

TOWN BOARD MEETING
July 19, 2007 - 7:00 PM
TOWN HALL

The meeting was called to order by Supervisor Reagon at 7:00 p.m.
Salute to the Flag was conducted.

Emergency Exits were pointed out by the Supervisor.

Roll Call:

Councilwoman Perotti	Present
Councilman Euvrard	Present
Councilwoman Doyle	Present
Councilman Russell	Present
Supervisor Reagon	Present

PUBLIC COMMENTS - AGENDA ITEMS ONLY

- Pat Nelligan expressed his opinion that SEQRA concerns had not been completely addressed. He advocates a positive declaration of environmental impact, and then an EIS (Environmental Impact Statement).
- Laurence Levin said that many people in Amenia have been waiting for this day [to approve a new Comprehensive Plan] for years. She encouraged the Town Board to adopt the new Comprehensive Plan and Zoning Law. The process has been open, public, and democratic with the CPIC Committee open for suggestions even at the eleventh hour. The Comprehensive Plan is something that Amenia needs and the committee has taken into account everybody's thoughts and feelings.
- Tom Werner is opposed to both the Comprehensive Plan and the new Zoning Law. He takes special exception to the RDO (Resort Development Overlay) zone.
- Mark Doyle rejoiced at Amenia reaching this wonderful milestone (adopting a new Comprehensive Plan and Zoning Law). It is the result of extraordinary community input with volunteers donating their time, knowledge, patience and talents.
- Michael Fogel, attorney for Callanhan Industries (owner of mine in South Amenia), had serious concerns about the noise standards in the new zoning law. The noise standard of 60 DBA during daytime is too restrictive and unreasonable. Also, the noise should be measured not at the property line, but at the location of the receiver. He asked if the noise standards applied to existing uses [see response below]. Finally, Michael Fogel believes the Town has not complied with SEQRA by identifying all areas of concern; for example, the new zoning law allows numerous new uses, such as timber harvesting, hotels, condos, and communication towers.
- Jason Kappel, hydrogeologist for Spectra Environmental Group, found fault with both the mechanics and the appropriateness of the noise ordinance. There is a lack of direction on how the noise should be assessed. There is also no differentiation between land uses, farm activities vs. residential activities. He also noted that DEC noise policy calls for measuring at the receptor, not the property line. In terms of appropriateness, the EPA document Protected Noise Levels (1978) lists

typical activities and decibels. Almost all activities on their chart produce more than the 60 DBA cited in the new zoning law.

- Graham Trelstad, AKRF, responded to Jason Kappel's remarks. Graham prepared the Environmental Assessment Form and drafted the Negative Declaration which clearly describe the comprehensive review which was done to comply with SEQRA. The standard of 60 DBA is often used and the property line is an appropriate place to measure.
- Michael Hayes, attorney to the Town, answered Michael Fogel's question about existing uses: existing use is not subject to the new noise ordinance unless the use is changed.

SEQRA NEGATIVE DECLARATION ON COMPREHENSIVE PLAN AND ZONING

Supervisor Reagon read the resolution which adopts the SEQRA negative declaration notice of determination of non-significance for the Comprehensive Plan Update and New Zoning Law. Councilman Euvrard explained that his original objections to the negative declaration had been resolved after listening to our consultants and understanding that projects before the Planning Board will have to each go through a SEQRA review.

Supervisor Reagon pointed out that the new Comprehensive Plan is more protective of the environment than the old Master Plan. People living in Amenia do not want its natural beauty destroyed. Councilwoman Doyle noted that Greenway is pleased with Amenia's Comprehensive Plan and new Zoning Law. Amenia is the first town to adopt the recommendations of the Greenway study in its aquifer ordinance. Councilman Russell commented that after attending many CPIC meetings, he was impressed with the mindset to preserve what makes Amenia special.

RESOLUTION # 25 OF 2007: NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE ON SEQRA REVIEW OF COMPREHENSIVE PLAN UPDATE AND NEW ZONING LAW

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE

MOTION CARRIED 5 to 0.

ADOPT COMPREHENSIVE PLAN UPDATE

Supervisor Reagon read the resolution which adopts the Comprehensive Plan Update to the 1991 Amenia Master Plan. Michael Hayes explained that a minor change had been made to the resolution because NY State law requires that a maximum interval for review be specified. In response to a question from Councilman Euvrard, Councilwoman Doyle noted that there was no legal reason for her to recuse herself on this issue.

