



TOWN OF AMENIA

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PLANNING BOARD MEETING
WEDNESDAY, JANUARY 8, 2025
IN-PERSON AT TOWN HALL
First Floor Meeting Room 7 pm
Livestream Broadcast and YouTube Meeting

PRESENT: Robert Boyles, Jr.
Ken Topolsky
James Walsh
Nina Peek
Jamie Vitiello
Walter Dietrich
John Stefanopoulos – arrived late 7:10pm

CONSULTANTS and others present:

John Andrews - Town PB Engineer
Paul VanCott – Town PB Attorney
Rosanna Hamm – Town Board Liaison
Ray Weiner, Jr. – DaVinci Windows
Peter Sander, Rennia Engineering – Troutbeck & Cascade Creek
Rich Rennia, Rennia Engineering – Troutbeck & Cascade Creek

Chairman Robert Boyles, Jr. opened the regular meeting at 7pm. The Pledge of Allegiance was recited. Chairman Boyles asked for a moment of silence for the recent passing of former President Jimmy Carter as well as those who have lost their homes and lives in the fires in California and the most recent chimney fires in our surrounding communities. The exits were announced in case of an emergency.

Chairman Boyles asked if there were any people signed up for Public Comment under the first **Public Hearing – Troutbeck**. Secretary, Judy Westfall confirmed that there was nobody signed up to speak. Rich Rennia, project engineer gave a quick overview of the Phase 8 ARP application.

A motion was made by Ken Topolsky, seconded by Jim Walsh and carried to open **the Public Hearing on the Troutbeck ARP – Phase 8 Application**. There were no public comments.

A motion was made by Walter Dietrich, seconded by Ken Topolsky and carried at 7:08pm to close the Public Hearing.

Paul VanCott commented by stating that the Plan for Phase 8 was consistent with the original Troutbeck ARP documents and that he had reviewed them.

John Andrews stated that for the record, the majority of his previous comments had been addressed and are satisfactory. They still need approvals from the Dutchess County Health Department and the NYSDEC. The required approvals have been written as Conditions of Approval in the draft Resolution for the Board to consider.

Paul VanCott read the “Be It Resolved” clauses of the **Resolution Granting Site Plan Approval for Troutbeck ARP - Modified Phase 8** application. A motion was made by Ken Topolsky, seconded by Jamie Vitiello and carried to approve the resolution as drafted and read aloud. The roll call vote results were as follows:

Robert Boyles, Jr. Chairman	Yes
Nina Peek, Deputy Chairperson	Yes
John Stefanopoulos (Arrived late)	Absent
James Walsh	Yes
Walter Dietrich	Yes
Kenneth Topolsky	Yes
Jamie Vitiello	Yes

The continued **Public Hearing on the DaVinci Windows Sign Application** was next on the agenda. A motion was made by Nina Peek, seconded by Walter Dietrich to open the Public Hearing. Chairman Boyles invited George Bistransin, for public comment, to the podium for comments. George lives at 3498 Route 343 (5 houses east from project site) brought concerns that were raised by Nancy McKenzie of Sheffield Rd at the initial public hearing back to the table as he told the board members that he is in agreement that there are safety issues and there is a dangerous turn in Route 343 at the project location and he also feels that change in use from residential only to a commercial reuse and renovation should also have been reviewed by the Planning Board, not only the sign application. He travels on bike on this road and has had several close calls with oncoming traffic in doing so. Mr. Bistransin feels that a sign would be a distraction at this location on Route 343. Mr. Bistransin urged the Planning Board not to approve the Sign Application. There were no other public comments.

A motion was made by Jim Walsh, seconded by Walter Dietrich and carried to close the **Public Hearing on DaVinci Windows – Sign Application** at 7:15 pm. John Andrews spoke about issues raised at the last meeting and Public Hearing. He issued a comment memo after visiting the site to review the comments made by the public. (see attached). Mr. Andrews also had conversations with both Megan Chamberlin, Highway Superintendent and Mike Segelken, Building

Inspector/Code Enforcement Officer. The highlights of Mr. Andrews' memo were reviewed.

The Board members discussed more of their concerns regarding size, location and lighting. The applicant had submitted a revised drawing (on file December 13, 2024) with a note saying that the external lighting from above would be supplied and circulated. More detail has been requested as to the type of lighting as well as the lighting "from above" notation on the plan.

Mr. Andrews stated that, after his review, there will be no impacts on either the line of site at the project location or the traffic flow on Route 343.

A brief discussion Mr. Andrews also explained where the sign would be located on the property and how close to NYS Route 343 it would be.

Nina Peek stated that it was her preference not to approve the sign without a site plan indicating the location and type of the lighting proposed for the sign.

