



TOWN OF AMENIA

PLANNING DEPARTMENT
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**PLANNING BOARD MEETING
WEDNESDAY, MARCH 8, 2023
7:00 P.M. – IN-PERSON
AMENIA TOWN HALL
UPSTAIRS MEETING ROOM**

REGULAR MEETING:

- 1. TROUTBECK – ADAPTIVE RE USE PLAN –
REVISIONS TO APPLICATION**
- 2. LANDS OF TOWER HILL 2014 LLC – REVISIONS**

**OTHER MATTERS: SBA/Nextel – letter to revoke Permit?
MINUTES 1-11-23 MEETING
STENOGRAPHER TRANSCRIPTION OF
TROUTBECK PUBLIC HEARING ON FEBRUARY 8, 2023**



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PLANNING BOARD MEETING WEDNESDAY, MARCH 8, 2023 IN-PERSON AT TOWN HALL

PRESENT: Robert Boyles
Matthew Deister
James Walsh
Nina Peek

ABSENT: Tony Robustelli
Neal Kusnetz
John Stefanopoulos

CONSULTANTS: Paul VanCott, Town PB Attorney
John Andrews, Town PB Engineer

Chairman Robert Boyles, Jr. called the Regular Meeting to order at 7:28pm. The Pledge of Allegiance was recited and the exits were announced by the Chairman in case of emergency.

Item #1 on the Agenda was Troutbeck Adaptive Reuse – revisions. Chairman Boyles invited Rich Rennia to speak of updates to the applicant's project and any new documentation. Rich spoke of the highlights of the project as revised. These included:

- Troutbeck Adaptive Reuse Public Hearing was Closed on February 8, 2023
- As said before, the proposal agrees with the Town's current Comprehensive Plan as well as the Zoning Code
- The Adaptive Reuse regulations are clear and they allow everything in the proposal
- The presented Troutbeck Project proposed fully qualifies for the Adaptive Reuse program of the Town Code
- The permitted density (if done by hard calculation) is 168 ½ lodging Units
- The proposed density number is 85 lodging units
- The plan, as presented, is conforming

- There is a proposed Conservation Easement which will cover greater than 50% of the project proposed as required
- The applicant and entire team of Troutbeck has listened to the Public Comments and reacted to them
- This resulted in a reduction in the project scope
- There is a reduction of 32 bedrooms
- The Adaptive Reuse Plan and SEQRA Narrative documentation has been provided with a series of studies which discuss project impacts including; traffic study, archeological, habitat, stormwater, water, wastewater, hydrogeological, and visual impacts. Smaller pieces of the project broken into eight phases are also documented.

Rich is ready to discuss the next steps for the applicant now that the Public Hearing has been closed. Chairman Boyles directs John Andrews to speak of the direction to be taken at this time. John's focus, after the last Public Hearing, was on hydrogeology. He spent some time researching via the Dutchess County files, the wells of residents surrounding the proposed development, some of whom spoke at the Public Hearing. John provided these records to Mr. Thomas Cusack, Vice President of WSP, for further research and documentation, conclusions or analysis and to demonstrate potential impact to the aquifer. John then introduces Thomas Cusack, Hydrogeologist hired by the applicant to perform a study on the proposed water usage, impacts on neighboring wells, etc. of the Yellow City and Leedsville Rd areas. (Mr. Cusack sent a report late by email before the meeting). Mr. Cusack stated he has almost 40 years of experience in hydrogeology. 60% of his work is representing municipalities. The rest of his practice area is in the private sector. He has done much work in the SEQRA area for both private sector and municipalities. He is a licensed hydrogeologist. Mr. Cusack reviewed the findings of his report.

Water: The present average water demand is estimated at 10,792 gallons per day or 7.6 gallons per minute. The anticipated water demand associated with full build out of Troutbeck is 20,580 gallons per day(gpd) or 14.3 gallons per minute(gpm)..

There are 2 main water supply sources for Troutbeck – a shallow infiltration caisson well designated W1 and the other is a bedrock well, designated W3. A third well, designated W2 will be removed and not replaced as part of the adaptive reuse project. The yield of the approved infiltration gallery well(W1) is 35 gpm. The yield of the bedrock well(W3) is 22 gpm. So, each of the well units exceeds the water demand of the project. All wells are routinely tested for NYS Part 5 contaminants. The water supply is reported to meet New York State Quality standards except for high iron levels which is common for ground water quality in parts of Amenia. The iron is removed via conventional water softener system.

