



TOWN OF AMENIA

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PLANNING BOARD MEETING
WEDNESDAY, MAY 24, 2023
IN-PERSON AT TOWN HALL
Upstairs Meeting Room

PRESENT: Robert Boyles
Nina Peek
Tony Robustelli
Neal Kusnetz(arrived late 7:35pm)
Matthew Deister
John Stefanopoulos

ABSENT: James Walsh

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

ALSO PRESENT: Rich Rennia, Peter Sander – Rennia Engineering Designs
Joe Eriole, Attorney – Keane Stud Subdivision
Members of the Public

Meeting Called to Order by Chairman Robert Boyles, Jr. at 7:05pm – Pledge of Allegiance recited and exits announced.

Public Hearing: Lands of Tower Hill 2014 Subdivision

Rich Rennia briefly described the project for the record.

- Located at 365 Tower Hill Rd Amenia
- Existing 165 acre parcel
- Proposal to create 3 parcels, currently in the RA (Rural Agricultural) district
- There is a minimum of 10 acre zoning in the RA Zone
- Lot 1 will contain the existing main house...proposed to become 44.7 acres
- Lot 2 will contain the existing barns, the polo field, and existing 2 farms houses...proposed to be 86.6 acres
- Lot 3 will be vacant land...proposed to be 33.9 acres

It was discussed at the last Planning Board meeting and the decision was made to call all of the lots conventional lots NOT flag lots because they all have frontage to

the road (Tower Hill). Rennia Engineering provided the design that proved out that Lot 3 (in the back of the other 2) has the frontage as well. Rich Rennia, John Andrews and Megan Chamberlain (Highway Superintendent) were able to walk the property to look at the road channel of concern on the property. After speaking with the property owner, it was determined that 250 feet of that channel has been eroded and that it needed to be repaired. The plan is to stabilize that. John Andrews submitted comments and they have been resolved. He too spoke of walking the property. The current plan to repair the road channel (250 feet) that is eroding is being addressed. Secretary Judy Westfall has received 3 letters for the record from the public about this matter. They are from: (1) Thomas L. Newberry, 118 Kennel Rd. Wassaic NY, (2) Katherine C. Milgram, 136 Kennel Road Rd. Wassaic, NY and (3) William Neeson, 418 Tower Hill Rd. Millbrook NY. Paul VanCott spoke about the comment letters that were received. He also speaks to the proposed subdivision application and that there is no new development proposed. From a SEQRA standpoint it is an unlisted action. When the Planning Board is ready, it will be necessary to complete the EAF Part 2. This will need to be completed before any approval resolution is granted. After the Public Hearing, the Planning Board can either move on in that direction or require more information from the applicant if necessary. John says, for the record, even though there is a driveway proposed for Lot 3, it will not be developed or finished until there is a proposal for the development on that lot. At this point in time, there is no evidence of or if that may ever occur.

Chairman Boyles, Jr. asked for Public Comment.

Katherine Milgram – Question. Is there a restriction on development where either the current or subsequent owner would need to apply to the Planning Board for construction on any of the new lots after the subdivision has been approved? Or once the subdivision is approved will there be opportunities to build dwellings consistent with the application already on file? Paul VanCott answered by stating that there are no plans at the current time for any construction on the lots included in the proposal for this subdivision. The property owner would also have to get approval for that. Ms. Milgram questioned the dwellings in the drawings incorporated into the plans. Rich Rennia explained that those were just illustrating dwellings at the front of the property and actually fit in the dimensional requirements of the property and is what defines the proposed subdivision as “Conventional Lots” and NOT “Flag Lots”, but that there is nothing in the proposal for these dwellings. She questions if they would need to even come before the Planning Board. The answer was “no, not necessarily” . She has a concern that if it is a conventional lot and the illustration shows that this type of dwelling is allowable, it is on the edge of Tower Hill Road which would be a problem to her given the nature of the area. Although she is not opposed to the

