



TOWN OF AMENIA

36B MECHANIC STREET, PO BOX 126, AMENIA, NY 12501
845-373-8118 • 845-373-8860

ZONING BOARD OF APPEALS SPECIAL MEETING APRIL 16, 2009

PRESENT: Chairman Rudy Eschbach
David Menegat
David Rosenberg
Judy Velletri
Leo Blackman

Chairman Flood – Planning Board
Mike Dignacco – Silo Ridge

Chairman Eschbach called the meeting to order at 7:00 P.M. Roll call was taken and all members of the ZBA. A moment of silence was then observed in memory of Rose Greer.

MINUTES & FINDINGS

MOTION TO APPROVE THE MINUTES OF MAY 14, 2008 was made by Judy Velletri, seconded by David Rosenberg

Motion carried 5/0

MOTION TO APPROVE THE FACT AND FINDINGS STATEMENT FOR THE REIMER PROPERTY, TOWN OF AMENIA was made by Judy Velletri, seconded by David Rosenberg

Motion carried 5/0

SILO RIDGE RESORT

REVIEW AND DISCUSS MDP
REVIEW DRAFT RESOLUTION

ROUTE 22
AMENIA, NY

Leo Blackman wanted clarification on what the ZBA's role was. Chairman Eschbach read from the Resolution from the Planning Board, "the Planning Board is required to refer this application to the Town of Amenia Zoning Board of Appeals and to request the ZBA review the application and provide its comments and recommendations within 45 days". Chairman Eschbach also stated that the Planning Board is the lead agency and the ZBA is acting as a consultant or referral agency. The ZBA will not grant the permits requested as for this project it will be done by the Planning Board.

Mr. Blackman continued that he had some specific things regarding the text of the MDP:

- Where is the Cultural resource site between Routes 22 and 44? Mike Dignacco stated it is on the cultural analysis page. It is an archeological site north of hole #2 and east of the silos.
- Winery Parking – how visible will the parking be? Mr. Dignacco said it was in the view analysis, below where the picture was taken. The parking is about 15 feet below the level of the road and from below there is the orchard that will screen plus the terraced walls with low plantings.
- What about tee times. Mr. Dignacco said it was a semi-private golf course with memberships; hotel guests and at the operators discretion will be limited golf. On the weekends will be probably filled with the membership and hotel guests. The price will also be higher.
- The town center looking toward mixed use buildings what will that space really look like, how big will it be, is there open space behind? Mr. Dignacco stated that in site plan there will be a 3-D visual simulation with trees, as the renderings were more of a marketing tool. Bill Flood added once it gets into site plan there will be other public hearings. The Planning Board and Mr. Janes said trees can be adjusted during site plan.
- The Winery, Golf Villas and the Cottages on the south lawn are “not in the style of local architecture “, what was the thinking for that. Mr. Dignacco said they were transition from having densely populated area.
- The Waste Water Treatment Plant - What guarantees has the PB gotten in terms that it will be in Phase I. Bill Flood said there were no agreements however, there will be performance bonds. The infrastructure will be done first. Mike Dignacco added the infrastructure will be done for the buildings they will do in Phase I. David Rosenberg added the town will need the money to connect the town to the Waste Water Treatment Plant. Regarding bonding what happens if the project goes bust during Phase I. Bill Flood stated the bonding is being set up with our Engineers, Attorneys, the applicants Engineers and Attorneys as well as Dutchess County Waste Water. Mr. Blackman asked where the solid waste is being taken. Mike Dignacco stated it is taken to a transfer station in Poughkeepsie.
- Bill Flood stated the map plan and development of the Amenia Sewer is filed in the county and a copy is in Lana’s office. That was adopted two weeks ago. The next phase, they will review what has been done and then the Town Board will vote to set the district.
- What is a condo hotel – could this be defined. Is this a time share sold in 52 increments or does one buy the unit for a year and then rent it out when not being used? Mike Dignacco answered Zoning actually allows two different ways. Some units will not be sold. Those that are sold they can stay for a certain time then put the rest of the year back into the rental pool; quarter fraction – where some buy a week for every month during the year. This will be market driven.
- Homeowners Association – What about voting. What if there is an issue with Silo Ridge. David Rosenberg asked if the Silo Ridge Homeowners Association take precedent over the town. Bill Flood added that the roads of Silo Ridge are not built to Town specs so if the Homeowners Association wants the town to take it over, the town will not. This will be built in the approval process. They will have vote in the local elections if they register to vote here. It is private land with public access. No one in the Hotel unit can be considered a resident.
- Structure height – there are 16 buildings that will exceed height. Bill Flood explained that the Comprehensive Plan before the new zoning was adopted those waivers were put