Mr. Andrews and Mr. VanCott indicated that the resolution for site plan approval is conditioned upon receipt of the revised site plan, showing the lighting detail. If the lighting detail is not compliant, the conditional site plan approval would be revoked.

Paul VanCott drafted a resolution for review by the board and for the conditional approval of the DaVinci sign at 3430 Route 343. He read aloud the "Be It Resolved" clauses of the proposed resolution for the board. A motion was made by Jamie Vitiello, seconded by Walter Dietrich and carried to **Grant Approval of Site Plan for the DaVinci Sign at 3430 Route 343**, after roll call votes were cast as follows:

Robert Boyles, Jr. Chairman	Yes
Nina Peek, Deputy Chairperson	Yes
John Stefanopoulos (Arrived late)	Yes
James Walsh	Yes
Walter Dietrich	Yes
Kenneth Topolsky	Yes
Jamie Vitiello	Yes

REGULAR MEETING: Cascade Creek Subdivision -Hudson River Housing – Conservation Subdivision Presentation

Peter Sander from Rennia Engineering spoke briefly about the application. Comments were issued from both Planning Board consultants, John Andrews and Paul VanCott, over the weekend and they were addressed in the discussion. (see comments from Paul VanCott and John Andrews attached). Peter also requested any comments from the board members on this application. Topics discussed were:

- * Current wildlife and stream impact
- * Endangered species

* Stream and flooding

Other concerns were raised in a memo that board member Ken Topolsky wrote for the record and circulated to the entire board and consultants. (see attached)

As Ken's concerns were heard and reviewed, it was noted that most of these concerns would be analyzed as part of the SEQRA review. The Conservation Subdivision part of the application is the first step in this process and if and when that is complete, then the next steps to the application will continue.

OTHER MATTERS: Discovery Land – Organizational Chart and Discussion of the Silo Ridge Master Development and total As -Builts to date

Patrick O'Leary spoke briefly about the change in staff and management at Silo Ridge. The staff has switched to that of Discovery Land (DL) as being the Owners / Partners of the development. Handouts were provided by the DL Staff to the consultants and board members. (there were not enough to provide one to the board secretary). It was stated that they are still making changes and revisions to the chart. A digital copy will be provided to the board secretary of the revised copy. Also stated was that the Torres brothers, Juan and Pedro are NOT in Development or Management anymore and are limited partners of Silo Ridge. StoneLeaf Construction is still owned and operated by The Torres'.

Saul Scheri, President, described the current Organizational Chart to the Board and Consultants. There are new hires listed that were brought in during the transition from StoneLeaf to Discovery Land. Ken Topolsky asked where the SILO HOA is on the Organizational Chart? Do they have a say in the development? Saul says that the HOA has no involvement in how a site is developed at SILO. Ken also asked if the management team listens to the community members when there are issues.

Board members wanted to know where the Silo Ridge Foundation, AWCO Foundation, SILAND and Stoneleaf Construction LLC were listed in the Organizational chart. An explanation was given that they were not included in the new management organizational chart because they are separate from the new management.

A quick summary of employee names and positions on the chart were given. Mike Clark, Senior Vice-President for Development for Discovery Land also explained how the chart tracks through the Master Development Plan from SILO RIDGE VENTURES to now. Mr. Clark noted that this comparison of Site Plan and As-built projects only go through 2022 because there were no projects in 2023 and only a couple of new applications that affect the numbers in 2024; Silo LL #27 & LL#29 Merger and Silo Condo Modifications D & E which have not been completed. Mr. Clark discussed the successes and overall plan to finish the New Master Development Plan for the community.

John Andrews stated that he also completed a compliance chart to use as a reference for all of the Silo Resolutions filed from Town of Amenia Planning Board Meetings from 2014 – 2022. He reported that his numbers were very similar to Mr. Clark’s based on the documentation provided.

Mr. Clark’s numbers:

Built to date = 118 Units

Bedroom count = 468

Net Square Feet of buildings = 325,000 SF total

Gross Square Feet of Buildings = 547,000 total

Mr. Clark acknowledged that the current total built square feet of building exceeds the approved square feet. This overage will be addressed.

For the new Condo D & E site plan review (Application from October 2024), the board will need from Patrick O’Leary: Draft of new deeds, concept plans and outline of plans first, and the last thing is the deeds.

A request was made that only the changes made to the (plans) documents be submitted during the revision, not the entire documents. It was also requested that 1 set of entire documents be prepared and sent to Secretary J. Westfall to reside at Town Hall for review and also to send a digital copy to all Planning Board members.

