



# TOWN OF AMENIA

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PLANNING DEPARTMENT  
4988 Route 22, AMENIA, NY 12501  
(845) 373-8860, Ext. 122-124 Fax (845) 789-1132

**PLANNING BOARD MEETING  
WEDNESDAY, AUGUST 9, 2023  
7:00 P.M. – IN-PERSON  
AMENIA TOWN HALL  
UPSTAIRS MEETING ROOM**

**REGULAR MEETING:**

- 1. SMITH – 108 WESTERLY RIDGE – Consideration of New Application for reapproval of previously approved Site Plan**
- 2. KEANE STUD - SUBDIVISION Board Discussion of review of Draft Conservation Findings & Updated Conservation Analysis with Potential Board Action**

**OTHER MATTERS: Record into PB Minutes – ZBA Action on SBA/NEXTEL Resolution**

**Planning Board Minutes 6-28-23  
7-12-23**



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PLANNING BOARD MEETING  
WEDNESDAY, AUGUST 9, 2023  
IN-PERSON AT TOWN HALL  
Upstairs Meeting Room  
7 pm

PRESENT: Rob Boyles  
Tony Robustelli  
Matthew Deister  
John Stefanopoulos

ABSENT: Nina Peek  
James Walsh  
Neal Kusnetz

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

ALSO PRESENT: Rich Rennie and Peter Sander, – Rennie Engineering Designs  
Joseph Eriole – Attorney for SL Keane Stud  
Rebecca Valk – Westerly Ridge attorney for Smiths  
Leo Blackman – Town Board Liaison

Chairman Robert Boyles, Jr. Opened the Planning Board meeting at 7:00 pm. The Pledge of Allegiance was recited and the Chairman informed the people at the meeting about the location of the exits in case of an emergency.

## **108 WESTERLY RIDGE – SMITH RE-APPROVAL OF ORIGINAL SITE PLANS**

Chairman Boyles asked the applicant for the Westerly Ridge / Smith reapproval of Site plans. The applicant's attorney, Rebecca Valk gave a brief overview of the plan as it was approved in prior applications. The lot #9 (108), is the furthest lot up on the hill of the Westerly Ridge Subdivision. Previous studies for the 2019 application and approval were done included; visual study (a balloon test) by Saratoga Associates which she provided copies of. The plans were reviewed by the

Planning Board Engineer and the Planning Board's Visual consultant. The results from the review were that there were numerous conditions that would be necessary upon approval for the Single Family Home development at this location which included: 1. the limitation of a 100' x 150' ft. square on the crest where there already is significant tree removal.(long before this application came before the Planning Board). 2. The color and 3. Size of the home. All of these are to mitigate the appearance of the home. The application needs to be reapproved because of the term of eighteen months specified in the resolution for action at the site location. Since the applicants still do not have a potential buyer for this land, another extension is needed. There were also conditions for having necessary fire truck access and either a pool or a separate water tank installed on the property for use in a fire. They are asking for the same exact application to be reapproved. They were granted their first extension approval in 2021 and this would be their second extension. Rebecca is aware that a letter of opposition was filed from a member of the public which she has written a letter of response to.

Chairman Boyles asked the board members present of any questions or concerns. All were in agreement that this approval should be granted.

John Andrews has reviewed the application for re-approval 108 Westerly Ridge. He states that the application has not changed and the seller would like to continue to market the sale for it. The previous resolution has expired and a re-approval is necessary. There have been no changes to either the project site or its surroundings. The project is in compliance with the terms and conditions of the expired approval. John recommends to the Planning Board that they approved this project application as submitted for reapproval. The question of the waiver was approved by the Planning Board with the original proposal was a request from the applicant in 2019 (14 years after the approval of the subdivision in 2005) after clearing for the road and a house site and other items such as a well at the top. Once the ridgeline law was in place, a waiver was requested as part of their original application. The Planning Board asked, and were provided with, a full visual simulation, which was also referred to George Janes; Visual Consultant, who did the original Visual Impact review and comment letter based on Saratoga Associates report. The Local Law permits The Planning Board to grant a waiver upon written findings that the home will not impair the scenic preservation purposes in the SPO District. Mr. Janes comment was to not see any trees removed in the area designated and based on the visual evaluation, anything with an elevation of less than 40' elevation would mean taking more trees down. Mr. Janes says in his report that the Saratoga Associates did a very credible job on this simulation. Therefore, the reason for the waiver. Ms. Valk also noted that the colors for the home were identified as "earth tones" which would blend in with the

visual needs of the building envelope. There are conditions listed in the proposed resolution that also add to this discussion of intent to minimize the visual impacts. Paul VanCott notes that this lot #9 was created and that they were trying to make the best of a bad lot at this location. And with the waiver it allowed an area 40' feet from the crestline for the building envelope which still would not have any adverse visual impacts in the SPO District. When they sought their first reapproval in 2021, the prior decision was reaffirmed by the Planning Board. There is the option of starting the application process all over again, but he and John Andrews, as consultants to the Planning Board say that all of the information that was reviewed during the previous application remains the same. At that time is considered a "Hard Look" at the project. The project is a Type II SEQRA Action and does not require a Public Hearing. John Stefanopoulos asks Ms. Valk why the sale of the land is taking so long. Rebecca responds by saying that she is not sure and that they get positive feedback but no contracts for the sale. Comments and questions were allowed by the chairman. Questions about the one very visible home on the ridgeline were brought up, and why was it allowed. Also brought up were concerns about when the sale goes through and the building begins on the property, will there be strict times during the days and days of the week for building to comply with Town of Amenia code for noise ordinance? This is really a Building Department / Code Enforcement issue. Paul VanCott says that a condition could be added to this resolution related to the months, days and times for construction on the single family home. None was suggested at this time. Paul VanCott also noted for the record that the Site Plan was signed by Chairman Boyles in 2019.

