

STATE OF NEW YORK
TOWN OF AMENIA

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Minutes of
The Town of Amenia Planning Board
September 4, 2014 - 7:55 p.m.
at
Town Hall
4988 Route 22
Amenia, New York 12501

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B E F O R E: JOSEPH FONTAINE, CHAIRMAN
 DAVID EVERETT
 ANTHONY ROBUSTELLI
 PETER CLAIR
 WILLIAM KROEGER
 JOHN STEPANOPOULOS
 ERICH MCENROE
 NATHAN ROY
 LARISSA DELANGO

P R E S E N T: PETER J. WISE
 PEDRO TORRES
 DAN O"CALLAGHAN
 A. JAMES TINSON
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PROCEEDINGS

MR. FONTAINE: If people don't
want to -- if they're uncomfortable coming
up to the front to speak on the mike, you're
certainly welcome to submit whatever you
want for comments in writing. So, you know,

7 tomorrow, for the next couple of weeks,
8 whatever you need, you know, write up what
9 you have to write up in the written
10 comments.

11 If you can't get up to speak,
12 we've got a microphone in the back. You're
13 welcome to stay in your seat and a
14 microphone will be brought down to you, so
15 let us know if you're in that situation. I
16 think that pretty much covers it. Anything
17 else?

18 We're gonna limit the speak --
19 the comments to three minutes for each
20 person and we'll go from there. Okay.

21 UNIDENTIFIED MAN: Mr.
22 Chairman --

23 MR. FONTAINE: Yes.

24 UNIDENTIFIED MAN: -- just a
25 point of order, if I may, did I understand

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1 PROCEEDINGS
2 you to say that you will permit written
3 comments for the next two weeks to be
4 submitted?

5 MR. FONTAINE: Well, after we
6 get done with the public comment, we'll make
7 a decision as to exactly how long it's gonna
8 be.

9 UNIDENTIFIED MAN: So that's
10 not the case?

11 MR. FONTAINE: We'll hold off.
12 I'm sorry, yeah, okay.

13 Okay. The first speaker is
14 Ray Leary; is that correct? No. Okay.

15 Elaine LaBella.

16 MS. LaBELLA: Mr. Chairman, is
17 the microphone coming to me or --

18 MR. FONTAINE: No. If you
19 could come up front, please, to speak, I'm
20 sorry, yeah.

21 MR. WISE: Mr. Chairman, while
22 you're waiting, if you could introduce the
23 members of the Board for the stenographer?

24 MR. FONTAINE: Sure. I did it
25 earlier, but for the stenographer -- you

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1 PROCEEDINGS

2 know, we have a stenographer tonight, so if
3 people want, down the road, you can also get
4 copies of or get the information -- review
5 the information the stenographer is writing
6 tonight will available in the Town Hall and
7 also in the library eventually.

8 Going back to introduce the
9 members of the Planning Board, at the far
10 right we've got -- we've got Dave Everett
11 who's our Town Attorney, Larissa DeLango at
12 the end of the table, the Planning Board
13 Secretary. We've got Tony Robustelli, Peter
14 Clair, myself, Joe Fontaine, Bill Kroeger,
15 John Stepanopoulos -- do you have the
16 spelling of that one or -- and we've got
17 Erich McEnroe and Nathan Roy.

