

Town of Amenia
Comprehensive Plan Implementation Committee
April 18, 2005

Present: Harry Clark, Chairman, Mark Doyle, Rudy Eschbach, Bill Flood, Dolores Holland, Tony Robustelli, Joel Russell
Nancy Busie, Zoning Administrator, George Fenn, Chairman, Planning Board.

The minutes of the April 11 meeting were discussed with the intention of clarifying details and, for J. Russell, to answer any questions which arose during that meeting.

Section 121-2 A-6 J. Russell said there is a specific meaning to the word 'rules' and it should be kept in the text.

Section 121-2 B2 The way the aquifer overlay is written it applies everywhere - 'if any' is not necessary.

Section 121-3 A Put back 'predominantly'.

To H. Clark's remark that some of the wording appears redundant, J. Russell replied that there are differences and that the reason for having a long list of purposes is that when, and if, any section of the Zoning ordinance is ever challenged, they are covered and can be referred to in response. 'F' and 'G' are separate because there are a many state and local policies about agriculture which thereby becomes its own category so other kinds of uses for open land, besides farming, need to be specified.

J. Russell said that, when an open spaces plan is designed, it should be under the auspices of the CAC.

Section 121-3 E. 'Historically significant' and 'historical sites' : even if registered, neither category is protected against demolition or change by anything but local ordinances. The buildings have to be inventoried, the owners have to be notified prior to listing them - a fairly involved process mandated by the state. J. Russell asked whether the town would want to go that far to protect some of the areas/buildings.

D. Holland said she would check with Ann Linden to find out how far her preservation work has progressed.

Section 121-3 P. J. Russell agreed that a paragraph about the protection of property values should be added and that he would find the appropriate place to put it.

Re; the 'Greenway Connections' support the same purposes as the zoning

ordinances and do not require a special section or mention - the addition of a two-page summary at the end of the zoning codes will be sufficient.

Any references to reference materials (available for study at the Town Hall) will be included in the text. In the future, computer links will connect directly to all reference materials. T. Robustelli added that this process should be made as simple as possible.

Section 121-7 H. J. Russell: the choice of those words (promote, permit, maintain, allow) is deliberate. He agreed to add a rationale for the provision of 'overlay districts'.

'Zone' v. 'District' : the meaning is synonymous and the Committee is free to choose whichever one it prefers. N. Brusie reiterated her preference for 'zones' - one reason being that people are more familiar with that term. H. Clark said that this is the exact reason why he wants to change to 'district' - he wants people to think in new terms and become adjusted to change - to a different way of looking at things.

Section 121-7 (HM) M. Doyle: Does the town want to include the Wassaic train station as a part of the hamlet as it grows or as a new center of growth? J. Russell: do you want Mixed Used Zoning around the train station since the existing hamlet of Wassaic has limited growth potential ?

The questions were left open for further discussion.

Section 121-7 (SR) J. Russell: these are areas already developed as one-acre residential and are suburban in character. If you re-zone them for rural density, everything already there becomes non-conforming. The purpose of the Master Plan is to get away from one-acre plots as they are too large to be serviced by water and sewer and too small for individual wells and septic systems. The side which is closest to the hamlet could be zoned for higher density and the side further away from the hamlet for lower density. J. Russell sees a problem in trying to re-zone areas already developed in one-acre plots as people are going to resent that - but proper planning dictates that these changes be made. H. Clark agreed, that, in the best interest of Amenia they have to be made and a way has to be found to present them in the least disturbing way possible.

Section 121-7 (SCO) A 'road corridor' overlay could be added to this section. Anyone wishing to develop land in that area would need a special permit which would or would not be granted depending on the impact on the view. G. Fenn will supply J. Russell with materials showing work done by previous administrations.

Section 121-7 (SMO) Restricting future use of such land for agriculture is justified because of the profit from mining the gravel. on that land. M. Doyle said that there are old gravel mines which would be suitable for housing but that new permits would prohibit such development. (See Section 121-41 'G'). This issue requires further discussion.

