



# TOWN OF AMENIA

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PLANNING DEPARTMENT  
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**PLANNING BOARD MEETING  
WEDNESDAY, JUNE 8, 2022  
7:00 P.M. – IN-PERSON  
AMENIA TOWN HALL 2<sup>ND</sup> FLOOR MEETING ROOM**

**REGULAR MEETING:**

**PUBLIC HEARING: DEEP HOLLOW PRESERVE  
TIMBER HARVEST – 253 DEEP HOLLOW RD**

**OTHER MATTERS: SBA MATTERS – Extension  
Minutes – March 23 and May 11, 2022**



# TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501  
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## PLANNING BOARD MEETING WEDNESDAY, JUNE 8, 2022 IN-PERSON AT TOWN HALL 2<sup>ND</sup> FLOOR MEETING ROOM

PRESENT: Robert Boyles, Jr, Chairman  
Tony Robustelli  
Nina Peek  
Neal Kusnetz  
Jim Walsh

ABSENT: John Stefanopoulos  
Matt Deister

OTHERS PRESENT - John Andrews  
Dave Everett  
Chris Prentis  
Rich Rennia

Public Members: Bob Audia – Town of Washington Councilman; Eric McClellan and son Richard property owner at 149 Deep Hollow Rd; Lena Merritt and husband - property owner at 227 Deep Hollow Rd.

The meeting was held IN-PERSON at Town Hall. Chairman Robert Boyles, Jr. opened the meeting with all those present Reciting the Pledge of Allegiance at 7pm. The exits were announced in case of emergency.

Chairman Boyles opened the Regular Meeting and in turn opened the Public Hearing for the **DEEP HOLLOW PRESERVE – 253 Deep Hollow – Timber Harvest**. He then proceeded by asking if there was any public comment. The first person to speak was Robert Audia from the Town of Washington (Millbrook). He is a Councilman and was alerted with my (Judy Westfall)email to the Town about the upcoming Timber Harvest proposal and its closeness to route 44 and the north end of Deep Hollow Rd which is in the Town of Washington. He is concerned about the trucks travelling on Deep Hollow Rd (a one lane dirt road) and causing severe damage to the road (Town of Washington end). He says there are 16 or 17

houses on the Millbrook end but is concerned about the trees and the height and weight of the trucks and that there could be as many as 72 trips with good sized trucks for the project. (up to 9 weeks with 4 truckloads per week =36 x2 for both ways on road). Mr. Audia requested a bond be posted with the Town of Washington to ensure funds are available, if necessary, to repair road damage in the Town of Washington resulting from the truck traffic. The next person to speak was Eric McClellan, (and son, Richard)property owner at 149 Deep Hollow Rd has concerns about them parking trucks near/on his property as they remove trees. Will there be proper turn around space for the trucks on Deep Hollow Rd, and why is the tree harvest line so tight to his property line and no one else? Could they move the target trees at least 50' -100' back? What do the specific markings on the trees mean, i.e. a cross, an x or dots? Will traffic on Deep Hollow Rd be blocked at all? Megan Chamberlin says they cannot stop other traffic on Deep Hollow Road for a logging project. He bought the property for the beautiful trees and so many of them. What is the proposed future use for the property? Will it be used for a solar farm? He doesn't want the Hemlocks removed. He would like to meet with Chris Prentis the Forester about not removing some of the trees they have marked for removal. On the documentation, please clarify 25 or 79 acres for the project. They would like an explanation of the memorandum of 3 pages dated 4-4-22 of the area and its percentages. The third public comment was from Lena Merritt (and also her husband) who has property at 227 Deep hollow Rd. also has concerns about where they will park and turnaround the logging trucks. During the last timber harvest, a truck took down a barrier they had built for rain runoff and when it rained all of the runoff flooded their house. They also asked about the closing of the road and expressed concerns about passage on the road, saying it is really a one-lane road. He says the Millbrook end was left in terrible condition after the previous timber harvest. The grass this time of year is high, driving on the side of the road is risky and you can wreck your car. The heavy equipment being trucked in to do the logging is noisy. What will be the hrs. of operation?