18 Okay. Elaine.

19 MS. LaBELLA: Thank you, Mr.
20 Chairman. For the record, can you hear me?

21 MR. FONTAINE: Yes.

22 UNIDENTIFIED WOMAN: No, no.

23 MR. FONTAINE: Hold on.
24 MS. LaBELLA: I hope you're
25 not timing me.

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1 PROCEEDINGS
2 MS. DeLANGO: It's not.
3 MS. LaBELLA: Test, test, can
4 you hear me now?
5 MR. FONTAINE: Is it working
6 yet?
7 MS. LaBELLA: Test, test,
8 test. Okay. Can you hear me now?
9 Good evening, Mr. Chairman,
10 members of the Planning Board. My name is
11 Elaine LaBella. I'm the Director of Land
12 Protection for the Housatonic Valley
13 Association, 19 Furnace Road in Wassaic.
14 HVA is dedicated to preserving
15 and protecting the natural character and
16 environmental health of the Housatonic River
17 and its watershed including the 10 mile
18 river here in eastern New York.
19 I have submitted written
20 comments. I'm gonna do my best to summarize
21 in the time allotted. First of all, we
22 don't object to this development
23 conceptually, it could benefit the town and
24 help stimulate economic opportunity and
25 growth. Also, the applicant should be

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1 PROCEEDINGS
2 commended for agreeing to permanently
3 conserve several hundred acres of forest

4 land. However, we find the proposed massive
5 development and site plans failed to
6 adequately document the potential water
7 quality impact of the proposed project.

8 The Town of Amenia has enacted
9 good, common sense regulations that
10 safeguard streams and rivers, protect the
11 groundwater upon which most residents depend
12 for their home use, and encourage
13 development in locations that will enhance,
14 not degrade the beauty and natural health of
15 the community.

16 We believe that the Planning
17 Board should require the applicant to
18 redesign specific portions of the plan that
19 are inconsistent with local ordinances.
20 First, we are troubled by the number of
21 waivers from local and state regulations the
22 applicant has been granted or is requesting.

23 The engineer earlier --
24 mentioned earlier the -- a waiver from the
25 construction activity permit from the State

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1 PROCEEDINGS
2 DEC of the -- the Town Conservation Advisory
3 counsel did observe a issue with the
4 sedimentation during a thunderstorm earlier
5 this summer when the sedimentation and
6 erosion controls failed and sediment-laden
7 runoff entered into Amenia Cascade Brook.
8 Perhaps if less acreage was disturbed the
9 erosion controls would have been more
10 closely monitored and maintained and the
11 sediment release could have been prevented.

12 Other waivers being sought
13 include development on steep slopes, roads,
14 driveways and cul-de-sacs that exceed
15 maximum grade. The Board's own consultants
16 identified these problems in their analyses
17 in the project. Development in the absence
18 of sufficient stormwater controls,
19 especially on steep slopes, could increase
20 the transport of pollutants.

21 We ask that the applicant
22 provide a complete stormwater management
23 plan as the applicant's engineer earlier
24 indicated, the estate homes are not designed
25 in the plan. The new homeowner will have a

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1 PROCEEDINGS

2 lot of latitude about what stormwater
3 controls may be implemented.

4 For a Planning Board to be
5 able to access the complete stormwater
6 impact of this proposal, they do need to see
7 all of the areas developed. Furthermore,
8 the applicant wants to have the new homes
9 exempt from a minor site plan review and
10 have the building inspector sign off, but
11 that doesn't provide you the opportunity to
12 -- assessment of the new homes in context of
13 the entire development proposal.

14 We ask that the applicant hire
15 an independent inspector -- I'm wrapping
16 up -- to report to you on the progress of
17 the development. We ask that the Planning
18 Board ask the applicant to create buffers
19 along the golf holes, along watercourses.

20 It"s been done on the Jack Nicklaus, the
21 Concession Golf Club in Bradenton, Florida
22 and it looks very nice. It"s in your
23 written comments.

24 We ask that the Planning Board
25 consider extending the hearing so that you

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1 PROCEEDINGS

2 can hear from your own engineering
3 consultant on the stormwater plan which, as
4 you all know, is very complex and I think
5 the public might like to hear what the
6 engineer has to say at one of your regular
7 meetings. Once again, this is a very
8 complex project. Thank you for the
9 opportunity to provide comments and we do
10 hope that you keep the public hearing open.
11 Thank you very much.

