then send out a notice to the other agencies. Board will decide if they want to set up a negative declaration. All the arguments that you just made would go into the negative declaration. Mr. Everett asked if that was ok? Mr. Wheeler responded that it was fine, he understands that the board is constricted because this law is already adopted by the town. Mr. Everett states it would be a violation of the law not to do it. Mr. Wheeler pointed out that if you take a look at SEQRA and the examples they give for type 1 actions, this project "pails to insignificance". He also mentions that they are referring to five thousand space parking lots, a thousand homes. His biggest fear is that we end up giving a positive declaration. Mr. Everett states that it is not going to happen. Mr. Everett also stated that he wants to get the SEQRA project done. A completed EAF form is needed. Ms.

Mangarillo had a few comments that need to be addressed. The coordinated review also cannot be done without a completed EAF. Mr. Wheeler agreed. Mr. Everett informed that the agencies that it needed to be circulated to include (even though they are already aware of it) are County DPW, DOH and water department. Mr. Wheeler interjected suggesting that we also send it to planning. Mr. Everett informed that they are not involved for SEQRA purposes. We will need to refer the application to them under a different law.

Mr. Wheeler now presents issue #2, Whether or not it is a major project. In section 121-6c of the Amenia Town code, special permits and site plan review. This discusses construction of a four family dwelling or a lodging with six bedrooms. Mr. Wheeler declares that they are not doing that, there are alterations to an existing structure. Mr. Wheeler says that his argument will be that they consider themselves a minor project. Ms. Mangarillo interjects that it looks like he will be renovating more than a thousand square feet. Mr. Wheeler responds with a "we'll see". Ms. Mangarillo reads from their drawings they are up to 5472 sq. ft. Mr. Everett interjects that the only difference between minor or major project are procedural issues. You need to submit a narrative report of why you meet the special permit requirements and there are certain site plan requirements that you need to meet. The planning board has the ability to wave those. These items were in Ms. Mangarillo's letter. Mr. Everett explains that there is not a big difference. Ms. Mangarillo discusses her memo page 2 # 4 that was dated December 23, 2013 went through the major project requirements. Julie suggested that they can ask for a waiver. Mr. Wheeler said that there are also to show the elevation, and height of structure, positions of exterior doors, Mr. Everett asked Mr. Wheeler to send a letter formerly asking for a waiver in addition to your reply. The planning board doesn't have the authority to wave is a narrative report describing how this project will satisfy the criteria for the special permit. Mr. Wheeler said that almost all requirements are done, all that is left is to prepare my response to the type 1 and the soil map waiver. Mr. Fontaine asked if he would be back next month with everything complete. Mr. Wheeler said yes. Mr. Everett asked how soon things will be submitted. Mr. Wheeler said Tomorrow or Monday. The board cannot make a referral to county without a complete application. Mr. Everett asked about the water line and electric line running through the parking lot. Do those easements allow for parking? Mr. Wheeler said the only item they were able to find is a drawing it is 10 feet either side of the line is the easement. Mr. Everett asked if there is an easement filed in our clerk's office? Mr. Wheeler responded- No. just map. Mr. Everett wanted to make sure the planning board wasn't in a position where they are approving a parking lot in an easement that didn't allow parking.

Julie asked if he would be submitting the DPW as well Mr. Wheeler replied yes.

ROUTE 22 COFFEE SHOP

Route 22 coffee House did not attend the planning board meeting.

Pete Clair- brought up that the coffee house has some work to do. According to Ms. Mangarillo they are in a HC district. There are parking issues that concern Julie. Norm brings up that the parking issue pertains to state owned portion of land. What is the rule? Ms. Mangarillo explained that the DOT can take back their property back when they need it. Tony Robustelli asked if DOT will write to you with permission to use there right away, Julie answered that DOT would not respond. Pete Clair gave an example of how the DOT will remove property if it is the right away.