As to 'reasonable return' there is a body of law which clearly defines that term.

Section 121-8B: This refers to updating changes which have already been made and should be included. Add "zoning amendments made during the previous year".

USE TABLE: J. Russell says that the only way he can think of banning 'fast food restaurants' without losing something, like a small deli, which the town might want. is by prohibiting drive-through windows as most major chains insist on having them. If the town wants restaurants, creating a resort overlay would make that possible. Also, M. Doyle suggested that restaurants should be allowed on a farm (in the RA) in connection with agricultural business.

'Municipal' uses, by state law, is exempt from zoning unless the town voluntarily agrees to it. H. Clark said that there should be accountability, even for the Town Board, and provisions should be made in the zoning document.

The definition of a 'unit' is one family's dwelling. The term 'accessory dwelling unit' could be misunderstood and lead people to believe that it refers to a separate house. 'Accessory apartment' is clearer.

A 'cap' on multi-family dwelling is too restrictive and arbitrary. J. Russell is willing to provide a paragraph but advises against it. A matrix would also not be practical due to the fact that the issues are more of a qualitative than quantitative nature.

Allowing single family dwellings by right in the HC and CO districts would create problems and the 'S' zoning should remain.

Eliminate the P* and replace with PS.

Residential Care Facility: add 'S' in HR.

Bed & Breakfast: 'SP' across the board, except 'M'. The process is streamlined in existing buildings.

Mobile Homes: Only replacements are 'grandfathered' and permitted now.

If the town wants to allow mobile home parks, a section has to be written and it should be in an overlay zone and be allowed by special permit only. They are not usually a good investment for the land owners and depreciate in value but are a good source for affordable housing. J. Russell will work on devising a section.

Agriculture: If any of the agricultural areas happen to be in an HM or HR district, they have to be permitted by right.

Commercial Logging: M. Doyle said that specifics are accessible on the computer including a stump survey. J. Russell: A logging permit overrides any other regulations. Clear cutting for the purposes of reclaiming land for agriculture is allowed. Provisions are in place to protect the ridge line during cluster development. An extra layer could be added to include commercial logging provisions. D. Holland and H. Clark said that the ridge line is very important to Amenia and has to be protected.

Craft Workshops: Above a certain size a craft workshop becomes light industry.

Health Care Facilities: R. Eschbach enquired about dentist and doctors offices. A special section needs to be written due to the difference between those facilities (in traffic flow and number of employees) and other offices such as architect's and accountants'.

An area on Rte 44, across from Dill's should not be zoned residential but for mixed commercial use.

J. Russell added that these kinds of questions will be resolved once the maps are marked up.

There are reasons while certain home occupations, those that have no noticeable impact on the neighborhood, should be allowed by right.

Solid Waste Management Facilities: does the town want to permit new ones? N. Brusie said that a chapter on 'outdoor storage' will be updated in May.

A need for 'processing' solid waste was expressed and J. Russell suggested still calling these facilities 'waste management' and using the term 'processing' in the text. If a facility now 'manages' solid waste but wishes to 'process' it - is there a way to prevent that?

(NOTE: in this entire section everyone was talking at the same time - it is not entirely clear to me, which, if any decision was reached.)

Mixed Use definition: H. Clark said this is another 'hot button issue' in the town and that a more precise definition is needed as people will be suspicious of the term 'mixed use' and want to know exactly what it

is. He specifically objected to the inclusion of 'industrial'.

The meeting closed with a discussion of various ways to streamline the process and making the weekly meetings more efficient and effective. H. Clark suggested a consolidated list of questions. J. Russell prefers getting to the big picture first and working out the details later.

The next meeting is scheduled for Monday, April 25 at 7:00 PM.

Submitted by Monique Montaigne, April 21, 2005