



TOWN OF AMENIA

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

**PLANNING BOARD MEETING
WEDNESDAY, APRIL 10, 2024
7:00 P.M. – IN-PERSON
AMENIA TOWN HALL
UPSTAIRS MEETING ROOM**

AGENDA

INTERVIEWS FOR FORESTER:

- 1. Jordan Heller**
- 2. Brent Feldwig**

CONTINUED PUBLIC HEARING:

Turkey Hollow, Inc. – 4754 Route 44 Amenia NY

Timber Harvest

PUBLIC HEARING: Broughton – 390 Old Route 22 Wassaic NY

Lot Line Adjustment

REGULAR MEETING:

- 1. Offensend – 65-82 Kent Road Wassaic, NY
Lot Line Change**

OTHER MATTERS: Minutes 3-13-24



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PLANNING BOARD MEETING
WEDNESDAY, APRIL 10, 2024
IN-PERSON AT TOWN HALL
Upstairs Planning Board Meeting Room 7 pm

PRESENT: Robert Boyles, Jr.
Nina Peek
Walter Dietrich
Neal Kusnetz

ABSENT: John Stefanopoulos
Matthew Deister
James Walsh

CONSULTANTS and others present: John Andrews - Town PB Engineer
Paul VanCott – PB Attorney VIA ZOOM
Jordan Heller – Forester
Brent Feldweg – Forester
Courtney Roberts -Empire Solar for 390 Old Route 22
Doug Broughton – Property Owner 390 Old Route 22
Spencer Hall -Surveyor for Offensend
Rosanna Hamm – Town Board Liaison

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

Chairman Boyles asked the Forester Applicants, Jordan Heller and Brent Feldwig to introduce themselves to the Planning Board and consultants about applying for Town Forester in the Turkey Hollow Inc. timber harvest project because the Town's Forester, Christopher Prentis has been hired by the applicant for the project and he cannot be in both roles. The Planning Board conducted a dialogue with both applicants and will make their decision after both applicants submit references to the Board. Consulting Engineer for the Planning Board, John Andrews also made some comments referring to the Forest Management Plan (Turkey Hollow has a 480A Forest Management Plan) which per the Town Timber Harvesting Code

section indicates that site plan submission requirements may be satisfied by presenting a forest management plan from a qualified professional forester, which shall be reviewed by a consulting forester retained by the Town at the applicant's expense. . The forester hired will be reviewing the Forest Management Plan as well as the completed application. The decision of whom to recommend to The Town Board will be made at the next meeting on April 24, 2024.

Chairman Boyles opened the Continued Public Hearing for the Turkey Hollow Inc. Timber Harvest and asked for any Public Comment. There was none. Chairman Boyles asks for a motion to continue the Public Hearing at the next meeting on April 24, 2024. The motion was made by Nina Peek, seconded by Walter Dietrich and carried.

PUBLIC HEARING: Broughton -390 Old Route 22 Wassaic, NY – Lot Line Change

Chairman Boyles opened the Public Hearing and asked the applicant's representative, Courtney Roberts from Empire Solar to speak about the application and any changes that have been made.

In a brief statement, the project will allow .5 acres from one parcel to be moved to the adjoining parcel owned by the same person and in the future a merge of the 2 lots to one. Mr. Broughton spoke saying that he expects to go to the ZBA to get a use variance for a ground mounted solar panel array to be put on the larger parcel once approved because of the setbacks that are needed for the array. Chairman Boyles asked for any Public Comment. There was none. Nina Peek asked for a map of the properties with the zoning overlays again. The Board would need to have this in the file before a resolution is adopted on the project. Courtney will ask Surveyor, Kirk Horton for this prior to the next meeting. The map should show the SPO and PVBAO. Mr. Andrews and Judy Westfall will check the current file and application status for the map. Neither remembers receipt of this. Chairman Boyles addressed Mr. VanCott for any additional comments. A draft resolution was prepared that referenced John Andrews' comment memo from 2-26-24. Reference is made in the resolution to the Overlay Districts and would need to be updated when made available by the applicant. Any other comments from Mr. Andrews should be addressed and documented for another draft of the resolution which should be deferred to take action on. A review of the conditions for the project will take place at the next meeting on 4-24-24. Motion was made by Neal Kusnetz, seconded by Walter Dietrich and carried to close the Public Hearing. Further information is needed for approval of a resolution and conditions.