With no further comment a motion was made by T. Robustelli, seconded by N. Kusnetz and carried to close the Public Hearing. Chairman Boyles asked Chris Prentis, Forester and assigned applicant by the property owner Deep Hollow Preserve, to answer questions from Public Comment Session. Mr. Prentis affirmed that the property would never be used for a Solar Farm. A conversion under a 480a plan with the NYSDEC is NOT permitted. The property cannot be subdivided, built

on, etc. The most concern that was brought up during public comment was trucks, traffic and the condition of Deep Hollow Rd. He assured the board and public that all trucks will be kept off Deep Hollow Rd except for transporting logs. All loading will be done off of the road on the subject property. The trucks weigh about the same as a Propane truck which was mentioned as being seen on Deep Hollow by one of the residents. The log truck, he says, will do less damage to the road because it is spaced out on more wheels than a propane truck. The owner is required to provide a road bond with the Town for the purpose of repairing any damages to the road. Chris (Mr. Prentis) will be happy to meet with property owner Eric McClellan to discuss the trees being marked for removal on his property line to do a trade-off for other trees. Mr. McClellan wanted to speak again of the situation near his property being singled out etc. Chris indicated that the NYSDEC designates the areas for the removal of trees. Mr. McClellan was in disbelief with this and continued his discussion. J. Andrews spoke up and said that the Public Hearing had been closed and that, under advisement, no further comments will be heard. Chairman Boyles concurred. Mr. McClellan then accepted Chris Prentis' invitation to meet with him to do a walk thru on his property. Chris will exchange his business card after the meeting. Dave Everett intercepts in saying that it is good to meet and see the property and trees in question. To Chris' point about the NYSDEC, Dave says they have approved a Forrest Management Plan for this property and it goes all the way up to the property line. Therefore Chris is legally obligated to cut the trees up to the property line. And if he does not, he faces fines from the NYSDEC. Dave says it will be best to work together. Mr. Prentis indicated a start time for the harvest would be likely in July 2022. In either the Spring or Fall, the road would be too soft for these trucks. A concern about water and runoff from storms was discussed, but that was when it was a different property owner. Mr. Prentis confirmed that the new owner has installed all new and proper drains and trails etc. and they are properly maintained. Mr. Prentis indicated all erosion controls will be in place which are all requirements of the DEC. Landing sites will be cleaned of debris after the harvest. All other debris that was slashed in the woods will be left including stumps over 7 inches and other. Per Town Code, hours of Operation will be Monday – Fridays from 8am to 6pm. There will be no harvesting on weekends or holidays. John asks Chris to speak about tree markings and the difference between hemlocks and other trees and why the ratio is what it is. Chris says the dot = firewood, "x" = cull (remove) a horizontal slash = saw timber (made into logs), and "+" = deduction made for rotten spot or whatever (shown to

purchaser). Almost all the hemlock of what is visible off the driveway is already dead now and is falling down. That is the reason for primarily harvesting hemlock. He addressed the reasons for exiting trucks to Route 44 through the Town of Washington's side of Deep Hollow Rd as being the sharp corner on Deep Hollow as well as being only point of access. John Andrews says that Megan Chamberlin would like to schedule a meeting with John, Megan and the Town of Washington Highway Superintendent and Chris Prentis to discuss this and work together. Chris discussed the reason for the 79 acres vs. 25 acres of timber harvest described in the application is that the 79 is a total acreage and 25 are the harvested acres per the map. The DEC's computer program cannot modify the number of acres within a total for the actual and this is the reason for the discrepancy. Dave says the Board needs to start to move into a decision by completing the SEQRA Process first. John prepared the draft SEAF Part II and III. A motion was made by J. Walsh seconded by T. Robustelli and carried to accept the SEAF Parts II and III as drafted. All present voted aye. The draft resolutions will have to be changed and other documentation submitted from property walk through and Highway Superintendent's/Town Engineer's meeting about the road, Hrs. of operation, loading and unloading, etc. incorporated into the Resolutions and Neg Dec documents. Mr. Prentis will coordinate with John and the Board to report back on the meetings. Dave will update the resolution to reflect the additional information and bring them to the June 22, meeting for approval. Jim and Nina both bring up the fact that they need to see the draft resolutions and other documents a couple of days before the Planning Board meetings, **not the day of**. Dave will make sure he does that in the future. The things that need to be added to the resolution are:

Hours of operation

Meeting with Highway Superintendents and Engineer about using Deep Hollow exit through Town of Washington end of Deep Hollow Rd

No Loading or unloading on Deep Hollow Rd

No Parking on Deep Hollow Rd

Stabilization

Debris

Erosion & Sediment Control Plan

John says most of this is in the record through his application materials, it will be reworded in the resolutions.

Chris Prentis asks if he needs to be present at the next meeting. Dave says he may want to be, especially if the Board has any additional questions, it may delay their decision. He will touch base next week. Dave will add the above points to the SITE PLAN RESOLUTION. The \$10,000 Bond will also be incorporated into the resolution as well as applicant applying to Town Highway Department for those terms and conditions, logging trucks turn left to exit to Route 44. And hours of operation specified as well as the list above. We will meet again for this matter on June 22, 2022 upon request from the Board to move the project along.

