

Town of Amenia  
Comprehensive Plan Implementation Committee  
May 2, 2005

Present: Mark Doyle, acting Chair, Rudy Eschbach, Bill Flood, Dolores Holland, Darlene Riemer, Tony Robustelli, Joel Russell.  
George Fenn, Chairman, Planning Board.

Joel Russell answered questions raised by Harry Clark and the Committee:

1. 4/25 Minutes:

Re: acreage vs. square feet:

Any lot of about 40,000 square feet in size shall be deemed fully conforming to one-acre zoning. A phrase to that effect will be inserted.

Re: difference in front yard setback between town and county/state roads:

One reason for that is a safety consideration - state roads tend to have heavier traffic at higher speed; another, the possibility that the State may decide to widen the road in which case the setback would shrink considerably. For larger developments, where screening is necessary, the screening would be inside the setbacks.

Re: maximum footprint in SR:

As there could be some community or institutional uses which would fit into a primarily residential area, a footprint of about 5,000 to 6,000 sq ft will be added.

Re: footnote 12:

J. Russell says that anyone wanting to build has to prove that the town could not survive economically without that project.

It is impossible to predict what might come along in the future - the Planning Board has to determine what is important to the economic viability of the town. One possibility is to leave the phrasing as is, which puts some discretionary power in the hands of the Planning Board subject to a special permit. Another is to have a set of criteria, although it is difficult to determine what those criteria should be. J. Russell added that 60,000 sq. ft. is a generally accepted and reasonable size.

Re: Section 121-11 D3: there is no particular reason for the reduction in size.

Re: Section 121-12B: J. Russell will study the grid designed by M. Doyle - if it makes the text easier to understand it is positive, but

"if it is just one more thing people have to try to figure out then why bother. "

D. Riemer asked why there is a maximum footprint of 200,000 sq. ft. and a 150 ft setback in CO when the minimum lot size is only 1 acre. J. Russell says there is nothing wrong with those numbers - it means they will 'kick in' when there is a bigger lot. The town may, at some time in the future, wish to have a large business which will contribute to the tax base and provide jobs - as long as it is properly screened and buffered.

4: The reason for the 20% limit in the CO district: as there is a strong market for residential property, this is to prevent someone from buying land in a CO area and building residences.

Section 121-16 A glossary of acronyms will be added.

"Effect" represents a statements of regulations - stating what owners can do with their land in a particular district. It was decided to use the phrase "regulatory effect" instead.

Paragraph 2: The mention of zoning amendments in this section applies to the Wassaic Developmental Center only and the town should be as flexible as possible as no one knows what could be done with those buildings. If someone finds a good use for them, the town should be open minded. Turning it over to the Planning Board could be considered an "excessive delegation of zoning power". There is a concept in zoning called a "plan unit development" - a developer can get the zoning changed so that, in effect, the zoning becomes the plan. It is a way of saying that the only way the town would consider that specific development is in that particular place.

This is one of two options: a developer can use the underlying zoning ('by right' option) or have the area re-zoned for a special purpose.

This should be explained in the Comprehensive Plan.

J. Russell will address this issue in more detail the second draft.

Section 121-17

State law has limits of the conditions a town can impose on a soil mining permit. Restricting future use of the land is not possible - the town can make conservation easement a condition of any permit except soil mining. In section 121-42 G

J. Russell has made an attempt to link mining permits and conservation easement but he is not certain that it will work. . He agrees with H.

Clark that the decisions should be dependent upon the nature of the site in question and will give the issue more thought to try and find a legally enforceable way to realize the town's wishes.

It is important, at this time, to identify all areas which are

appropriate for mining and to think about what acceptable future uses of those areas could be. M. Doyle will create the maps.

Article V: J. Russell will re-write the disputed section.

H. Clark comments, April 15:

#11 - It depends on what kind of a subdivision it is - a case-by- case decision.

#12 - they are not the same - it depends, again, on the subdivision.

#15 - not definitive - could be 10 or 15. If someone wants to have very low density and not have to put in a town-spec road, he has an incentive to preserve open land. J. Russell will clarify this section to avoid confusion.

M Doyle asked who makes the decisions about maximum development on conservation easements, the town or the non-profit organization (DLC). J. Russell: in the case of voluntary conservation, the town has no say - the details are worked out between the landowners and the DLC. If an owner wants approval of a conservation subdivision, the town decides what will be allowed where and the land that falls under conservation easement will have no houses at all.

#21 - The areas where Ridge Line protection overlays will apply need to be clearly defined and criteria set up ( restrictions on clearing, driveways, etc.) M. Doyle will create maps . J. Russell will add provisions in 2nd draft.

#22 - assessment is a State issue and does not belong in zoning.

#23 - affects a lot of people and they don't like to be told where they can and can not park their cars.(Pg. 48, 4a is intended for commercial properties only - J. Russell will clarify.)

#24 - case by case.

#26 - normal conversation.

#27 - doing repairs/maintenance on the property.

#28 - requires special permit.

#29 - defined in Highway Capacity Manual.

#30 - J. Russell will add a sentence about "drive through windows."

#32 - J. Russell feels the Zoning Board should be in charge.

#34 - 1000 feet is already pushing it - anything above that will most likely be challenged.

#35 - M. Doyle will come up with alternative approach to this for the second draft.

#36 - dogs bark, cats don't.

#37 - Nursery Homes are heavily regulated by the State.

The next meeting is scheduled for Monday, May 9 at 7:00 PM.

Submitted by Monique Montaigne

May 6, 2005