. There are 2 aquifers in the setting of the proposed project. One is the Sand & Gravel aquifer and the other is the bedrock aquifer. The Sand & Gravel aquifer is very well known and documented. Well 1 is completed in the sand and gravel aquifer and is reported to have a yield in excess of 300 gpm. The bedrock aquifers occur throughout the town, and some possess excellent water bearing properties. The site-specific bedrock geology map indicates potentially two (2) different bedrock formations, Stockbridge Marble(OCst) and Walloomsac Formation (Owl). The Ocst is known to be high yielding whereas the Owl is not as prolific, with slightly lower yield.

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The Aquifer Overlay District was created to protect the health and welfare of the residents of the Town of Amenia by minimizing the potential for contamination and depletion of the local aquifer system. The Aquifer Overlay District and Zoning Code includes a methodology or formula for determining the parcels natural recharge and consumption of water. The formula was developed to minimize the potential of contamination and depletion of the local aquifer using as the limiting factor the carrying capacity of the land and its ability to absorb wastewater without adversely effecting the quantity and quality of groundwater and surface water.

Applying the acreage of the site and the water usage, and the consumption, the analysis shows the subtraction of the annual consumption by the natural recharge rate to the site and its net recharge indicates the surplus of 1.3 million gallons a day per year. So, according to the Town code, the recharge supports the proposed project and it will not adversely affect the quality or quantity of groundwater and surface water in the study region.

The formula in the Town Code, is viewed as extremely conservative. His approach is different. He uses USGS published recharge values. He limited the recharge just to the site boundaries in this study. According to his study there is an average recharge value of 67,000 gals per day which under drought conditions, reduces to 44,000 gals per day. The recharge at this site alone under the Town's formula and his formula (USGS values) obviously dramatically exceeds the water demand for the project.

Not all groundwater withdrawal is consumptive. Water is returned to the groundwater system by onsite wastewater disposal systems. Public reports indicate that 85% of consumptive water, when there is a septic system, goes back into the groundwater system. Applying this 85 percent of the water withdrawn by onsite wells will be returned to the groundwater system to

Troutbeck by the onsite wastewater treatments systems , the consumptive water use is estimated to be 3,087 gallons per day or less.

stormwater Management - The proposed stormwater management practices divert runoff from impervious surfaces through various stormwater collection systems including infiltration trenches and chambers, grass filtration strips, sand filters and infiltration basins. The proposed stormwater collection system will collect 100 percent of the runoff from new impervious surfaces, including roof structures. The collected runoff will infiltrate into the onsite groundwater system in the areas it is collected. The surface water from each area is captured and recharged back into the ground. This tends to preserve the natural groundwater recharge and flow on-site.

The SWPPP addresses contamination from sediments and particulate matter contained in runoff from impervious areas. Groundwater was not encountered in any of the 33 test pits excavated throughout the site did which indicates that the ground water elevation in these areas is greater than 7.5 feet. This provides a separation from groundwater that is greater than the 3 foot separation under the guidelines,

The proposed build out expansion of the Troutbeck project will have no discernible impact on the regional aquifer. In his professional opinion, the proposed project will have no significant direct or indirect effect (either short term or long term) on the regional aquifer or neighboring wells,

Jim Walsh asks: Why are there reports from homeowners (during Public Hearing) that there were depletions in availability of water at times? Tom reviewed the well completion reports for 13 properties, records John Andrews provided. Nina asked John to describe the source of the data and his findings. John gathered parcel data (for surrounding homes) from Dutchess County Parcel Access. Well completion reports are filed with the Department of Health and are available for public review. Available data showed (12 out of 13) bedrock wells of 150 ft to 700 ft deep. Varying from 20 to 60 gals per minute and 3 pints a minute and to 4 gals per minute. There is one sand & gravel well which generates about 20 gals per minute. The County website only includes data from, year 2000 forward and not all data was available for all nearby wells. Some older wells in the Troutbeck surrounding area were hit or miss for well records.

There is little available evidence to indicate any direct connection between the sand and gravel aquifer and the overall bedrock aquifer.

Nina asked John/Mr. Cusack to discuss the connection between the homeowners concern regarding the impact of the proposed project and their water supply – particularly during drought conditions and summer months. Mr Cusack says all of the data, i.e. ground withdrawals, recharge and water going back into the ground via the septic systems are addressed and discussed in his various letter reports. . In summary, both the Town required analysis under the AQO Zoning District and the USGS recharge analysis of more general acceptance , suggest that available groundwater recharges is more than sufficient to supply the proposed water demands of the project under both normal and drought conditions and should not impact neighboring users.