Councilman Euvrard read a prepared statement in which he summarized his objections to the Comprehensive Plan Update:

- Zoning Board of Appeals (ZBA) has been slighted and too much power given to the Planning Board. Under the old method, the ZBA reviewed and approved special use permits. Under the new proposed plan, it is the Planning Board that does this review and approval.
- Mixed-Use Conversion Overlay zone (MCO) does not require a special use permit.

- Rural Agricultural (RA) zone was changed from 5 acres to 10 acres.
- In hamlet of Amenia, up to 8 units per acre are allowed.
- Highway Commercial zoning area is eliminated in the new zoning law.

Councilwoman Perotti noted that although the "closure of Taconic DDSO" language had been removed from the Comprehensive Plan, the intent to encourage development at the Ten Mile River Station was obvious. Councilman Russell related that he had never seen a decision made to benefit any particular group, in all the CPIC meetings he attended. Favoritism was never shown.

Councilwoman Doyle expressed her enthusiasm for the new exciting opportunities to encourage growth in Amenia, which the Comprehensive Plan represents. She envisions growth on a scale that is in harmony with our surroundings and the things we cherish.

Supervisor Reagon stated that the Comprehensive Plan is vital to the survival of Amenia as a place where people want to live. Without new zoning we have no protection to control where growth occurs. Referring to development along Route 9 and Route 22 South, Amenia has said "we do not want that". The Comprehensive Plan will protect Amenia against this undesirable suburban sprawl.

In response to Councilman Euvrard's concerns about the Planning Board having too much power, Supervisor Reagon explained that businesses had complained that the approval process took too long because both the ZBA and Planning Board were heavily involved. The new zoning law has streamlined that process. Councilman Russell went on to clarify that in the RA zone you can still have a 5-acre lot, if you cluster.

RESOLUTION # 26 OF 2007: ADOPT COMPREHENSIVE PLAN UPDATE

MOTION: S/Reagon
 SECOND: C/Russell
 ROLL CALL: C/Perotti - NO C/Doyle - AYE
 C/Euvrard - NO C/Russell - AYE
 S/Reagon - AYE

MOTION CARRIED 3 to 2.

ADOPT NEW ZONING LAW

Supervisor Reagon read the resolution of adoption for the new Zoning Law, which will be Local Law # 2 of 2007.

RESOLUTION # 27 OF 2007: ADOPT LOCAL LAW # 2 OF 2007 - NEW ZONING LAW

MOTION: S/Reagon
 SECOND: C/Russell
 ROLL CALL: C/Perotti - NO C/Doyle - AYE
 C/Euvrard - NO C/Russell - AYE
 S/Reagon - AYE

MOTION CARRIED 3 to 2.

ALL HAZARDS GRANT APPLICATION

Supervisor Reagon read the resolution which documents the Town of Amenia's intent to participate in a regional application to FEMA (Federal Emergency Management Agency) for an All Hazards Mitigation Planning Grant. Others participating in the grant include Beekman, Dover, North East, Milan, Pine Plains and Pawling. Katie Palmer-House will prepare the grant application.

RESOLUTION # 28 OF 2007: ALL HAZARDS GRANT APPLICATION

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 to 0.

PLAYGROUND EQUIPMENT PURCHASE

Supervisor Reagon announced that three bids had been received for the Wassaic Park playground equipment, ranging from \$30,000 to \$39,000. After some discussion, it was decided to table the motion for the purchase until a later time:

PURCHASE NEW PLAYGROUND EQUIPMENT FOR WASSAIC

MOTION: S/Reagon
SECOND: C/Russell
ROLL CALL: C/Perotti - C/Doyle -
C/Euvrard - C/Russell -
S/Reagon -
MOTION TABLED.

ASSISTANT BOOKKEEPER AND TRANSFER STATION ATTENDANT

Supervisor Reagon announced that the assistant Bookkeeper Scott Beyer and the assistant transfer station attendant Dennis Rooney were both resigning their positions. She moved to authorize the Town Clerk to advertise the available part-time positions with an application deadline of August 3:

ADVERTISE FOR ASSISTANT BOOKKEEPER AND TRANSFER STATION ATTENDANT

MOTION: S/Reagon
SECOND: C/Doyle
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 to 0.

WATER METER PROJECT RFP

Supervisor Reagon announced that the Town had received at grant for \$10,490 for the water meter project. The next step is to prepare an RFP (Request For Proposal) working with the Supervisor, Gary Bonds, John Lazarony, Mike Hagerty, and the water committee:

AUTHORIZE PREPARATION OF RFP FOR WATER METER PROJECT

MOTION: C/Doyle
SECOND: C/Perotti
ROLL CALL: C/Perotti - AYE C/Doyle - AYE
C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE
MOTION CARRIED 5 to 0.