OTHER MATTERS: Item 2. Agriculture Discussion:

Rosanna Hamm, as liaison to the Town of Amenia Town Board, was asked by Jennifer Fimbel, Dutchess County Ag Navigator of Dutchess County Planning & Development, and resident of Amenia, if the Planning Board would welcome her and a presentation about providing information about Agricultural Districts, Ag Assessment, what the Right to Farm law is and does, balance of the tax base pertaining to agriculture and other Agricultural Laws. Rosanna supports this discussion as the Planning Board has several projects before them that are dealing with these issues. Jennifer is asking if The Planning Board would reach out if they are interested in having this discussion. The Planning Board members were in support and asked Rosanna to gather more information to schedule such a presentation.

A brief discussion took place about having all Conservation Analysis applications forwarded to the Town of Amenia CAC committee for review and for their recommendation to be submitted to the Planning Board in writing when complete. Both Mr. VanCott and Mr. Andrews stated that this is not a requirement based on the Town of Amenia Code but said that they are in support the action if the Planning Board was to require it.

A motion was made by Nina Peek, seconded Jim Walsh and carried to have the Planning Board refer any and all Conservation Analysis applications to the Conservation Analysis Commission (CAC). The first application to be referred is the Cascade Creek Subdivision Conservation Analysis Application. Secretary Judy Westfall will send the Conservation Analysis for Cascade Creek Subdivision to the CAC.

A motion was made by Nina Peek, seconded by Ken Topolsky and carried to approve the Minutes from the 12-11-24 Planning Board meeting as amended.

Chairman Boyles again reminded residents to please have their chimneys cleaned and also to check their smoke detectors and change the batteries.

A motion was made by Jim Walsh, seconded by Walter Dietrich and carried to adjourn the meeting at 8:45pm.

The next scheduled meeting of the Planning Board is Wednesday, January 22, 2025 at 7pm.

Respectfully Submitted,



Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on January 8, 2025 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: Davinci Holdings-Site Plan
Town of Amenia

SUBJECT: Field Observation Visit and Public Hearing Issues

JOB NO.: 24-352-129
DATE: December 18, 2024

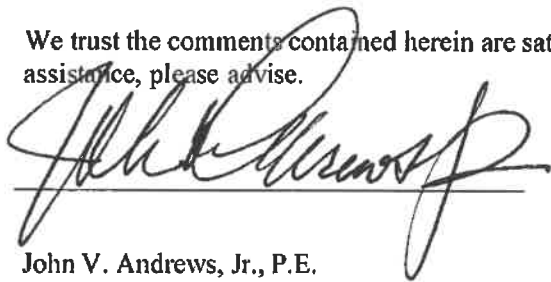
Pursuant to your request, made in response to comments raised during the course of the Public Hearing conducted at the December 11, 2024 Planning Board meeting, we made a field observation visit to the project site on December 18, 2024, discussed the Sheffield Drive intersection with Megan Chamberlin, Town Highway Superintendent and reviewed the project background with Mike Segelken, Building Inspector/Code enforcement Officer. We also conducted a more detailed review of parcel site and the surrounding area.

We offer the following comments for your consideration:

1. As noted in our original review memo, the project is located in the Hamlet Mixed Use (HM) Zoning District and the Primary Valley Bottom Aquifer. The property appears to fall immediately outside the Hamlet Exclusion area and outside the 150-foot stream corridor overlay. A closer review would suggest that the stream corridor overlay may actually reach into the southwest portion of the project site. No site work is proposed in that area.
2. The project as we understand involves the renovation of an existing single family residential structure into a mixed-use structure with an upper floor apartment and a lower floor retail space for use as a window showroom and sales facility. No additions were proposed to the existing structure except for the installation of a detached ground mounted sign. The site was otherwise to be used as is with the building renovated and restored. Mike Segelken indicates that upon commencement of the work it was determined that a portion of the structure was deteriorated to a point that it could not be renovated and needed to be removed. As a result, a portion of the structure was removed down to the foundation and fully reconstructed. The work performed although more extensive than we originally believed and conveyed to the Board was still considered a renovation.
3. The driveway has been fully repaved. According to Mr. Segelken, this was not part of the initial work scope. It was not part of the permit. It is unclear whether the driveway was paved to the same extent in the past, but clearly the current paved area was used at various times in the past as a parking area based on available historic aerial photographs.
4. No Department of Health approval was required. No change in bedroom count or system design was contemplated. The application indicates the system was to remain as is. No details of the system are available.