12 MR. FONTAINE: Thank you.

13 The next one person is Craig
14 Callen; is that correct? If you could state
15 your address?

16 MR. CALLEN: Sure. It"s 223
17 Smithfield Valley Road, Amenia.

18 MR. FONTAINE: Thank you.

19 MR. CALLEN: I"d like to thank
20 the Planning Board for the opportunity to
21 seek questions, and I"d also just like to
22 thank the folks from Discovery for a very
23 exciting presentation. I"d like to thank
24 the Irish contingent for trying to
25 dramatically extend diversity in our

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community, and I'd like to also thank those people who I don't think are going to be able to afford it.

There was a lot of mention about families. I'm very excited for families that are going to come and enjoy this wonderful creation of yours, but I didn't hear anything about the families of our community and the impact it's gonna have on ours. So I ask that you be committed to consider a few things, the first of which is of the 175 jobs that are claimed to be full-time, to find out if those are only after the project is completed.

I'd like to also know if those jobs are going to provide a living wage or the minimum wage. I would like to know what kind of career opportunities there are for the local people because I'm concerned about the families that live here, not the families that can afford to come to your wonderful project.

The other concern I have, apart from the environmental impacts that

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are being raised, is during construction phase of the 3,100 or 3,200 employees that are gonna descend on our community, the impact on our community, on our families' lives during that construction process, we have traffic, noise, light and other

8 pollutants. So I ask the committee to think
9 about these things in addition to the actual
10 geographic and conservation related topics
11 because I do think it's important that the
12 community derive as much as we can given
13 this opportunity. We will not have a chance
14 to do this twice. Thank you.

15 MR. FONTAINE: Thank you.

16 Mark Doyle. Mark, state your
17 address.

18 MR. DOYLE: My name is Mark
19 Doyle. I live at 320 South Amenia Road in
20 Wassaic. And what I'd like to say is I
21 think this project is a very much better fit
22 than the prior application and I'm really
23 thrilled to see all the improvements and
24 reduction -- reduction of impact and
25 ultimately the great investment in our

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1 PROCEEDINGS

2 community.

3 I have a number of comments.
4 The high houses are -- as I call them,
5 they're named the estate houses in your --
6 on your plan. I'm trying to go back through
7 the documents which obviously you all know,
8 you've been working them, such a myriad of
9 documents, but it seems to me that there are
10 of them that are not included in the
11 March SEQR process.

12 And reading further, I see
13 that the reason for their location there is
14 that they are required in order to make the
15 project feasible, economically feasible that

16 is. And I just want to say that having --
17 being through the planning process with the
18 zoning and comprehensive plan for many
19 years, I think profitability wasn't
20 necessarily at the foremost of our minds
21 when it came to feasibility, it was more of
22 a technical feasibility. So if, in fact,
23 we're talking about feasibility being the
24 key requirement for these high estate
25 houses, then we probably need to explain in

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great depths what that requirement is, what
3 the economic details are of that in order to
4 make the public satisfied with the public
5 inquiry.

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I also -- as far as those and
actually particularly the houses in the
vineyard am concerned about the impact of
the light at night. So, yes, we're going to
have the dark lights, a lot of outdoor
lights, but that's not the only lighting.
There's window lights coming out of the
houses unless of course the blinds are
required to be closed, but they won't be.
So, you know, what is that -- that lighting
impact gonna be like high up in the
mountain.

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If you look at the visuals,
the -- those houses in the estate area are
actually more than halfway up the mountain.
They're really pretty high up relative to
the peak of the mountain, so I'd like to
know what that nighttime light impact would

24 be like.

25 As regards to the stormwater,

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I think that you are all -- and particularly actually this point I'd like to say, one group that has not been commended this evening is our town consultants who have obviously spent many, many hours working on this with you guys and with the applicant, and should be greatly commended for all their hard work. But the stormwater plan, I think that one of the key things to focus on is clearly the reduction of runoff as well as the cause of the runoff. There's been great emphasis on this plan on the water quality and runoff, not so much in actually making the reduction of and the slowing water runoff.