subdivision of the property, the property, as is now, already holds 3 primary dwellings and a number of secondary structures. Potentially, she says, nothing would be stopping them from building both on the back side (where the view is) and on the frontage of Tower Hill Road. As neighbors, there is concern that the density of that area could change dramatically with the proposed subdivision and in an area that thrives on being quite sparsely populated. She would appreciate the Planning Board's consideration of the letter submitted by she and her husband along with the practicalities of what could happen if the subdivision is approved. John Andrews says that, for the record, the speculative houses that were shown in the application plans do meet the requirements for setbacks, etc. for the zoning district that they are in. The property owner does have the right, as long as zoning codes and requirements are met, to file for a building permit. What has been disclosed to the Planning Board is that the subdivision is more of an "Estate Planning" issue for the owner rather than a development proposal because he still lives on the site. He also owns and operates the farms. He wants to equally distribute the land to his heirs and successors. This was not provided in the application materials. It was provided to the Planning Board during part of the discussion. Ms. Milgram would like to have that in the documentation of the subdivision plans if possible. Rich Rennia says that Ms. Milgram's concern of there being dwellings on Tower Hill Road is a concern even if there is no subdivision because there is enough acreage to have 2 more primary dwellings on the property as it is now without the approval of a subdivision. Rich also states that per zoning code in the Town of Amenia, if you want to build a house that is more than 5,000 Sq.ft. an application MUST be filed with the Planning Board for site plan approval. And, also if you wish to build a house in the SPO (Scenic Protection Overlay) district, one must also have Site Plan approval from the Planning Board. Rich would hope that these facts about zoning codes and building homes in Amenia would help to ease any concerns about building on Tower Hill Road and in the SPO. She is concerned with now the possibility of 3 property owners (if subdivision is approved) making decisions about possible dwellings in concert with one another, etc. on those properties. Craig Meili wants to know what the actual zoning is at that location. Rich tells him it is 10 acre zoning. Rich says that each proposed lot is larger than the 10 acre minimum and the smallest proposed lot is 33.9 acres in the subdivision. Another concern is about the decision to pave Tower Hill Rd from NYS Rt 22 up to the Town of Washington line which was an item before the Town Board. The Town Board accepted the money from an anonymous donor for the paving project. It covered the amount necessary for the cost of the asphalt to do the paving. She voiced concerns about there never being a Public Hearing (Town Board) about the paving project. These two proposals / projects are taking place at the same time and that seems suspicious to her; that

they are not being considered together and are with two separate Boards. This she brings to the attention of the Planning Board and for the record. Paul VanCott points out that if there was any indication that the Planning Board was aware of as far as any development within the proposed subdivision, and a relationship between the road and what is being proposed, there would be an obligation from a SEQRA standpoint to get environmental questions answered which is the duty of the Planning Board. Both Paul and John say that there is no relationship between the two projects or proposals (the repaving of Tower Hill Rd and the Tower Hill Rd Subdivision) that they know of. Ms. Milgram asks the Planning Board to investigate this because of concerns that it raises over the anonymous gift for the repaving and the proposed subdivision for approval even though it is under two different jurisdictions of town government at the same given time before the Planning Board makes its determination on the proposed subdivision. John Andrews states the he will let the Town Attorney know of the concern. He states that he does not know who made the gift but he does know it was not the owner of 365 Tower Hill Rd.

Allan Rappleyea – represents the owner. Philip McTaggart (Known by him since 1996) He stated that Philip is not the anonymous donor and did not make any contributions to the paving of the road. He has represented Philip for over 30 years, and hopefully that is enough of a statement to be made for that.

Craig Meili – asks about certain roads in Amenia being designated “Scenic Roads”. And is Tower Hill Rd one of them? (This was supposedly done in the late 1980’s).

Matt Deister spoke and said that these are great points but are matters that should be brought up in a Town Board Meeting and not a Planning Board Meeting.