5. At the time of this visit the property corners were staked and labeled. It is clear that debris and a pile of brush /trees has been placed on the adjoining property. All such material should be removed, and the property restored to its pre-disturbance condition. It does not appear that there was any effort to grade or work on the adjoining property; it appears that the material was simply pushed or placed over the line.
6. Dutchess County Parcel access indicates that there are freshwater wetlands, both Federal and State, on the adjacent parcel to the west and across Route 343. There are no wetlands indicated on the subject parcel. It appears that portions of this parcel fall within the 100' adjacent area to the state regulated wetlands. It is not clear whether a permit for the work performed was/is required. The building was a renovation, and the paving seems to have been, in large part, a restoration of what existed previously. Such activities are often considered exempt and do not require a permit.
7. The project site falls in a check zone for threatened and endangered species, the timber rattler, and the bog turtle. Given the developed nature of the site and the relative lack of site disturbance associated with the proposal an impact to the species is considered unlikely. The project appears to be a Type II action under SEQRA as it involves the construction or expansion of a primary nonresidential structure involving less than 4000 square feet of gross floor area and not involving a change in zoning or a use variance and is consistent with local land use controls. As a Type II action no environmental review is required.
8. We reviewed the line-of-sight issues raised concerning the Sheffield Road/Route 343 intersection. We attach several pictures that indicate the line of site would not be impacted by the proposed sign. The sign would likely not be seen from the intersection. In the photos you can barely see the Planning Board notice sign which is set low to the ground adjacent to the mailbox. We further discussed the intersection and the line-of-sight issues with Highway Superintendent Chamberlin. She is aware of some accidents at this location, but the ones that she is familiar with relate more to Route 343 geometry and driver issues than sight lines. She has examined sight line issues in the past. In her estimation they typically revolve around vegetative growth in a leaf on condition

We trust the comments contained herein are satisfactory for your purposes. If we can be of further assistance, please advise.



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

Attachments

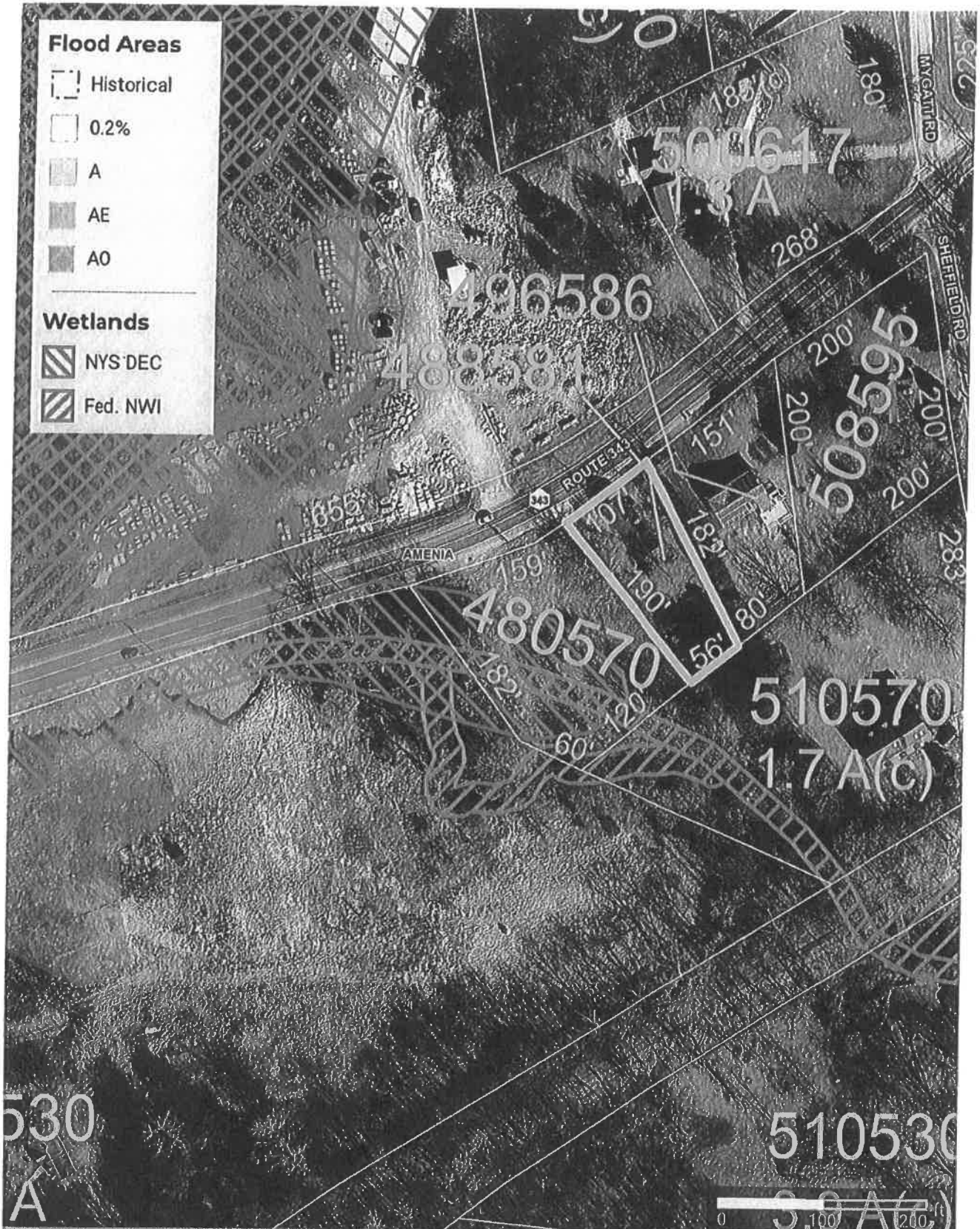
cc: Megan Chamberlin, Town Highway Superintendent
Mike Segelken, Building Inspector
Paul Van Cott, Esq