in as the applicant was asked to push the project tighter so the applicant stated then they would have to go up in order to get the counts. David Rosenberg asked when the Comprehensive Plan was passed which led to the new zoning the height restrictions waivers were in the plan. Bill Flood added the applicant has to ask for a waiver. Chairman Eschbach stated the Comprehensive Plan was formulated to accommodate the forthcoming plan and work with it. The Fire Company was in on the Comprehensive Plan to see how things would be dealt with after three stories in height, the state has rules. The automatic sprinklers and systems required by the State are stronger and more efficient than the local fire company. Our firemen felt comfortable with that. Neighboring fire companies would need to be called in for roof fires. Bill Flood added there were to be sprinklers in the roof. Chairman Eschbach felt that one would not be able to see those buildings from the Route 22 side.

- Emergency Services – Was a calculation done for increased cost of fire, police, etc? Mike Dignacco stated they have gone to the Sheriff’s Department and they estimated a certain amount of sheriff’s required, Wayne Euvard updated budget based the build out, increasing the amount of money going to the Fire Department. Regarding the schools, that was calculated as if these were all full time residents. This was verified by the Hudson Group.
- Water Supply - The daily demand would be less than 500,000 gallons per day, will this impact the town aquifer. Mike Dignacco stated the water used for domestic facilities, then goes to the wastewater treatment plant, gets treated then approximately 90% gets put back into the aquifer. Where is the underground water storage located? This is by the Winery, one of the highest points of the project, so this will be pressure fed.
- Steep slopes – Building on slopes greater than 30 degrees is prohibited; 15-30 degrees requires mitigation. 83 acres on this project will be impacted; 20 acres of which will be greater than 30 degrees. How does the PB think about this? Mike Dignacco said that not all those acres are for homes, some are for the golf course. Bill Flood added that this goes back to the Comprehensive Plan. The PB engineers felt they could make it work. Mr. Blackman asked who would be the monitor. The applicant would pay for the consultants.
- Mr. Blackman continued that it is obvious on the site plan that every effort was made to hide the bigger buildings. It is quite well done.
- Gated Community aspect - The TND should feel like a hamlet of Amenia, not making it public accessible means the town does not have to plow the roads, etc however, the idea of going past a gatekeeper seems undemocratic and un-American. What is the upside? Mike Dignacco felt it was important to have a sense of security for the residents and guests. Bill Flood added that it was his understanding that the gate would be open most of the time, there will be people there to check you in. Mr. Blackman felt that this was setting up a community that will be like this forever, where the rich people will be protected from the commoners. This is disturbing. David Rosenberg added he agrees with Mr. Blackman; a guardhouse says this is a barrier; am I allowed or not allowed. Mr. Blackman continued it has no place in a rural community, and would serve to permanently define Silo Ridge as an enclave of “haves” distinct from the rest of us. Chairman Eschbach stated it is not a gate to keep people out; it is a gate for the applicant to know who is at the facility. It is like the gate at Vassar College. It will not be any different from one who builds an expensive home in Amenia and puts in an access gate. There are many of those homes in Amenia today. Mike Dignacco also stated the project is not a true TND, it is a resort.