Ms. Mangarillo looked through the survey drawing

Mr. Everett comments this is a minor project. He recommends that the board establishes escrow. The Coffee House will require a county planning board referral also an Ag data statement that's under the assumption that there is a farm operation across the street. The board agrees that there is no farm so she would not have to submit an Ag data report. Ms. Mangarillo responds according to the state Ag district map the property across the street is in the Ag district. Norm explains that the Ag property is quite a ways up, More than 500 ft.

Mr. Everett explains that there are things in Ms. Mangarillo's memo that need to be addressed and prepared for the next meeting. Norm will reach out to them. Julie remarks that they do not have to address 1C that discusses the Ag district. Mr. Everett finds that the big thing is that they need to speak with DOT. Right now they don't have any parking on the property. Planning board has the authority to waive the parking requirements. Norm speculates that what might have happened was that they were afraid to reach out to DOT in case of denial. Mr. Everett interjected that a possible comment from the DOT may be that they will allow them to park there since it has been past practice. There is an adjoining lot with a greenhouse owned by the same people (Marshall).

Mr. Robustelli warned about the Board of Health giving limited information and not informing of everything up front. Mr. Robustelli spoke to the applicants about this matter and informed them of greasetraps. He asked how many seats the coffee shop was going to have. Mr. Everett said that John Fenton had calculated that already. Norm projects that 500 will be escrow and if more is needed we will re-approach. Board was in agreement with 500 dollars for escrow account of Coffee House.

Nathan Roy asked if the building was equipped with septic system. Julie replies yes to a septic system. Julie requested a plot plan and Mr. Everett asked how she would like it displayed either from a professional or drawn themselves. She replied that is already existing, and that decision can be left to the planning board. Their survey was done in 2002, but does not show their septic. Discussed that they think they aren't open for business yet.

Silo Ridge

Mike Dignacco reviewed the teleconference phone call that was held today to discuss the engineering of the roads. On phone was the fire chief, Julie, and VHP. They met with Chris Howard last September

before they started getting into their engineering drawings so they can get an idea of turnarounds, road widths and fire equipment. Silo received all the information back, from the fire department ensuring that all the equipment they have can make all the radiuses on the road. Ms. Mangarillo asked about signage turnarounds and paving. The intent was for Julie to have a better understanding of Chris Howards drawings. When they make a submission in February she will already be apprised of the situation. Ms. Mangarillo requested color coding of road widths, etc. so that it can be highlighted in the areas that need to be worked on. Ms. Mangarillo interjected that Silo will be asking for a number of variances for the roads on the property. Mike Dignacco explains that they are utilizing the greenway standards, that are part of town's standards. The idea is to try to keep it rural. They are also doing the East of Hudson standards there are 21 acres of stone water basins which eat up a lot of real estate. Silo's idea is to limit the amount of curbs but will have grass shoulders. Their objective is to make it look like a country setting. Ms. Mangarillo was concerned that with the narrow roads, the houses that don't have their own driveway will not be able to accommodate extra vehicles. Parking on street is narrow and limited. Mike Dignacco explained that there will be overflow parking. Mike also informed the board that valet parking will be available. Mike explains that when the weather gets better their best form of transportation will be the golf carts. Mr. Everett asked if the building code have width requirements for roads, and will they be complying? Ms. Mangarillo explained that a lot of that can be waived by the fire chief. Silo will be submitting to the fire dept at the same time, which they will have to provide a review and wait for their ok. If review is declined by fire dept for narrower roads then they cannot proceed. Mr. Everett reviewed that Silo is looking for multiple waivers from the Planning Board and Fire Dept.

Tony Robustelli asked how they can get in on the teleconference meetings. Mike Dignacco explained how the meeting was done through teleconference, and the go to meeting download Norm interjected that if there are too many board members on at once it is considered a meeting and we need to assure that does not happen.

Nathan Roy asked about the vineyard area and how that transitioned from 343 into the restaurant? In phase 1 the DOT survey was done, there is a pull off that comes in off of Rt.44 about where there driveway is. There is a parking area shown on the site plan with benches and patio. Ms. Mangarillo interjected that they will be able to park and turnaround. Nathan asked if there will be a turning lane off off Rt.44?. Mike Dignacco informed us that a traffic study was done and a turning lane is not needed. The DOT surveyed the area also. There will be signs that say a scenic overlook is ahead and will go over with board if a nice decorative sign that is not a DOT sign is needed. Julie said a DOT sign would also be helpful to know what is upcoming for people who are not looking to stop.