Flood Areas

- Historical
- 0.2%
- A
- AE
- A0

Wetlands

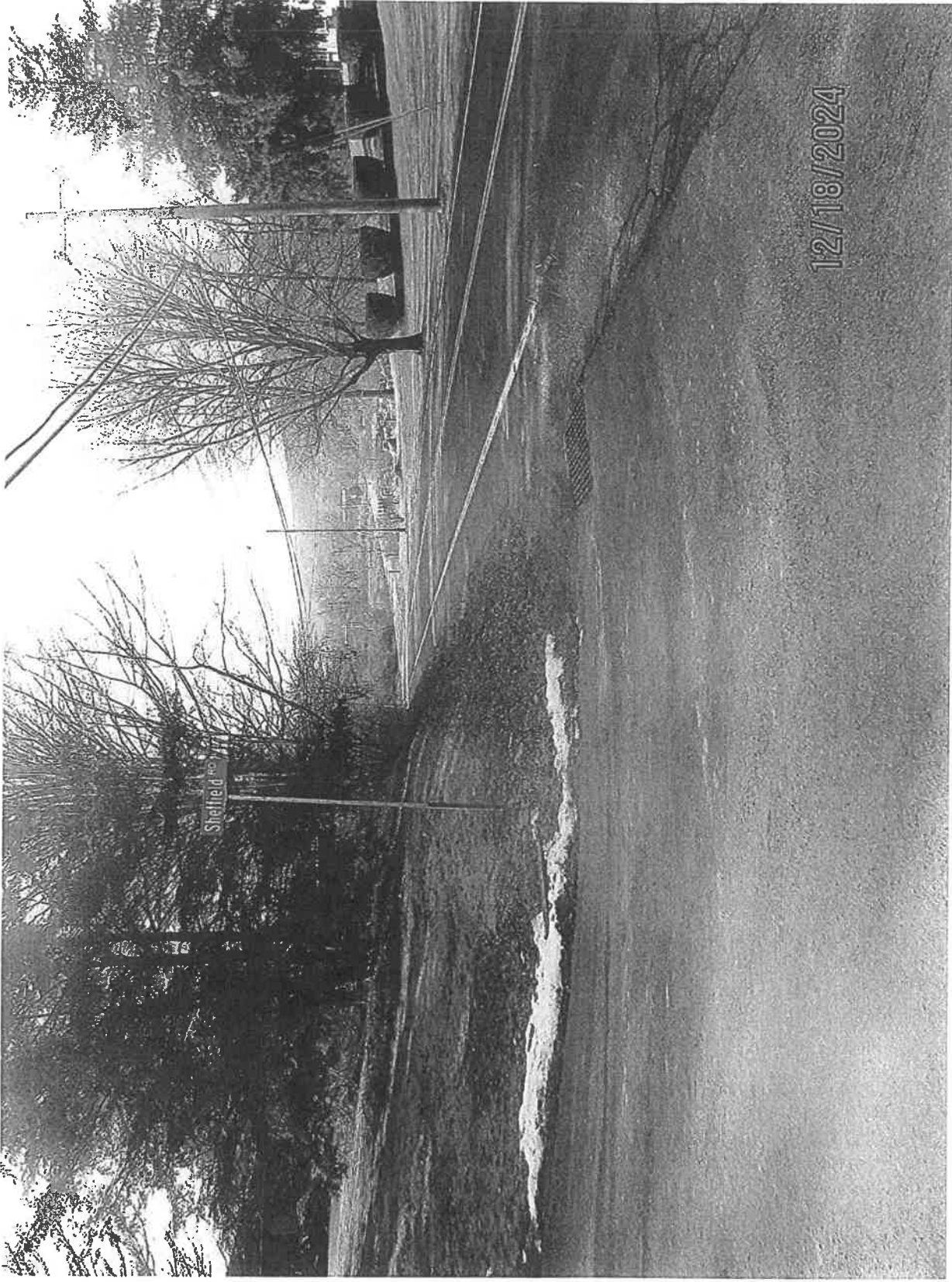
- NYS DEC
- Fed. NWI





Looking West from Mygatt Rd. -
Opposite side of 343 from Sheffield

December 18, 2024



December 18, 2024

Looking west from Sheffield intersection - 12' from white-
standard sight line measurement distance



Looking west from Sheffield intersection - less than 12' back
from white line - consider as if inched forward

December 18, 2024



MEMORANDUM

TO: Town of Amenia Planning Board
FROM: John V. Andrews, Jr., P.E.