OFFENSEND – 62-83 KENT ROAD WASSAIC NY – LOT LINE CHANGE

Chairman Boyles asked the applicant and his representatives to speak about the proposed lot line change. Spencer Hall, Surveyor for Offensend presented the map

for the proposed lot line changes for the project. Mr. Andrews submitted a comment memo (attached) for the meeting. It outlined issues with the lots currently in the proposal. The lot line change involves 3 neighbors (as shown on the map). It involves dividing 1 parcel into 2 parcels (West side of Kent Road). And, on the east side of Kent Road is another parcel that is naturally subdivided by Kent Road which can be described on the deed, as well as included but cannot be part of the lot line change. (in this proposal). Mr. VanCott suggests that the applicant take that lot off the map for the proposed project. A couple of answers on the SEAF must be changed and more information provided, no environmental review is necessary for this project but the form will be filed with the project. The project will require a Public Hearing. There are a number of special overlay districts which are also involved in the project which will have to be shown for the record, with one being the HPO; Historic Preservation Overlay. Mr. Andrews suggests he show the special overlay districts on the "Tax Map" area of the Site Plan map. John refers to a note on the plan about a "trail" described as ingress, egress and maintenance and that granting an easement would be new. Mr. VanCott would need a copy of what the easement is before the lot line site plan is approved. All other technical issues in Mr. Andrews' comment memo will need to be resolved as well. Mr. Andrews suggests scheduling a Public Hearing for May 8th. More questions from Planning Board members were discussed. Corrections need to be made to the total number of acres noted in the documentation provided. They are inconsistent with the EAF. Also, copy the summary onto the EAF for the acreage of the lots after approval. A motion was made by Nina Peek, seconded by Neal Kusnetz and carried to schedule a Public Hearing for the Offensend Application for Wednesday, May 8, 2024 at 7pm. George Bistransin asked about the "Barlow House" on one of the lots in this transaction (87 Kent Road) and its historic nature in the Town. Mr. Offensend says they are keeping the house. (Built approx. 1774)

OTHER MATTERS:

KEANE STUD VISUAL IMPACT ASSESSMENT UPDATE

Mr. VanCott indicates that the direction has been given to Saratoga Associates from George Janes as to the locations for photographs to be taken. The Planning Board awaits a proposed methodology from Saratoga Associates (Keane Stud's Visual Consultant). The Planning Board will have to select the photographs from the ones taken for which will be the best for the study. A plan to discuss the next steps and methodology via a conference call between Nina, Jim, Paul, John, George Janes and Peter Sander would also provide direction to the applicant.

SILLO RIDGE – LL#27 & II#29 LOT MERGER & KEANE STUD FOR AMENIA HOUSING BAORD

Charlie Miller is working on the Fee in Lieu of figures for both the Silo Ridge homes and the Keane Stud Application. John Andrews says that He and Paul VanCott are working on trying to get the facts together for any lot changes that have taken place at Silo that effected the Master Plan final figures. Any transactions that have already taken place are all now private property owners and not Silo Ridge anymore making it a little more difficult. Paul VanCott stated that a request for assistance from the Housing Board and the Town Assessor on the “merger” items has been received. Paul is looking for guidance on how his time is to be billed. There is no Escrow account for this consultation. There will be no assistance until further notice on how his firm or John Andrews will be paid.

In the Keane Stud application, John is not sure if at any level the Fees in Lieu Of requirements have even been discussed. Paul VanCott says that Keane was not in the loop on some emails because some of them went to junk mail. He has now provided the guidance they need for them to make their next submission which will be a formal proposal with their approach being correct. Charlie Miller has provided a guided email in detail which describes the Fee In Lieu Of Local Law that was recently changed(2023) for these specifics. Nina would like all of the Planning Board members copied on all correspondence between Charlie Miller et al regarding the Keane Stud submissions etc. John Andrews also let the Board know that Joe Eriole (Attorney)is no longer associated with the Keane Stud Application. Peter Wise is attorney for the project and an assistant Diana Brunin Kolev are corresponding for the applicant.

SILAND – ATHLETIC DOMES

A submission was made this week. Some questions were raised but since the applicant was not represented at the last meeting they are still unanswered. This item needs to be on an agenda in the near future to have a full discussion. George Janes cannot make the next 2 meetings (4-24-24 OR 5-8-24).

Paul wants to ask Keane Stud Subdivision to postpone being on the agenda until May 22. Saratoga Assoc. took photos when in the area for Keane Stud. (before the domes were down) No Certificate of Occupancy has ben issued for the Domes which means that nobody should be using any of those facilities.

The photos for Keane Stud should also be chosen at the May 22, 2024 meeting. And, the Planning Board authorizes Paul VanCott to negotiate with both SILAND and Keane Stud for a place on the agenda for that night.

A Resolution for the Planning Board's choice of a Forester will not take place until all members have weighed in on the choice as well as any references provided have been checked.

The Minutes from the 3-13-24 meeting were tabled until the April 24th meeting

A motion was made by Chairman Boyles, seconded by Nina Peek and carried to enter into Executive Session at 8:00pm for purposes of personnel issues.