Chairman Boyles asked the Board Members present how they would like to proceed. All were in agreement to move forward with the reapproval of the extension of the application as presented. A motion was made by T. Robustelli, seconded by John for the resolution **Granting Site Plan Approval for a Residence at 108 Westerly Ridge Drive**. Paul VanCott read aloud the "Be It Resolved" clauses of the resolution. The motion carried. The results of the vote were as follows:

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

## SL KEANE STUD SUBDIVISION

Attorney Joseph Eriole for the applicant spoke about the project. His hopes are that the Planning Board adopts the conservation findings at this meeting which will identify the type of subdivision that Keane Stud is applying for (either a conservation subdivision or a conventional subdivision). After the findings have been adopted, the applicant will supplement the application with their previously submitted complete EAF and other supporting documents as requested. He notes that the Board and the public are aware of the changes to the documents. He also asks that at the next Planning Board Meeting that the Planning Board will declare their intent to act as Lead Agency will be voted on and start the SEQRA Process. John Andrews says the resolution for the adoption of the Conservation Findings needs a couple of changes prior to its approval.

\*\* Page 2 of the findings #1 and #3, and

\*\* Page 4 these go along with the above changes; language and documentation Paul VanCott adds that the resolution and the findings do two things, first they authorize the applicant to proceed with their proposed conventional subdivision plan based on the sketch plan that they provided to the Planning Board, and secondly, the conservation findings are intended to identify the lands on the site that are most important for protection and they are the wetlands, the forested areas, the open space, etc. And by these findings the Planning Board will accept those lands as the ones that need to be protected. The applicant has proposed to protect them by deed restriction and he and John believe that is appropriate given that a conventional subdivision is being proposed and not a conservation subdivision. A conservation subdivision would need a conservation easement. For legal and logistical other reasons, the deed restrictions make more sense on a conventional subdivision. In terms of next steps, if the Board adopts these conservation findings, an updated EAF needs to be provided to move forward with their conventional subdivision. A project narrative would also need to be submitted by the applicant. This will provide more information and details about the actual subdivision. Such as, where will the access be, will it be a phased subdivision, or as the lots are sold. Where and how will the development of the roads occur? John Andrews suggests a simple two page narrative will suffice for these points to be conveyed in writing. This along with the FEAF Part 1 and the Sketch Plan will be part of the circulation package to the agencies for the SEQRA Process. This will be the same picture of the plan that the Planning Board has that they can then respond to. He and John will come up with other areas that need to be developed by the applicant for further review. Any comments from he and John will be provided prior to the next meeting. Leo asked about the visual representations being updated since the last meeting as requested by Nina. It was answered by Mr. Eriole saying that they had

been updated but not since the last meeting, and reviewed by the consultants and board. Leo specifically mentioned in the last version that he saw, there were pictures of “trees stuck in front of houses” on the visualization, and that a mention was made to make it look more real and true to the lots. Paul says that all was completed as part of the conservation analysis. Will this now be covered so that the SEQRA determination can be made? That will be one of the informational points that will need to be discussed at the board level. Chairman Boyles asks the board for comments or a motion. A motion was made by Tony Robustelli, seconded by John Stefanopoulos to approve the Resolution **Adopting Conservation Findings for SL Keane Stud**. Paul VanCott read aloud the entire proposed resolution. The motion carried with the voting results as follows:

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

#### **OTHER MATTERS:**

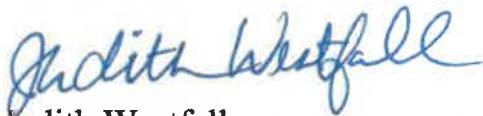
**NEXTEL/SBA** - It is noted that the ZBA has also finalized and passed their resolution to renew the Cell Tower for the Route 44 location in the Town of Amenia and they are in compliance at this time for another ten (10) year period before another approval will be needed. (2031). The Planning Board passed the identical resolution previously in a meeting.

A motion was made by Matt Deister, seconded by Tony Robustelli and carried to approve the minutes of the Planning Board for 6-28-23 and 7-12-23 as submitted.

The letter for the Dutchess County Land Conservancy was revisited for the Levin Property on Amenia Union Rd. Paul suggests that this letter DOES NOT come from the Planning Board (signed by the chairman), but from Mike Segelken as Code Enforcement Officer. This does not indicate support of their grant application with DCLC. The letter will state the facts as to the number of permits, number of subdivisions, etc. Paul will have the letter rewritten to be signed by Mike and have no signature from the Planning Board Chairman.

A motion to adjourn the Meeting was made by Tony Robustelli, seconded by John Stefanopoulos and carried at 7:40pm.

Respectfully Submitted,



Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on August 9, 2023 and are not to be construed as the official minutes until approved.

                   Approved as read

                   Approved with: additions, corrections and deletions