PROJECT: Cascade Creek Subdivision
SUBJECT: Review Comments

JOB NO.: 24-352-117-02
DATE: January 2, 2025

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

1. Letter to Town of Amenia Planning Board -Cascade Creek Subdivision from Renna Engineering Design, PLLC dated November 25, 2024.
2. Town of Amenia Planning Board-Land Use Application-Cascade Creek Subdivision dated November 7, 2024.
3. Town of Amenia Planning Board-Authorization of Agent-Cascade Creek Subdivision dated November 22, 2024.
4. Town of Amenia Planning Board-Agricultural Data Statement-Cascade Creek Subdivision.
5. Agricultural District Map-Cascade Creek Subdivision prepared by Renna Engineering Design, PLLC dated November 25, 2024 scale 1" = 1000'.
6. Proposal Narrative-Affordable Homeownership Opportunity Program-Cascade Creek.
7. Full Environmental Assessment Form-Cascade Creek Subdivision dated November 25, 2024.
8. Cascade Creek Subdivision Conservation Analysis- prepared by Renna Engineering Design, PLLC dated November 25, 2024.
9. Drawing 0 of 3- Title Sheet-Cascade Creek-prepared by Renna Engineering Design, PLLC- dated November 25, 2024.
10. Drawing 1 of 3- Existing Conditions- Cascade Creek Subdivision prepared by Renna Engineering Design, PLLC- dated November 25, 2024, scale 1' = 100'.
11. Drawing 2 of 3- Sketch Plat- Cascade Creek Subdivision prepared by Renna Engineering Design, PLLC- dated November 25, 2024, scale 1' = 100'.
12. Drawing 3 of 3- Construction Phasing Plan- Cascade Creek Subdivision prepared by Renna Engineering Design, PLLC- dated November 25, 2024, scale 1' = 100'.

We have continued our review pursuant to the discussion conducted during the course of the December 11, 2024 Planning Board meeting. We focused our continued review on the Conservation Analysis. The determination of which lands have conservation value and are most important to be preserved lies solely with the Planning Board. The Project Sponsor has submitted a Conservation Analysis to aid the Planning Board in their review of that matter. We offer the following comments

for the Planning Board's consideration. Additionally, we incorporate herein our prior comments issued in draft form in a memorandum dated December 10, 2024 which will also need to be addressed. All new comments are indicated in BOLD.

Conservation Analysis

1. The conservation analysis submitted generally identifies and addresses the items found in Section 121-20 A.(1).(a-e). The information provided identifies forested areas in a general manner but does not identify any individual trees 18" in diameter.
2. The Planning Board may also identify other lands which "exhibit present or future potential recreational, historic, ecological, agricultural, water resource scenic or other natural resource value." For example, the analysis indicates that the property has been "continuously used for agriculture (i.e.: row crops) since before 1936." The Planning Board may want to include/consider such continuous use as establishing a conservation value worthy of preservation.
3. The information submitted does not seem to sufficiently describe " the importance and the current and potential conservation value of all the lands identified in Section A.(1)" The magnitude of the importance and possible conservation value of the identified resources needs to be expanded. If one simply looks at Analysis Section 3.9 and the percentages of some of the items, it is apparent that the largest impacts are to prime farmland soils, agriculture, and the stream corridor overlay. A more detailed expansion of these factors and how the proposed design preserves these items as resources should be provided.
4. The conclusion as presented suggests that the proposed plan "provides a compact efficient layout, which maximizes the availability of new workforce housing, minimizes overall site disturbance and protects the conservation lands identified in this report from future development." This conclusion may be premature, the submitted analysis does not seem to fully establish the lands of conservation value and most important to preserve.

December 10, 2024 memorandum in its entirety:

The project is in the Suburban Residential (SR) Zoning District. A portion of the parcel is in the Stream Corridor Overlay (SCO) District, generally along the stream adjacent to the westerly property line. The parcel is in the Priority/Primary Valley Bottom Aquifer (PVBA) .

The project, as we understand it, involves a proposed Conservation Subdivision, pursuant to the standards set forth in Town Code Section 121-20, subdividing a reputed 24.13 (?) acre parcel into 28 individual lots, three (3) conservation lots, 1340 linear feet of new Town road connecting to both Cascade Road and NYS Route 22 with a cul-de-sac to be served by common water supply system and common wastewater disposal systems. The three conservation lots total 14.41 acres (59.7 % of the property) of common open space which incorporates the utilities, various buffers, and conservation areas.