A motion was made by Nina Peek, seconded by Walter and carried to resume in regular session at 8:29pm.

A motion was made by Nina Peek, seconded by Neal Kusnetz and carried to adjourn the meeting at 8:30pm

Respectfully Submitted,



Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on April 10, 2024 and are not to be construed as the official minutes until approved.

Approved as read

Approved with: additions, corrections and deletions



MEMORANDUM

TO: Town of Amenia Planning Board
FROM: John V. Andrews, Jr., P.E.
PROJECT: Offensend etal - Lot Line Adjustment
Town of Amenia
SUBJECT: Review Comments
JOB NO.: 24-352-122
DATE: April 10, 2024

Pursuant to your request, we have reviewed the following documents submitted in support of the above-described project:

1. Town of Amenia Planning Board -Subdivision-Lot Line Preliminary Plat Plan Application- LLA for Fishman, Fitzgerald & Offensend, dated March 11, 2024.
2. Town of Amenia Planning Board- Land Use Application- LLA for Fishman, Fitzgerald & Offensend, dated March 11, 2024.
3. Town of Amenia Planning Board-Escrow for Professional Services- LLA for Fishman, Fitzgerald & Offensend, dated March 11, 2024.
4. Town of Amenia Planning Board-Agricultural Data Statement- David Offensend-Barlow Farm LLC with attachment.
5. Town of Amenia Planning Board- Authorization of Agent- David Offensend-Barlow Farm LLC, dated March 11, 2024.
6. Short Environmental Assessment Form- Lot Line Alteration for Fishman, Fitzgerald & Offensend, dated February 29, 2024.
7. Drawing- Lot Line Alteration Map- Fishman, Fitzgerald & Offensend prepared by Spencer S. Hall, Land Surveyor dated November 27, 2023, scale 1"=200'.

The project is located in the Rural Residential (RR) Zoning District and the Rural Agricultural Zoning District. Portions of the involved parcels are located in the Historic Preservation Overlay District, Stream Corridor Overlay (SCO) District, both the Priority/Primary Valley Bottom Aquifer (PVBA) and the Upland Aquifer and portions in the Scenic Protection Visual Protection Zone. The involved parcels are both located in Agricultural District 21 and are currently used for agricultural purposes. The Zoning Districts are indicated on the plat but none of the other Overlay districts are. The involved parcels are all located in Agricultural District 21 and currently used for agricultural purposes.

The project, as we understand it, involves a lot line realignment, allocating portions of one property among three (3) adjoining parcels resulting in ostensibly three larger parcels. One parcel is eliminated but no new parcels are created. No improvements are proposed as part of this action. Additionally, as there

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are no proposed improvements or changes in use associated with this action, none of the provisions associated with the Overlay Districts are triggered.

The following comments are offered for your consideration:

1. Lot line realignments are considered Minor Subdivisions under the Town Code. This should be processed as a minor Subdivision. A public hearing will be required.
2. Lot lines changes are considered Type II actions under SEQRA. No environmental review is required. A fully completed Short Environmental Assessment Form (SEAF) was included with the Application. Minor issues were identified. Questions 12 and 13 were marked yes, Further explanation should be provided. The SEAF should be corrected for the record. We recommend that the Planning Board classify this as a Type II action, not subject to further environmental review.
3. The overall map, utilizing the Tax Map information as its base, should be expanded to show the limits of the Historic Preservation Overlay District, Stream Corridor Overlay District, Aquifer Overlay District, and the Scenic Protection Zones associated with the primary parcels.
4. The Planning Board Attorney should address that portion of Parcel 1 located on the west side of Kent Road. Under the definition of Subdivision in the Town Code Chapter 105 -Subdivision of Land, it states "For the purposes of this chapter, a parcel shall be considered already to have been subdivided into two or more lots if bisected by one or more public roads or railroad rights-of-way." Based on this definition it would seem that the lot on the west side of Kent Road is already a separate lot and cannot become part and parcel of another lot. The identification and notes related to this parcel may need to be revised.
5. There is a note associated with the Approximate Trail originating on Parcel 1 and shown crossing both Parcels 2 & 3 which identifies an easement for ingress, egress, and maintenance. The terms and conditions of this easement need to be provided. We recommend that the Planning Board require the final form and content of the easement document be acceptable to the Planning Board attorney.
6. The Owners consent note will need to be signed and dated by all involved property Owners.
7. Permission to file will need to be obtained from Dutchess County Department of Health

We trust the comments contained herein are satisfactory for your purposes. Should you have any questions, please do not hesitate to contact us.


John V. Andrews, Jr., P.E.

4.10.2024

cc: Paul Van Cott, Esq.