So when it comes to saying that the individual homeowners are going to have a fair amount of latitude in the design of their homes, know that we have to at the initial stage during the creation of the subdivisions and roads, and all the land design phase, make sure that water, in fact, is made to infiltrate the ground so that you don't have...

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So, lastly, I forgot to mention the subdivision. I want to make sure that the process remains open, whether

13 gonna keep my comments very brief tonight
14 and there"s a couple of good reasons for
15 that. One of the reasons I think I should
16 mention is that I think not only is this
17 project extremely important for anybody that
18 has embarked on trying to analyze, look,
19 review, do their own investigations, bear a
20 picture of the project, I will suggest that
21 that would be almost impossible for the
22 regular person. It takes an awful amount of
23 time, and I mention that because I"ve heard
24 a lot of comments out and about, as we say,
25 that a lot of people have found it either

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1 PROCEEDINGS
2 difficult to find all the information they
3 really want, not able to access it as easily
4 as they would like, and some of it still
5 remains hard to picture it for them. So I
6 think on that basis alone and given that --
7 you know, part of the basis of SEQR, as I
8 see it, is those two important words quality
9 review and I think if we"re gonna have a
10 quality review of an extremely important
11 potential project here, we need to make sure
12 that everybody has an adequate review time.
13 So I do think my first point is, I ask you
14 if you could please extend the open -- the
15 time for public comment in whatever way
16 possible, whether that be an additional
17 session or whether it be a further comment
18 period or written comments. I do suggest it
19 would benefit greatly.

20 Secondly, the other general

21 comment I have is -- is really as much as we
22 are all involved, we live here, we're
23 residents, and as much I thank you, our
24 Planning Board members, for your endless
25 hours I'm sure you put in on that project

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1 PROCEEDINGS

2 already and working on our behalf as
3 volunteers, that's great, but the people
4 that I want to thank especially here and put
5 on a pedestal are the consultants. The
6 consultants to the town are our safety net.
7 They are the experts in their field. They
8 are studied. They are practiced. They are
9 licensed. They get re-licensed. They are
10 -- we cannot diminish the importance of any
11 information the consultants present to you
12 and to the town. So I think any changes and
13 dilutions to their comments or if we
14 question their comments, which we should, we
15 should still try and look at how important
16 those comments are and who they're coming
17 from and put an exceptionally high level of
18 importance on those comments. Those are the
19 general comments. I look forward to having
20 more time to comment on details.

21 But the last comment I'll
22 leave my session here with is, I know that
23 the current work on the golf course in many
24 senses is not part of the plan that we're
25 reviewing today, but I think it's an

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indicator and my concerns are with the current work on the golf course a number of people driving down DeLavernge Hill have questioned the loss of view albeit from moving traffic and how does that configure within the Scenic Protection Overlay District. So if you read the statement about Scenic Protection Overlay District, just the opening phrase, it doesn't say that it only covers a view from a particular destination or any particular destination, it talks about the general concept of Overlay District. If some of the grades set right now are to remain, that's lost view, that's lost value, and we're seeing erosion already. Now, if that's an indicator of the -- you know, of adding more on top of current grades, we're gonna be losing even more view. So I want to just put that on the radar for now and if you could give that some consideration sometime. Thanks very much.

MR. FONTAINE: Thank you.

Arlene Iuliano.

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PROCEEDINGS

MS. IULIANO: You have to tell me if I'm talking in the right direction.

Arlene Iuliano, long, long, time resident; and Thomas, our crew right in the room.

Anyway, you guys have heard me say this before but, first of all, I want to

9 thank you and the Silo Ridge people for all
10 the work you've done. You really have to
11 deal with an awful lot of stuff out there,
12 especially the laws and everybody else's
13 laws, so I thank you guys.