The proposed subdivision meets the definition of a major subdivision. The Planning Board should review and process the application going forward as a major subdivision. This proposal is for a Conservation Subdivision. The Project Sponsor has submitted a Conservation Analysis and a proposed Sketch plan which is intended to embody the issues identified in the conservation analysis. The process established for a Conservation Subdivision requires that the Planning Board, when it deems it complete, accept the conservation analysis, develop written findings, and incorporate the Planning Board findings into a Sketch Plan. The SEQRA process, including a Full Environmental Assessment Form with supporting

documentation, commences upon issuance of the written Planning Board Findings and development of an acceptable Sketch plan that is consistent with those findings.

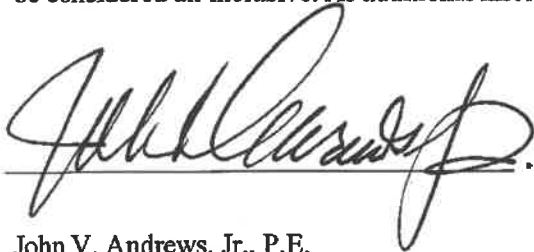
The following comments are offered for your consideration:

1. The application and supporting documentation indicate a parcel acreage of 24.13. The Tax Map indicates a parcel acreage of 18.0. The most current deed references FM 9418 which is inconclusive with respect to the acreage for Parcel B. The prior deed identifies the 24.13 acres, indicating it is based on an unfiled survey by Lyndon Chase, L.S. but also references the same inconclusive FM 9418. Future submittals shall provide a certified survey identifying and substantiating the property acreage.
2. The project proposes a conservation subdivision. The density is based upon the net acreage on the parcel as determined by Section 121-20.B. Once the gross parcel acreage is firmly established (See Item 1) the calculation provided in the Conservation analysis appears to be correctly utilized. The Applicant is entitled to a density bonus of up to 50% based on work force housing , with all units having a minimum of 2 bedrooms. The applicant is utilizing the full 50%. The Planning Board will need to validate the use of the 50% bonus.
3. Any special permit, site plan, subdivision, or other application involving the creation of workforce housing under this Town Code Section 121-42 shall be referred to the Housing Board for a report and recommendation. The Housing Board shall be required to provide a report and recommendation within 45 days of receipt of the referral. We defer to Paul Van Cott, Esq. as to the appropriate time to make the referral, but it would seem that the referral should occur upon issuance of the conservation findings and acceptance of the Sketch Plan.
4. The proposal bases the minimum lot size on the availability of common or municipal water and sewer infrastructure. The minimum lot size is the same as indicated for Hamlet districts as set forth in Section 121.11, 8,000 square foot minimum. All the proposed lots meet or exceed that minimum lot size. All yard requirements depend on the lot size and the character of the subdivision. The actual yard requirements are to be established at the time of plat approval and placed in a chart on the plat to be filed. The minimums shall be the same as in the HM district for lots on a Town Road.
5. Town Code Section 121-11.D- requires that common water and sewage disposal facilities be managed by entities which the Planning Board deems adequate to protect public health on a long-term basis. Future submittals must detail and document the entities responsible for ownership operation and maintenance of the common facilities.
6. The proposal incorporates two (2) flag lots. Flag lots are covered under Section 105-21.F. Flag lots are allowed only by express waiver of the Planning Board granted in its sole discretion. Future submittals shall provide the information required by that section to justify the proposed lots.
7. Dutchess County Department Health approval will be required for the water supply and OWTS serving the proposed future subdivision. As part of the SEQRA process, sufficient information and details shall be provided to confirm the capacity of the proposed water system and the areas set aside for OWTS to support the proposed future development proposal. Written confirmation from the DCDH should be provided. The project proposes a discharge of 12,320 gallons per day total.

A NYSDEC SPDES Permit for the discharge of sanitary sewage to ground water will be required. It appears that the required capacity will be developed in phases so coverage under P/C/I SPDES General Permit GP-1-15-001, Groundwater Discharge of Treated Sanitary Sewage is likely the required option. Future submittals shall address this issue.

8. Site disturbance will likely exceed an acre, compliance with the SPDES General Permit for Stormwater Discharges will be required including post construction stormwater management facilities. A full and complete Stormwater Pollution Prevention Plan (SWPPP) including post construction management facilities will be required.
9. The project is located in the Valley Bottom Aquifer District as such future submittals shall provide calculations for the parcels natural recharge and water consumption pursuant to Town Code §121.15.E.5.f&g. If water consumption exceeds natural recharge, then the information required by §121.15.E3 is required.
10. The proposal appears to involve a new Town road. The road shall be designed and laid out in accordance with Town standards. A NYSDOT Highway Work Permit will be required for the connection to NYS Route 22.
11. It appears a NYSDEC Protection of Waters Permit will be necessary for the proposed stream/roadway crossing. Future submittals shall address the requirements and design elements for the crossing.