Moving to more general comments, Nina reviewed her list of residents' questions raised during Public Hearings as follows:

1. Events and weddings at Troutbeck – the Applicant will update their materials to accurately reflect existing and proposed weddings and other events, traffic and parking management.
2. Status of NYSDEC Letter dated January 2023, which required a “Avoidance Plan” from the applicant regarding rare and endangered species. Per Rich Rennia, the Avoidance Plan is included in the Phase 1 Plan Set. Paul VanCott noted the Applicant has committed to follow the “Avoidance Plan” as part of each of the proposed phases. The Avoidance Plan includes adherence to NYSDEC’s seasonal construction requirements and other restrictions. Jim asks for a qualified biologist’s study. The Applicant had a study done and Hudsonia reviewed that study, providing comments. The Applicant noted that Timber Rattlesnakes and Bog Turtles are not around during the winter months and all exterior construction will be restricted to the NYDEC’s allowable work window.
3. Disposition of the adjacent parcel (owned by Troutbeck) further west on Yellow City Road. Josh Mackey, Troutbeck’s attorney addresses the issue and said there are no plans at this time for that parcel. Paul VanCott notes the Applicant has stated there are no plans for the adjacent parcel and no connection between the two properties.
4. Use of “common areas”. The Applicant’s documentation states Troutbeck guests do not use the common areas, yet also anticipates occasional use by guests in the future, provided they are supervised by a Troutbeck mentor” Nina asks if there is no use now, why does the applicant speculate there will be use of the space in the future? Josh Mackey says Troutbeck has the right to use the space, but it is not encouraged. It’s called enhanced management. Additional measures will also be taken as far as Staff Training etc. There will also be paper material distributed to guests regarding common areas and amenities, etc. as well as neighboring properties and privacy. Paul VanCott noted the potential

for additional SEQRA impacts if Troutbeck Hotel visitors use the common areas including HOA lands. The Applicant's submittal reserved their right to use the common areas.

5. Maximum on-site population – The Applicant will update usage estimates to include events, Troutbeck guests, visitors and members.
6. The “Adaptive Reuse Plan” - Residents expressed concern this is just an expansion of an existing facility – not an “Adaptive Reuse”. John reviewed the section of the Town Zoning Code: *“The Town wishes to preserve the historic character and economic viability of important historic properties by allowing opportunities or flexible adaptive reuse **and expansion** while protecting the historic character of the property and the surrounding area.”* John explains that the proposal is not inconsistent with the code. The code actually says “expansion” is allowed. The application also requires a Special Use Permit. Paul VanCott added a brief history of Planning Board's review of Troutbeck in the past years, including changes to buildings, the Wellness Center, changes to the Century Lodge and others. Because the Applicant was seeking multiple new buildings and changes, Whiteman Osterman Hannah and Rhode Soyka Andrews recommended the preparation of a Comprehensive Development Plan that would be reviewed in the context of SEQRA. The Adaptive Reuse Plan, requires a Special Use Permit from the Planning Board. The Applicant will also need Site Plan approval from the Planning Board for each phase of the proposed development.
7. Jim Walsh says he has done a walk through at Troutbeck. He was concerned by the closeness of the Troutbeck Homeowners area to Troutbeck and that there is no “separation” of the two. During Public Hearing comments several complaints were made regarding their privacy from Troutbeck and events with people walking through to the Homeowners area, loud noises from the events, etc. He would like to see the Applicant do some plantings or a berm between the areas for a noticeable break in the properties, as there is an open space (lot), and to maybe put up signs saying Private Community. Rich Rennie says there are no “landscaping plans” at this time but will look into it. Paul VanCott says that in their recent submission, they are eliminating the use of Fireworks at all of their events. Paul VanCott says they could also issue “operational guidelines” for time of day / night usage of tennis courts.

Chairman Boyles asks counsel for the next steps. Paul notes reports and special documentation including public comments and consultants/attorneys review memos have been filed with the Planning Board and the Public Hearing has been closed. He believes there is sufficient information in the record to make referrals to Dutchess County and the involved/interested agencies including: The Dutchess County Historical Society, The Amenia Historical Society, The Zoning Board of Appeals, possibly the NYS OPRHP/SHPO for the Garden House, and the Town of

Amenia CAC (Conservation Advisory Council) with the updated plans to receive advisory comments from each. Interested/Involved Agencies have 30 days from receipt of the complete application package to provide any written comments. Also needed is a completed Part 2 of the FEAF by the Planning Board.

Nina's questions require updates to the Applicant's narrative.

A motion was made by Nina Peek, seconded by Jim Walsh and carried that pending revision to the Part 1 Troutbeck Narrative to the satisfaction of the Planning Board's Consultant, the Planning Board will circulate the materials to the agencies and Dutchess County for comments. Paul asks for a time frame for this to occur. Nina says she'll send her comments in the next day. Paul and John will then review them and turn them over to Rich Rennia for him to revise his narrative and submit a revised submission. John proposes a 7 day window (by March 15) to have the information ready to go for referrals to the County and other agencies.