REC COMMISSION APPOINTMENT

Supervisor Reagon moved to appoint Pete Clair to a 7-year term on the Recreation Commission:

APPOINT PETE CLAIR TO REC COMMISSION

MOTION: S/Reagon
SECOND: C/Euvrard
ROLL CALL: C/Perotti - AYE C/Doyle - AYE

C/Euvrard - AYE C/Russell - AYE
S/Reagon - AYE

MOTION CARRIED 5 to 0.

CONSTABLE LAW

Attorney to the Town Michael Hayes reported that the Town has the authority, though not the requirement, to create a position of "constable" by means of a new local law. Constables are peace officers under state law, but many municipalities pass a local law to define the powers of the constable. The attorney will prepare a draft local law for Amenia based on the local law of Union Vale.

OUTDOOR WOODBURNING FURNACES COMMITTEE

Supervisor Reagon asked the committee to reconstitute themselves to finish work on this local law. Sharon Kroeger, committee chair, said they would. Set-backs, smoke stack heights and other issues will be considered.

REBUILDING TOGETHER GRANT FOR FLOOD VICTIMS

Supervisor Reagon announced that grant money was available from Home Depot to help needy homeowners do repairs after the April flood. Recipients must meet certain requirements.

GRANTS UPDATE

Grant writer Michael Hagerty reported:

- Attended NYS Archive grant start-up conference.
- Water meter grant is a non-matching grant.
- Borden Park grant project going well.
- Greenway grant due Sept. 15.
- Berkshire Taconic grant due Sept. 1.

WASSAIC PARK CLEAN-UP DAY

Supervisor Reagon announced that Wassaic Park clean-up will be Saturday July 21 starting at 7:00 a.m. The old playground equipment will be taken down.

COMMITTEE REPORTS:

WATER COMMITTEE

Norm Cayea reported:

- Postcard survey was successful resulting in a count of about 704 residents in the water district, not counting businesses.
- Water committee is concerned that the district does not have enough water for Syms second development, Jack's parcel.
- Keane Stud developer is talking to Gary Bonds about water issues.

REC COMMISSION

Mike Murnane reported that the Summer program is going well, but they may need another bus.

DEPARTMENT REPORTS:

HIGHWAY DEPARTMENT

Stan Whitehead reported:

- Sealed Separate Road, Mountain View Road, and Twin Hill Road.
- Lake Amenia Road Bridge work waiting on DEC permit.

- FEMA money should start to arrive in 2 to 6 weeks. \$213,744 has been promised so far. We have 18 months to complete work from time of approval.
- New Mack 10-wheel dump truck for \$186,000 is in Poughkeepsie getting final fittings.

MEDICAL INSURANCE

While the bookkeeper Rose Greer was on medical leave, our health insurance carrier, Oxford Health Plan, switched billing procedures. The new procedure sent two bills to Amenia, but only one got paid on time. As a result, Oxford temporarily terminated our policy. Since this was an error, the insurance company guaranteed that no employee would incur medical expenses (during the temporary termination) that would not be reimbursed, according to the plan.

BUILDING DEPARTMENT

Mike Segelken reported:

- The Town needs to pass a Building Code Local Law. Michael Hayes will look into it.
- Owners of Outdoor Wood-Burning Furnaces must contact Mike to inspect them by August 1, or else they cannot be grandfathered in.
- Public Gathering permits will now be issued by the Building Department rather than the Town Clerk. The World Peace Prayer Society has applied for a permit for their August 11 Peace Festival:

APPROVE PUBLIC GATHERING PERMIT FOR AUGUST 11 PEACE FESTIVAL

MOTION: S/Reagon
 SECOND: C/Euvrard
 ROLL CALL: C/Perotti - AYE C/Doyle - AYE
 C/Euvrard - AYE C/Russell - AYE
 S/Reagon - AYE
 MOTION CARRIED 5 to 0.

BUDGET CONTINGENCY LINE USAGE

Supervisor Reagon related that she had asked Attorney Michael Hayes for his opinion on how the contingency line should be used. Because of the April flood, the contingency line is overspent, although the line will be reimbursed with FEMA money when it comes in. In the meantime, the Town could do a temporary transfer of funds from a line that has extra money at this time. This should be done by written resolution which would stipulate that the money will be "repaid" to the giving budget line. FEMA advised that all flood-related expenses be taken from the same budget line to create a clear paper trail, so the contingency line was used.