We trust the comments herein are satisfactory for your purposes. The comments contained herein shall not be considered all inclusive. As additional information is provided further comment may be possible.



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

cc: Mike Segelken, Building Inspector /Code Enforcement Officer
Paul Van Cott, Esq

Judith Westfall

From: VanCott, Paul <PVanCott@woh.com>
Sent: Sunday, January 5, 2025 10:21 AM
To: jandrews@rsaengrs.com; James Walsh; John Stefanopoulos; James Vitiello; Kenneth Topolsky; Judith Westfall; Nina Peek; Robert Boyles; Walter Dietrich
Subject: Hudson River Housing
Attachments: Standards for conservation subdivisions.pdf; 7-Cascade Creek - Conservation Analysis, 4917-5486-4128.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

All –

These comments are intended with the Planning Board’s review of this application:

Overview:

1. Hudson River Housing (“HRH”) has submitted an application proposing a conservation subdivision. At this point, the proposal is preliminary in nature and submitted for “sketch plan review” by the Planning Board;
2. The Zoning Law provides the applicable standards and process for the initial sketch plan review of proposed conservation subdivisions. A copy of this portion of the Zoning Law is attached for your reference and use;
3. Consistent with the Zoning Law, HRH has submitted a “Conservation Analysis” for the Board’s review, a copy of which is also attached. Critically, this analysis must:
 - a. Identify lands of conservation value on the parcel, including wetlands/streams, prime/statewide ag soils, lands active in agricultural use, wildlife corridors, overlay districts, buffer areas to screen the project from adjoining parcels , etc. (See 121-20(A)(1)); and
 - b. Describe the importance and the current and potential conservation value of all land on the site, as well as potential connections to adjacent parcels;
4. The Planning Board’s review of the Conservation Analysis must focus on:
 - a. Whether enough information has been provided by HRH to allow the Board to undertake its review. If not, additional information regarding the lands of conservation value should be sought; and
 - b. When sufficient information has been provided, identifying the lands the Board deems to have the most conservation value that would require permanent preservation. At least 50% of the site containing the lands with the most conservation value must be permanently preserved by an easement; and
5. Once the Planning Board has identified the lands of the most conservation value based on the Conservation Analysis, that determination is required to be formalized in findings that it adopts. To move forward with the application, the applicant would incorporate the lands to be conserved into its sketch plan and design its proposed subdivision around them;
6. Under the Town’s subdivision regulations, the next step would be for the Planning Board to accept the sketch plan for review as a preliminary subdivision plat. The Planning Board’s SEQRA review

of the proposed subdivision is undertaken at this point and includes the conservation areas identified by the Board.

HRH Application:

- In identifying the lands of the most conservation value on the Project Site, the Planning Board is not bound by HRH's proposed subdivision design if the building lots include lands the Board believes should be preserved instead. The Conservation Analysis is based upon the entire Project Site, including the lands where building lots are proposed;
- From our review, the lands on the Project Site potentially having conservation value are those (1) engaged in agriculture; (2) with the Stream Corridor Overlay District; (3) Providing a potential wildlife corridor along the stream and connecting to adjoining and/or nearby properties; and (4) providing for screening or opportunity for screening around the perimeter of the Site;
- It is noted that HRH has undertaken an archaeological study on the Project Site, which concluded that no sensitive archaeological resources are present. The study is potentially deficient in that it did not encompass the entire Site because it only evaluated those areas proposed for development. The areas of the Site that were not included within the study area are primarily agricultural fields that typically do not yield sensitive archaeological resources because they have been highly disturbed through tilling, etc. The Planning Board may want to have HRH's consultant address the potential for archaeological resources in the remaining areas of the Site, particularly if the proposed areas of the Site available for development change as a result of the Board's conservation findings. HRH should also be asked to provide any correspondence it receives from SHPO concerning its archaeological study.
- The Planning Board may want to consider seeking additional information from HRH about the lands it identifies as having the most conservation value, including: (1) more information about the existing and potential future agricultural use of the land, which is primarily cultivated agricultural fields; (2) more information about potential wildlife habitat along the stream on the Site and its existing or potential value as a wildlife corridor, including the connection with adjoining or nearby lands; and (3) more information about the potential screening of development on the Site by existing vegetation and topography (and a potential buffer for future vegetation) around the perimeter from state and local roads, and existing adjoining uses. This information would also be relevant to the Board's SEQRA review of the project.

Please let me know if there are any questions regarding any of the above.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP

Of Counsel

One Commerce Plaza | Albany | New York | 12260

| o | 518.487.7733 | f | 518.487.7777

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