



TOWN OF AMENIA

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Planning Board Minutes Meeting 3/23/16

Present:

Norm Fontaine-Chair
Tony Robustelli
Matthew Deister
David Rosenberg

TOWN OF AMENIA
RECEIVED

APR 21 REC'D

TOWN CLERK

Consultants:

David Everett-Town Attorney
John Andrews-Town Engineer

Absent:

John Stefanopoulos
Erich McEnroe
Peter Clair

Motion to open meeting 7:00 pm

Porch enclosure 3326 rt. 343

Flynn Nixon represented property 3326 rt. 343. The property is located in the historic district of Amenia. The existing porch is in need of repair and an enclosure has been proposed. The porch is located in the back of a residential home. Chairman Fontaine asked if the porch is visible from any of the main roads. Mr. Nixon presented recent pictures with leaves off the trees displaying the visibility of the porch. Town Engineer, John Andrews reviewed a provision of the code for the board. It stated that any construction or provision that is not visible from a public road or street when the leaves are off the trees can be made exempt from Planning Board approval. Planning Board member **Tony Robustelli motioned for an exemption being granted according the town code provision and photographic evidence provided by applicant. The Planning Board voted unanimously to grant an exemption due to the fact the porch is not visible from main roads.**

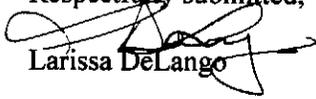
Silo Ridge

A review of various easements and their status were discussed. Attorney Everett began discussion with the easement for the natural areas. Dr. Klemens will need to address outstanding items with the natural easements. Attorney Everett stated that a financial guaranty was requested from the applicant to guarantee all the financial obligations of the owner under the easement. The applicant has limited the guaranty to only enforcement. This would exclude other financial obligations under the easements that would be excluded. Attorney Everett requested a guaranty of all the financial obligations of the owner, including the town's stewardship funds. Mr. Torres did not have any issues with making the previously referenced information accepted into the document. Attorney Everett will make the change. Section 612 regarding litigation will be reviewed due to the fact the applicant was not comfortable on how it read. Attorney Everett will re-review. Once Attorney Everett incorporates the changes in the easement document it can be submitted to the town board. The baseline document was reviewed. There is one outstanding comment that will need to be addressed regarding the photographic index map. Mr. Torres spoke with the Town Board regarding the upcoming easement documents they will be receiving. He gave an overview of what will be submitted along with explanations of maps. Building envelope 12 which includes the winery was discussed for possible change. According to the DEC it is required for the applicant to utilize the Amenia-Cascade brook. It is prohibited to use underground tanks according the DEC. The landfill was briefly discussed. The landfill is all subject to DEC oversight. The 2nd easement is currently being reviewed by the consultants. The height limitation of tress was discussed. Attorney Everett discussed the submitted exhibits for the easements that have been finalized. There were a small amount of comments that will be distributed to Silo. Town Engineer, John Andrews stated that there are discrepancies between the written descriptions and maps. Attorney Everett began review on the HOA documents. The town has HOA laws that will need to be adhered to through the applicants HOA documents. Mr. Torres has requested the HOA documents be addressed first. There will be ongoing amendments to this document that will be covered under a disclosure clause. The HOA cannot move forward without material information being finalized. The HOA amendments are updated frequently with every new permit that is acquired. This allows the buyers to be aware of how the property they are buying is being governed. The declaration part of the HOA will be reviewed by Attorney Everett. The HOA documents will need to be approved under the subdivision. Attorney Everett will focus first on the HOA documents, then work on the review of the easements with collaboration from other consultants. The town board may request for all the final documents that have been reviewed through planning board attorney and consultants to be reviewed again by the town board attorney. The Town Board will receive highlighted items that will be within their jurisdiction. The bonds will need to be issued before the final plat is filed. A resolution draft will be sent to Silo prior to the meeting regarding the signing of the subdivision. This will allow Silo to have access to conditions that need to be satisfied before filing. A checklist of items asked for and items submitted will be reviewed by the town, to make sure everything is properly executed. Attorney Everett addressed the ongoing article 78 procedures. The petitioners did not address any of the legal arguments. A decision or settlement is being awaited. Wells are being monitored by DEC. John Andrews will contact Town Planner Mary Ann Johnson to forward her draft checklist regarding the subdivision to the applicant. The applicant will begin working on the golf course again shortly. They have begun building specific structures that have been approved through site plan. Tree clearing was completed around Delavergne hill.

Motion to approve 2/24/16 & 3/2/16 minutes, 2nd, minutes approved

Motion to close meeting, 2nd.
Meeting adjourned 8:08 pm

Respectfully submitted,


Larissa DeLango

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on 3/23/16 and are not to be construed as the final official minutes until so approved.

approved as read
 approved with: deletions, corrections, and additions.