Dave asked about the earthwork for the driving range, is that partially on the golf course and partially on hay fields or is it all on hay fields? Mike answered that right now its hay fields and bean fields. Mr. Everett asked if the SPO waiver is all in farm field,. Mike answered yes. Mr. Everett explains that the soft memo that was handed out from John Fenton at beginning of meeting will be changed. Mr. Everett acknowledged that the SWPPP was modified. Dave informs that a resolution was put together which is the approval of the waiver in writing. Board can adopt that in and sign it. Nathan asked if it was for the work in the ponds? Response was that it was not, it is for additional golf course work. Mike suggested that Silo should apply for the whole golf course, in an SPO waiver. VHB put together drawings for the golf

course, not to start right away but to get the SPO out of the way. Norm mentioned that Dave Everett and himself were speaking on this topic, a continued request for the waiver in the front should be applied for first. Norm had concerns about a waiver for the entire golf course. Mike explains that the timing has passed on the front entry but will still pursue it. Ms. Mangarillo asked if they followed up with DOT about drainage and flooding. Mike said yes but has not heard back from them yet.

Mr. Fontaine read in the resolution approving waiver of site plan approval for certain golf course renovation work related to the Silo Ridge Resort Community.

Motion set forth by Norm Fontaine second by Peter Clair. All in favor, motion carried, signatures accepted.

Question was posed by the board of when the next submission will be, Mike Dignacco responded late February. Dave wanted to know if they would attempt for a March meeting. Silo was initially attempting a first week of March meeting but not sure. He wants to be thorough before next meeting. Dave asked if there will be a submission for the work of the SPO. Mike responded that he will discuss that issue with Mr. Torres. Mike offered to show the board the architectural drawings. Mike reiterated that the springtime work will focus on the site plan, architectural and golf.

Norm discussed the meeting that was held last week between John Fenton, Maryann Johnson, Dave Everett, Victoria Perotti and himself. To make sure everyone was on board and they addressed the same matters. Norm asked if Bill Kroeger could have a run through of plans to bring him up to speed. Mike offered a visit to Silo. Mike informed the board of the site www.siloridgeseqra.com the bottom link is the most recent information. It was the approval from 2009 and what they are working on now is updating all that info. Dave brought up the topic of work force housing. Dave informed Mike that he has a number of options, Silo can build on site or build off site, can make a substantial contribution toward the waste water structure, or pay a fee (payment in lieu of). Dave explains that there is a formula in the code that will calculate what the fee is. Mike explained that the problem with associating themselves with the waste water was the percentage of people who were negative toward it and did not want a negative connotation associated with Silo. Dave expressed that if the formula is done for the in lieu of fee it becomes easier than building homes. The town board has to first adopt a local law to implement the in lieu of fee. Peter Clair asked what the formula would be to see how many units they would need for work force housing. The numbers fell between 20-25. Dave read in the formula for the in lieu of fee. Mike offered a spreadsheet with the formula filled in to get a ballpark of the number. The town can have flexibility on how to use the money.

Minutes dated 8/1/13, 10/23/13 and 11/7/13 were approved. Motion set forth by Tony Robustelli seconded by Peter Clair. All in favor

Other matters

Tamarack application. Looking for special use permit to build lodging. Dave gave background on why they need special use permit and why they need to go to town board first.

Peter Clair announced that it is crucial that there is quorum. Thanked Norm Fontaine in taking the chair position.

Ms. Mangarillo met with Dutchess Land Conservation this morning at Silo and gave them a tour of site. They wanted to see where the single family lots were. They will return in spring to see trails, it was a positive meeting. Nathan asked how many acres they put into conservation Mike Dignacco answered 536 acres.

Meeting called at 8:15