A motion was made by M.Deister, seconded by J.Stefanopoulos and carried to close the Public Hearing on the Tower Hill Subdivision project.

Rich Renna says that the EAF was submitted. Does the Board want to review it? The Board asks to review it at next month’s meeting.

The Regular Meeting continued. The first item was the **SBA / NEXTEL Cell Tower matter**. The issue of the condition of the resolution from 2022 about the Generator at the Route 44 property was discussed. P. VanCott spoke with the counsel for SBA and owner of the Tower and shared the draft resolution. Both SBA and T-Mobile are supporting of it. The resolution implements the contingency plan that was submitted by T-Mobile in writing in their document to the board. P. VanCott added another condition to it; that they are required to supply emergency contacts to coordinate with the emergency responders etc. which can be provided to the Fire Department and on file at Town Hall and in the Town Clerk’s Office as well. J. Westfall read the “Now therefore be it resolved” clauses

of the resolution **Modifying a Condition of Renewal of Site Plan Approval for SBA 2012 TC Assets, LLC**. A roll call of the vote was as follows: (Let the record shows that Neal Kusnetz was not present yet at the meeting for this vote) The Resolution passed.

Robert Boyles, Jr.	Yes
John Stefanopoulos	Yes
James Walsh	Absent
Neal Kusnetz	Absent
Matthew Deister	Yes
Nina Peek	Yes
Anthony Robustelli	Yes

The next item on the agenda was the **Petkovich / Reinheimer Lot line change**. The applicant’s surveyor, Spencer Hall spoke briefly of the proposed lot line change. A map was provided with the application and shown to the Board. He was sent John Andrews’ comment memo and will respond with signatures per requests when approved. He also will have map revised to show the well and septic on the Lots. There are 2 parcels both now and when the lot line adjustment is finished. Under the Town code, it really is just a “land swap”. An equal amount of land is given to each parcel. There are no physical improvements being proposed with the proposal. All dwellings already exist. Both parcels exist but neither parcel has road frontage. Both have permission to use an existing 50foot right-of-way(identified as Springview Drive). This proposal (action) does nothing to alter the right-of-way. Under the Town Code, it is considered a Minor Subdivision and a Public Hearing is required. John suggests scheduling the Public Hearing at this meeting. Lot line changes are a Type II action under SEQRA which means no environmental review is required. They did submit a short EAF and nothing of concern was mentioned as part of the document. Technical matters to complete the application such as consent note, surveyor’s certification, permission to file from the County, etc. Because there are 2 lots involved, the well and septic on the sites are requested as part of the survey so that it can be seen that they are not in conflict with the proposal. This needs to be discussed with the Fire District for access. Both Matt and Rob are familiar with the road and were agreeable that there is good access from Springview Drive for Fire trucks. A motion was made by M. Deister, seconded by J. Stefanopoulos and carried to schedule a Public Hearing on June 14, 2023 and ask counsel to draft approval resolution to be ready for the same meeting night if the Planning Board is ready to vote on the approval. Mr. Hall asks about the letters to be mailed to the surrounding neighbors for notification of the Public

Hearing. He is told that planning Board Secretary does the letters and the mailings from the Planning Office.