David Rosenberg felt it was an extraordinary project, in doing the Comprehensive Plan and establishing the RDO, why leave issues like height and slope for variances when you know those issues will need to be addressed. Should the zoning in the RDO district be different so it would not become a variance issue? Chairman Eschbach stated no, the thought process was to look at each application. Regarding the gates, since the PB has asked for the ZBA input, Mr. Rosenberg asked will the people inside not want to come out to shop, etc locally. It presents a conceptual thing. Mr. Dignacco stated there will not be enough retail at the resort; people will have to go outside for their shopping. The applicant hopes that in time Amenia will thrive and grow and become a place for those people to come.

Mr. Blackman asked about the limits on the use of the golf course by Amenia residents? Mike Dignacco stated the cost would be higher than it is now and the times during non peak playing times would be at the discretion of the golf club. Mostly the residents and the hotel guests would be considered first. Chairman Eschbach asked about the public being able to play at the golf course, was there going to be additional golf. Mike Dignacco stated not that he was aware of.

David Menegat asked what would be covered with the performance bonds if the project goes bust to protect the Town. Mike Dignacco stated they were only building what is sold in certain phases. The applicant is proceeding cautiously due to the economy. There will be a performance bond on the Waste Water Treatment Plant and water and some type of bond to cover the hotel to return it to its natural state. Bill Flood stated that the attorneys are working overtime to get the bonds and all the issues that need to be done. When they are finished then the PB will see them as well as the State of New York is involved. Mr. Dignacco stated that the financial person there will be certain stipulations regarding sales this is why the need for the flexibility on phasing. This is why we won't start the infrastructure until we know what the sales are. This is all market driven no speculation. Bill Flood told the ZBA that they were putting in a trigger so part is finished then go to a different area to build. They can only disturb 5 acres at a time under DEC laws with the exception of the golf course and the Waste Water Treatment Plant.

Leo Blackman asked what the ZBA needs to do next. Chairman Eschbach this is it. Mr. Eschbach will write a resolution to either concur with the PB or are there still issues that we would not concur with and therefore ask the PB to take action A, B or C. David Rosenberg asked if we can concur with comment, for example the gate issue. Judy Velletri felt this should be part of the record. Chairman Eschbach stated a concern was expressed of the effect of using a gate as a facility for controlling access.

Mike Dignacco went through the changes made from the last MDP to the present one. Changes consisted mostly of taking out headings that were confusing, typos, change of some of the photos. In the Zoning section, (page 107, 4th column on right) Dunn Road, Lake Amenia Road, Route 22 and 44 added wording. Page 18 – bottom chart 3rd column “building footprint”- take out “retail”. The retail footprint should be in the zoning section, 4.94%. Chairman Eschbach stated that these were the only changes. Mike Dignacco said yes.

The Town has applied for stimulus money to go towards the sewer district. Chairman Eschbach stated that there was a Workforce Housing and Affordable Housing group looking at sites for workforce housing in the hamlet to be able to use some of this stimulus money.

Leo Blackman stated the ZBA feels they appreciate the work the PB and the applicants they have come up with a plan that fits the site and the community. The PB and the applicant have justified

why these are necessary. Chairman Eschbach added that the ZBA is acting under the request of the PB to review this document as a consultant group.

MOTION HAVING THOROUGHLY REVIEWED THE APPLICATION, WE CONCUR WITH THE APPLICANTS REQUEST FOR THE PLANNING BOARD TO GRANT THIS SPECIAL USE PERMIT, WITH CONCERN OF THE GATE, AS PROPOSED was made by David Rosenberg, seconded by David Menegat

VOTE TAKEN:	CHAIRMAN ESCHBACH	YES
	LEO BLACKMAN	YES
	JUDY VELLETRI	YES
	DAVID MENEGAT	YES
	DAVID ROSENBERG	YES

MOTION CARRIED 5/0

MOTION TO ADJOURN THE MEETING AT 8:37 P.M. was made by Judy Velletri, seconded by Leo Blackman

MOTION CARRIED – 5/0

Respectfully submitted,

Susan M. Metcalfe
Zoning Board of Appeals Secretary

The foregoing represents unapproved minutes of the Town of Amenia Zoning Board of Appeals from a meeting held on April 16, 2009 and are not to be construed as the final official minutes until so approved.

Approved as read

Approved with: deletions, corrections, and additions