14 And I know you have told me --
15 I'm sure you can guess why I'm here -- going
16 to say something about which is a few points
17 at the DeLeVergne Hill point up -- the land
18 up there. And while I appreciate you're
19 assuring me that it's going to be okay, I
20 don't -- I don't know, guys, in the sense of
21 trying to assure that we're going to have
22 the view that we've had for a good many
23 years, a good, good many years where you
24 could see to Connecticut, you could see to
25 Massachusetts. You knew you were in the

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1 PROCEEDINGS

2 tri-state area, that's where we're coming
3 down the hills to go, so to speak, on the
4 way to Amenia.

5 Especially in this last decade
6 there's been a lot of growth. I look out my
7 own backyard and I can't believe what I got
8 going on. And I know that tree management
9 is a major issue in the U.S.A. today and,
10 rightfully so, environmental issues. On the
11 other hand, it's overgrown, guys, and I
12 think that up in that area, it never was
13 like that until maybe a decade ago. You
14 could -- you can't really see a full
15 panorama of the viewpoint from DeLeVergne
16 Hill which is an icon view in the County of

17 Dutchess and has its role in the State of
18 New York. I hope that -- just the pictures
19 you had on the screen tonight, the one we
20 came in first, showed a lot of growth on the
21 left hand side. I know you're supposed to
22 be putting something there in that elbow
23 area, right, so people can look versus a
24 viewpoint pull-off, which I'm sad to see go,
25 if that's indeed going, because that was

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1 PROCEEDINGS

2 where you could see, but that's gonna be
3 tough because in order to really see and
4 maintain the viewpoint that Amenia is named
5 for, that's literally, you're going to have
6 to cut down some trees or manage tree
7 growth. And I'm sure there's people in this
8 town who would like some of that wood if you
9 can -- if it can happen. No, really, it
10 could be done. I know it's a particular
11 issue, so to speak, but on the other hand,
12 Amenia is that viewpoint and I hope that it
13 can be done to a greater degree of
14 visibility than looks like that's on the
15 plans that are available right now. Okay.

16 MR. FONTAINE: Thank you.

17 MS. IULIANO: Keep it in mind.

18 Thank you.

19 MR. FONTAINE: I can't make
20 out the last name. D. Vincent from Railroad
21 Avenue.

22 MR. BIASE: Yes, Mr. Chairman,
23 since the temperature in this room is not
24 getting any cooler, I'm gonna waive my right

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comments in written form.

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MR. FONTAINE: Okay. That's

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fine. I apologize for the lack of air

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conditioning here, but that's what I've got.

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Sharon Kroeger.

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MS. KROEGER: Sharon Kroeger,

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I live in Leedsville and I work with the

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Wassaic Historical Agricultural Crossroads

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Group. I want to make three points, but

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before that I want to ask the Board to

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please extend the comment period. Most

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Boards do this when you have a complex

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situation of this kind and to just talk

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about two weeks only is not enough.

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One of the difficulties is the

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fact that most people's computers can't

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handle the complexity of the material that

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the public is supposed to be able to use and

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that the public isn't really getting enough

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time to do what it needs to do, so I would

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request that you all extend that period at

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least a month.

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And I want to just remind

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everybody who just saw what happened because

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PROCEEDINGS

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some members of the press are here, you just

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saw the chairman of the Master Plan

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Committee being told that he had to stop

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talking because he had spoken already three

6 minutes, so that is really something. It's
7 a matter of record in this situation and I
8 -- I hope everybody takes note of that.

9 Okay. My three points: In
10 2010 the State made the stormwater
11 requirements -- the new ones that came up
12 with a manual which is very -- it's
13 burdensome and difficult, but it's very
14 important. And if there ever was a
15 situation in which -- for which it was
16 designed is DeLeVergne Hill, and so I hope
17 every Board Member has a chance to look at
18 that manual and see what the unique
19 opportunities are for retention of water,
20 because your goal needs to be that the water
21 gets held and that it percolates down into
22 the water table and that's -- that should be
23 one of your goals. That's one of the
24 reasons that the town has you here.