Next on the agenda – **Troutbeck Adaptive ReUse Plan – Revisions**

The Planning Board is waiting for the referrals from ZBA, Amenia Historical Society, Dutchess County Historical Society and SHPO before a decision can be made. Rich Rennie says that the project attorney is present and if there are any questions from the Board about the project, he is willing to answer them. John told the Planning Board that the ZBA did meet and their minutes would represent the comments made during the meeting on May 15, 2023. The CAC did submit their referral comments late today. Michael Peek, Chairman of the CAC spoke to the Planning Board members. He appreciates the referral and their being able to make comments on the project. He (the CAC) would like to be involved in the process sooner in the future if at all possible. The committee did meet at Troutbeck for a Site visit at the property. They would like to stay on top of the process as it evolves. The comments came back from the Dutchess County Department of Planning and Development as being a “matter of local concern” for the Troutbeck Adaptive Reuse Plan. The other agency for required comments is SHPO. Peter Sander spoke of the procedure and the difficulties in corresponding with the individual in charge. He explained that the structure involved for review is a 1985 non-historic structure etc, In 30 days (the deadline) another email regarding this came through that a document from the Lead agency had to be submitted asking for the comments for referral. This was submitted to them last week. After more communications from Peter and the Planning Board (Lead Agency), the contact person is working on the comments for the project. Rob notes that the Planning Board is therefore at a stand still until the required referrals have been received.

The SL – Keane Stud Subdivision project is next on the agenda. The applicant’s attorney, Joe Eriole speaks about the proposal. A better visual analysis by the applicant of the potential alternate development was requested at the last meeting. They have been submitted (but only seen by consultants). The Planning Board also authorized the Planning Board consultants to work with the applicant’s team on a revised Conservation Analysis document which would lead to Conservation findings. Consultants submitted comments as to what was needed, both more of and less of. The document was resubmitted by Rennie Engineering per their comments. Rich and Peter will be showing the visual documentation and revisions as part of presentation. A proposed Conservation Subdivision is being proposed with Open Space of 79% of the property being conserved. It is his hope that after tonight’s meeting that the board will authorize the consultants to write the Conservation findings and concluding SEQRA.

John Andrews provided some background to the board. The last time Keane Stud was before the board was January 11, 2023. The focus at that meeting was an enhanced and improved visual analysis. Some discussion ensued, additional information was requested of the most sensitive areas; lots 2, 3 and 13, from DeLavernge Hill on Route 44 on the turn, looking over the site from the south as well as looking up from Old Route 22. And also, to compare the proposed subdivision with a conservation subdivision. Planning Board authorized John and Paul to work with the applicant's team to make sure the information is there in the documentation of the application. A February submission was made. The consultants met with them in March. Key points of that meeting were:

1. Visual analysis addresses the concerns of the Planning Board as understood by the consultants
2. The analysis provides both an enhanced view of the proposed subdivision and the alternative conservation subdivision from the selected viewpoints as well as ariel overhead.
3. With the most recent visual analysis that sufficient information exists to evaluate the visual impacts likely to result from the implementation of the proposed subdivision. Also, Paul and John think that no further visual simulations are warranted. (defer to The Planning Board)
4. An updated conservation analysis was completed to be toned down a bit from a sales like document. It should be an objective analysis
5. Reminder – they are not proposing a Conservation easement. They are proposing a Conventional Subdivision. There are lands that have value but they proposed an alternative for the preservation of the lands in the form of deed restrictions. They are trying to form a possible connection between the conservation easements and the deed restrictions. With the proper language that can be achieved.
6. Then a conservation set of findings can be written
7. The applicant has conveyed this as a conventional large lot subdivision with deed restrictions and will not increase density but will preserve a lot of open space.

Peter Sander concurs with Paul and John in that 2 weeks ago, a revised Conservation Analysis was submitted that took care of a lot of technical, grammatical and reference issues. Unfortunately, the board had no chance to review this before the meeting. Peter then shared hand-outs of some exhibits that were shared in the revised conservation analysis. i.e., conservation lands that the project will be preserving, chart to identify potential impacts, also are the revised visuals. All visuals that were provided in January; 26 new residential/agricultural development lots. The Board also wanted to see how the viewshed of the area