Paul asks if the Board would like he and John Andrews to start the analysis to assist with the SEQRA Part 2 FEAF for the April 12th meeting. A motion was made by J. Walsh, seconded by M. Deister and carried to meet to review the Part 2 FEAF for the Planning Board to review at the April 12, 2023 meeting.

After a short break, the meeting resumed with the **Lands of Tower Hill Subdivision revisions**. Rich Rennia briefly describes the plan. The plans are for a subdivision at 365 Tower Hill Road to subdivide an 165-acre parcel into 3 parcels. Lot 1, will have the existing house (about 44 acres); Lot 2 will be for horse barns, paddocks, walking track for horses, and a polo field (approx 88 acres), and Lot 3 will be a 32 acre rear lot. Rich and John Andrews updated the Board regarding the previous Site Plan approval, construction and the drainage issues that occurred on the property and into Tower Hill Road. The driveway/entrance to the property is now in great shape after many tweaks to drainage etc, however, the Town Attorney has been consulted regarding drainage impacts to Tower Hill Road. This issue is pending. The entrance at 365 Tower Hill Road will be the access to the rear lot #3 as well as the house, horse barns, etc. The current owner, Mr. McTaggart is hoping that in the future, his children may want to have these lots and they may want to have their own space. There is nothing planned for the lots at this time other than a subdivision. Rich says in this submittal, they propose a driveway easement for the current entrance from Tower Hill. Rich claims these are NOT Flag Lots because they are large enough to meet conventional setback requirements. John Andrews says he is unable to make a determination at this time. This determination may not be able to be addressed at the Planning Board and may need to go to the ZBA. John will need to see a driveway and driveway profile to Lot 3 for further comment and review. What do "property restrictions" signify on the drawings? Rich says

that these "property restrictions" appeared on the map prior to the current owner's purchase. The restrictions are not shown on current maps, only older maps. As Rich indicates in his cover letter, the Applicant will honor the restrictions as originally drafted despite the contention that they may not have been properly filed. John requires additional documentation to determine whether the "property restrictions" require filing or just notes on the filed Plan, which would be in effect - an agreement between two properties. Rich says this would be similar to building envelopes being used in this subdivision plan for the 3 lots. The two owners would like to honor the restrictions made in the original documents and that will have to be done within legal bounds. John says the biggest issue with this plan is with the "flag lots". John says it may need to go to ZBA. Rich says the Planning Board can issue a waiver if they feel that the layout is good and it preserves things, and as long as the justification is there. Paul says, to be clear, Rich says that because there is sufficient road frontage, they meet the conventional setbacks for this proposed project. Paul asks Rich to ask the 2 owners of the properties if they want to file the Deed Restrictions before the project moves forward. Paul says that Ian Lindars, Town Attorney, needs to weigh in the drainage issue. Tower Hill Rd is still being damaged from water drainage from this property. A motion was made by Jim Walsh, seconded by Nina Peek and carried to authorize John Andrews to do a site visit to walk the property with both Rich Rennie and Megan Chamberlain to see what needs to be done to remedy this situation and make recommendations to the Town Board. Matt Deister says that the driveway dimensions from lot 1 to lot 3 should be kept the same when all is said and done. A driveway design was suggested by Rich. Paul speaks about Flag Lots and Rich asks Paul to be in touch with Dave Everett about the Planning Board's right to issue a waiver as they did with the subdivision across from Town Hall. John will let Judy know when the site visit will take place in case other Planning Members would like to see the site as well and go along.

The last agenda item was **Nextel / SBA – generator** – installation of which was a condition of Site Plan approval. The generator was never installed. The Applicant is seeking an extension, however, had not met the Site Plan approval conditions. The Applicant received a letter from T-Mobile (the carrier) indicating that there will not be a generator, rather there will be a Battery Back up system. Because this issue was originally raised by Tony Robustelli, and he was absent for this meeting, the Planning Board decided to table the item until the next meeting so that he could weigh in on a decision via motion made by J. Walsh and seconded by N. Peek.

The Minutes of the 1-1-23 Planning Board meeting were approved by motion made by N. Peek and seconded by J. Walsh and carried. The Transcription by stenographer Laura A. Couch from the Public Hearing held on 2-8-23 was approved by motion made by N. Peek, seconded by J. Walsh and carried.

A motion was made and carried by J. Walsh and seconded by N. Peek to adjourn the meeting at 9:00 pm. The next regular meeting is scheduled for Wednesday, March 22, 2023.

Respectfully Submitted,



Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on March 8, 2022 and are not to be construed as the official minutes until approved.

____ Approved as read

 / Approved with: additions, corrections and deletions