25 My second point is that in

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1 PROCEEDINGS
2 looking at the very beautiful pictures you
3 showed us, and they are commendable, I felt
4 that there was inadequate recognition of the
5 ecological surroundings of that piece of
6 land. You could see the paradise, but you
7 couldn't see quite what it was nestled up
8 to, and that brook that you mentioned goes
9 into something called the Amenia Stream
10 which runs quietly down the whole valley and
11 it's part of a wetland system. It's part of
12 a river system and it's part of an aquifer
13 system and all of the wells for the folks

14 who live half a mile downstream in Wassaic
15 have to drink that water that's being --
16 whatever is being added to that stream is
17 part of the complexity of what they're gonna
18 be dealing with their wells. Now, I didn't
19 see anything -- I admit I haven't read every
20 single word that's been put out, but I
21 haven't seen anything in writing that deals
22 with this, so I hope you're all sensitive to
23 that question.

24 My third point is, and this is
25 a memory thing, about a decade ago, maybe a

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PROCEEDINGS

2 little more, we had another golf course
3 designed on the other side of Rattlesnake
4 Mountain and it was really quite unique and
5 excellent, but it never came to fruition,
6 but the Planning Board of that year did a
7 number of things, one of which was it asked
8 the -- the -- the folks who -- who were
9 planning the golf course to give them a list
10 of all the chemicals that were going to be
11 used in the golf course because part of what
12 you're concerned with, as a Board, is not
13 just the rain water runoff and the road
14 runoff, you're concerned with all the
15 chemicals that are coming down the mountain
16 for whatever reason. Now, the list that
17 they obtained in that era --

18 MR. FONTAINE: Sharon, I have
19 to ask you to finish up.

20 MS. KROEGER: Have I hit the
21 three minute point?

22 MR. FONTAINE: You're over
23 actually.
24 MS. KROEGER: Well, I just
25 want to say they took off a couple of

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1 PROCEEDINGS
2 chemicals because there was a professor from
3 -- from Cornell that went over that with the
4 Board and they chose which chemicals should
5 come off, because this is what's gonna go
6 into the watershed and our wells and the
7 aquifer. Thank you.

8 MR. FONTAINE: Kevin Cassone.

9 MR. CASSONE: Hello, Board.
10 Thank you for the opportunity to speak.
11 I'll be submitting written comments.

12 I agree with what Andy talked
13 about, the long period to submit them, it's
14 complex and -- and I can't begin to get into
15 things in three minutes and it's -- a little
16 bit of leeway because I can't work from
17 notes in my condition. I live in Amenia,
18 Route 22.

19 About the Board giving waivers
20 for environmental reasons, New York State --
21 New York State DEC, they're second to none
22 in their zealousness to safeguard the
23 environment. And whether you waive
24 something or not, they can stick their nose
25 right back in all on their own. When you

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1 PROCEEDINGS

2 give somebody a waiver, they look over that
3 and decide whether they're going to
4 challenge that or not. So I think some of
5 the environmental concerns, I think, have
6 already been met. Some of the arguments
7 might be specious.

8 Let me just state that you
9 can't even buy certain chemicals to -- to
10 put on lawns anymore. You have fertilizers
11 that -- the three chemicals, the second is
12 what -- phosphates, they don't even use --
13 New York State doesn't even allow that
14 anymore. Our ground is saturated with it.
15 Anyway, that's the environmental issue.

16 I don't think we have to worry
17 about New York State DEC letting us down.
18 They have the strongest regulations and I
19 think only California has -- has regulations
20 that exceed ours. And they're not gonna
21 give up their responsibilities just because
22 you guys, a little town board, gave them a
23 waiver for them, that's not gonna happen.
24 If they want to get involved, they will.
25 And if they see a threat, they'll get

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1 PROCEEDINGS
2 involved. They have done this in the past.
3 Two, the reason for Silo Ridge
4 -- I think people -- some people are worried
5 about development. I think you need to
6 understand, this town has gone under --
7 undergone 20 years of de-development. We
8 lost 4,200 jobs at Taconic DDSO, 3,500 of
9 which were good blue collar jobs. The

10 gentleman who said I hope these jobs pay a
11 living wages salary, I couldn't agree with
12 more. I would hope that such a rich
13 development could afford to pay people a
14 good salary, so that these 175 jobs are --
15 are good jobs that people can stay with for
16 life and support a family on.