**Under Other Matters, the SBA Cell Tower Renewal Applicant** is asking for an extension on some conditions from the previous resolution in December 2021. Daniel Patrick from SBA was present for the meeting and spoke about the extension and possible removal of a condition. They are asking for a 6 months extension. He speaks of the 4 conditions in the resolutions. 1. Provide a bond which he does not believe he needs an extension for because it is a 30 day time frame from this extension, if granted, to provide a bond when attorneys come up with one. 2. A Line Of Sight diagram needs to be provided. The Engineers are providing one. They reached out to John Andrews on 6/2/22 and will submit in writing for review. That will include as to whether a NYSDOT Permit will be required because most of the clearing is in the ROW. The analysis may be completed but the NYSDOT have been taking a very long time getting to approve permits of this nature. 3. Landscaping – after a site visit to the property (this season) John Andrews met with the Landscape contractor hired to do more plantings etc. The area is all grown up and in total shade and needs no more landscaping. John’s opinion is to waive the landscaping condition. When exiting the site (on 44), there should be a No Left Turn Sign because of the line of sight. Exit to the right needs to have the brush cleared from the ROW for better visibility. John would like to see the entrance/exit area cleared for safety and stopping issues. Jim is concerned more about the access to the property. He also asks why it has taken 6 months to get a backup generator on the site. The property is sub leased by owner to carriers who are responsible for the generator. Tony says he never saw any evidence from day one as to any hookups etc. for a generator. He does not want to give a 6 months extension for a generator. Generator sizes and such were then discussed, and specifics for this particular use and site need to be determined. The chairman even discussed a new frequency for fire radios on this tower (for Wassaic). A generator would provide use when the tower is “down” and power is out for emergency responders. Some other cell tower users are putting smaller battery

arrays in the tower for backup use instead of generators. All calculations such as size and fueling will have to be submitted. Daniel says that the present carrier has a battery backup at this time that will provide 24hrs backup. If more days are needed, a unit is brought in to provide the backup service. Tony again brings up the time frame of the entire project, since 2002 and there hasn't been a generator. He feels that a 6 month extension is not warranted. Dave asks the Board if they would like to waive the landscaping requirement as set forth as a condition in the original resolution. The members of the Board present agreed to waive it. Chairman Boyles asks about specifics in frequencies and how many miles around will it be available in. John Andrews suggests that within 90 days of the 6 months, that the applicant proves action on a generator installation or the extension period is rescinded and at this time 6 months extension for a generator extension be approved. The same discussion will be on the agenda for the upcoming ZBA Meeting on June 21 for a special use permit. Jim asks what if the extension was not granted. Dave Everett says that since SBA would then be in violation of their original approval, and Code Enforcement Officer for the Town could shut them down. And the owners could then raise Federal Issues with the Town and it would get messy. Dave recommends to try and work with them to resolve these issues. These issues have been discussed both at the State and Federal levels. J.Walsh made the motion to grant the 6 month extension but they MUST report to the Planning Board within 90 days on the action taken or the extension may be rescinded, toward installation of a generator on the facility of SBA Route 44, Amenia, motion was seconded by N. Kusnetz and carried. A resolution will be drafted by Dave's office for the Board's consideration for the extension and waivers as voted on above for the complete draft of an extension. A copy will be forwarded to Mr. Patrick prior to approval. The ZBA meets on the 21<sup>st</sup> and the next Planning Board Meeting is the following day which will be too soon to get results from ZBA to Planning Board members. So a follow up meeting with the results from both meetings could be done at the July 13<sup>th</sup> planning Board meeting.

The other matters on the agenda were Minutes from 3-23-22 and 5-11-22. The minutes from 3-23-22 were tabled until the next meeting because the people attending the meeting were not the same as those who attended the one on 3-23 and therefore could not vote on the motion to accept them. A motion was made by T. Robustelli, seconded by R. Boyles and carried to approve the minutes from 5-11-22 as submitted.

Nina and Jim point out getting the information from consultants sooner. The Resolutions were just sent the day of the meeting. Applicants should not be on

agenda if applications are incomplete or late. Consultants will be asked to have their comments emailed to Judy no later than the Monday morning prior to the Wednesday meetings. Have John and Dave let Judy know if documentation is missing in their applications in a timely manner that they will not be on an upcoming agenda. John and Judy will put 5 bullet points of items to be with an application prior to being put on an agenda for Planning Board Meetings.

A motion was made by T. Robustelli, seconded by N. Kusnetz and carried to adjourn the Planning Board meeting at 8:40pm. The next meeting is June 22, 2022 at 7pm.

Respectfully submitted

A handwritten signature in cursive script that reads "Judith Westfall".

Judith Westfall

Planning Board Secretary