would be affected with a higher amount of conservation area. This proposal is much less than a conservation subdivision allows for in the Town of Amenia Code. The latest date of the visuals is February 2023. The proposal is for 31 lots and the analysis per code is for over 171 lots possible. This includes the RDO district for Depot Hill Farm. (on the main 450 acre parcel); in 2009 went through an EIS process, and a very detailed analyzed process was completed with a proposed full build out capacity being supported. A conservation Analysis for the other subdivision lots was also completed where those parcels could support 22 lots, 5 lots and 7 lots respectively (as requested by the Planning Board). The visual impact assessment shows in the renderings that the 171 lots at the site could support the visual impactful presence on the property and the 26 parcels that they were proposing. He could go on to demonstrate through the proposed documents to describe how this project will conserve land. It was determined that the documents did not all get to the Board and that all updates need to be received. The Board will need more time to review. Peter will do next submission for next meeting on May 30, 2023 with all updates to documents. Board members would like to get hard copies. In looking at the Conservation Analysis, the lower the density, the lesser the impacts will be to traffic, septic, electrical generation, and garbage. In conclusion all the conservation land to be preserved by the proposed subdivision have been identified and demonstrated that this proposed development is modest and below the threshold for conservation analysis and it is the ultimate better use of the land. They believe they have supplied the board with sufficient information for the generation of a findings statement.

Paul VanCott states that the reason they have to do the Conservation Analysis under the Reuse Plan is because they are in the RA District. Is the Board ok with proceeding with review of a conventional subdivision? Or would it be better to provide an application for conservation subdivision? The Conservation findings help to decide this.

They are proposing to identify these areas of conservation on the subdivision site through deed restrictions. Is it safe to say that the conventional subdivision will be reviewed? Or will a conservation better identify the lands for conservation to be preserved? Should the consultants provide draft Conservation findings or wait until the board has had more time to review?

John said that the project sponsor has an idea of what he wants to achieve with this subdivision proposal. That is; large acreage farm parcels that maintain what he believes to be the integrity of the parcel. He was asked to come up with a conservation subdivision. He said he didn't want to because the lots would have to be compressed into small areas and then he would have to do things that he didn't want to. For example, Central Utilities would be a necessity, changing configurations of setbacks would have to be looked into, etc. John and Paul feel

that the deed restrictions and the conventional subdivision proposal rather than the conservation subdivision is the correct way to handle their proposal. Attorney Joe Eriole for the applicant, says that if there are further comments from the Planning Board members after review of the documents, they are open to hearing them. The applicant is asking for the board to authorize the consultants to draft Conservation Findings for the next meeting. Nina asked question about deed restrictions and percentage of lots as permanent open space per the building envelopes. Each lot's envelopes and the uses will be described also. Because of the deed restrictions they will show up in everyone's chain of title so it is not questionable and is immediately apparent to any future buyer. The required set aside on each lot would total what is required for the conservation easement. Peter says that the conservation easement only requires 50%. But they suspect it will be substantially more in total. That doesn't account for open space in between building envelopes. What is "allowable" within the open space? Only agricultural and open space uses like a barn, horses, like "gentleman farms" of low intensity. Because of the SPO, every lot and building envelope would have to get site plan approval from the Planning Board. Matt asks how to access lots 18 and 19. Peter explains that there is a flag lot there. Peter says they would like to have the generated conservation findings statement before the SEQRA process begins and those items are tweaked in the plan. A motion was made by T. Robustelli, seconded by N.Kusnetz and carried to draft the Conservation Findings for the Keane Stud Subdivision proposal for the next meeting. Peter will get new submission hard copies to the office next Tuesday, May30th for distribution to the Board.

Other Matters: A motion was made by Tony Robustelli, seconded by John Stefanopoulos and carried with 1 no vote, to approve the April 12, 2023 and April 26, 2023 minutes.

A motion was made by Tony Robustelli, seconded by John Stefanopoulos and carried to adjourn the meeting at 8:10pm. The next meeting was scheduled for Wednesday, June 14th at 7pm.

Respectfully Submitted,



Judith Westfall
Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on May 24, 2023 and are not to be construed as the official minutes until approved.

 Approved as read
 Approved with: additions, corrections and deletions