TOWN BOARD COMMENTS

Councilman Euvrard noticed several discrepancies in the June budget activity report:

- Cell tower revenues go into two lines which should be the same dollar amount. They are not.
- Certain expenses seem too high for this time of the year: mowing (almost all spent), Building Personnel Services (72% spent), Little League (\$294 overspent), Comprehensive Plan Attorney (overspent by \$12,000), contingency overspent by \$10,000.
- Councilwoman Doyle explained that grant money had been approved for \$30,000 to cover the overage in the Comprehensive Plan Attorney line. Supervisor Reagon explained that the Town was in good

financial shape and the lines in question would be fixed to correct these temporary discrepancies.

Councilwoman Perotti asked if the State Comptroller Audit of the Town Clerk and Tax Collector was available for public review, to which Deputy Town Clerk Patty Barron replied that it was.

Councilwoman Doyle reported:

- The Hidden Gardens of Amenia tour was a great success with 7 gardens this year. Special thanks to Serevan Restaurant and Kildonan School.
- Advertise for a dance instructor for the fall program at the same time we advertise for bookkeeper and transfer station attendant.
- "How to Recognize a Stroke" email was read.

SUPERVISOR REPORT

Supervisor Janet Reagon reported:

- PERMA congratulated Amenia on a high score in the risk assessment evaluation. As a result, Amenia has earned the full discount for Workers Compensation premiums paid. Major credit for this accomplishment goes to Lana Anguin-Cohen.

PUBLIC COMMENTS

- Betty Rooney, Lango Road: The view from De La Vergne Hill is spectacular and is one of the reasons many of the residents love Amenia. More highway commercial zoning would be the beginning of the end of this precious resource. This is far more important than a car wash or a movie theatre. Ladybird Johnson spent years working on beautification programs trying to cover up the ugliness created by highway commercial development.
- Neila Cardus objected to the fact that only 36 chairs were set up in the meeting room. She also criticized the Comprehensive Plan Update MCO zone which would allow development without special use permits on the old Taconic DDSO property that was sold to a private party. She read from a real estate ad that the property was for sale again for \$4 million.
- Mike Segelken, Building Inspector, responded that he set up 44 chairs in this room and considers that the maximum safe occupancy allowing room for people to exit between chairs in an emergency.
- Cheryl Morse had several objections to the Comprehensive Plan: (1) there is not enough highway commercial property, especially if Amenia gets a sewer; (2) the MCO (Mixed Conversion Overlay) zone is too loosely defined; (3) the RDO (Resort Development Overlay) zone would worsen traffic on Route 22; (4) potential adverse environmental impacts were not looked at hard enough; (5) the Comprehensive Plan favors populations with fat wallets.
- Mark Doyle, CPIC chair, questioned how anyone could be opposed to hamlet mixed use zone. Aren't we in favor of smaller (cheaper) lots within the hamlet? Why would anyone be against a development (in RDO zone) which requires 10% of the units to be "affordable housing" built to the same high standards as the rest of the units? Why would anyone oppose opening the door to Silo Ridge and their offer of \$2 million worth of service in the form of Town usage of their proposed sewer plant? The Comprehensive

Plan with its requirement for environmental analysis up front, creates a "joint planning" situation between the Planning Board and the applicant.

Councilman Euvrard asked Mark Doyle if he could name another town in New York State that had a similar zone (like Amenia's MCO) where special use permits were not required. Mark mentioned that both Warwick and Goshen had such zoning.

On further questioning from Councilman Euvrard, Mark Doyle replied that the Recommended Action Amendments to the 1991 Master Plan listed a variety of uses the Town would like to see considered as re-use of the Taconic DDSO property. In order to encourage these specific uses, our consultant suggested waiving the requirement for a special use permit. The 1991 Master Plan had lots of language about the redevelopment of the Taconic DDSO site, so this is nothing new in the Comprehensive Plan Update.

- Arlene Iuliano recalled that ideas for the re-use of Taconic DDSO facilities started in the 1970's when the move towards deinstitutionalization made it likely that the DDSO would downsize to some degree. Under the old Master Plan and zoning, for big project, the ZBA and Planning Board held joint meetings. Why was this dropped?

ADJOURN

The motion to adjourn to pay claims was unanimous at 10:15 p.m.

Respectfully submitted,

Gail Hermosilla,
Amenia Town Clerk

Approved by Town Board: 11/15/07
Draft to Town Board: 11/8/07 (email), paper to Wayne

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