17 But the de-development of this
18 town for the last 20 years -- if -- if we
19 started at a hundred, we're down to, like,
20 20 now. If we get Silo Ridge and five more
21 projects, we're still maybe at 35 to 40
22 percent of where we used to be of what we
23 need to support this town, good blue collar
24 jobs so that people can earn a good wage,
25 buy a house, volunteer for the fire company.

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2 Because all these new tax revenues from Silo
3 Ridge -- if we lose the volunteer fire
4 company, it's all gonna be a net loss
5 because -- because we have to have -- if
6 anybody read the article in the Times, the
7 fire department in Poughkeepsie they went
8 professional. If they find out -- besides
9 risking their lives, because these guys save
10 us -- we're talking about our -- our budget
11 having to increase two or threefold in order
12 to cover a professional fire company, and
13 what's the basis of our volunteer fire
14 company, people who live and work and get a
15 good wage, good jobs in this town which is
16 why I think the salaries of the jobs is very
17 important, I would like to hear more about

18 that, so that this town can prosper. This
19 -- like I said, this and other projects,
20 we're still down a huge percentage from
21 where we were and I guess I'm probably
22 pretty close to my limit, so thank you.

23 MR. FONTAINE: Thank you,
24 Kevin.

25 Dave MacMillan.

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1 PROCEEDINGS

2 MR. MacMILLAN: I'm Dave
3 MacMillan. I'm from the Town of Northeast,
4 76 Sharon Road.

5 I'm gonna make it short and
6 sweet. I want to thank the Planning Board
7 for having an open hearing so people can
8 speak about this particular project.
9 Mostly, I'm gratified to see all the
10 residents of Amenia coming down to voice
11 their concerns. So you guys all have to
12 have -- you've got a big job on your hands.
13 I like to see the new member Board, too.

14 I've been a proponent. I've
15 been in favor of this project since day one.
16 Now, I think the one thing some of your
17 residents may be misunderstood about is, and
18 what I happen to like about what's going on
19 from day one with Silo Ridge, the group,
20 they're open, their office is open, if you
21 have a question you can go and talk to them.
22 You know, they will answer any question you
23 have. And for me if they were gonna build
24 this in my community, I would be behind them
25 a hundred percent. Just go ask them the

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PROCEEDINGS

questions they'll answer the questions.

As far as what Kevin just said and that gentleman sitting next to me, 175 jobs in our community, maybe I won't have to feed so many people. I hope you guys do the right thing. Thank you very much.

MR. FONTAINE: Brad Rebillard.

MR. REBILLARD: For the record, I hate public speaking. It's Brad Rebillard, 464 Old Route 22, Amenia. I'm actually third generation of this community. I actually used to swim at Cascade Brook. My mother told me not to because back then it was polluted.

In 1972, as a matter of fact, the Village of Millerton decided they no longer could use the sewage disposal system they were using at Cascade Brook, so they cut off the main arm going to Cascade Brook.

I'm in favor of the project. My children are in favor of the project. They're excited about the possibility of having jobs. They're both college graduates. They're both looking for jobs.

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PROCEEDINGS

I believe this is not the first time this project has been talked about. I believe we've had consultants, consultants, consultants, and they've all done fantastic jobs. They're well-educated

7 people. They know what they're talking
8 about, but I feel at this point the devil is
9 in the details. You can look at something
10 so much that you can forget what the
11 benefits of the project are. And I hope
12 this does not happen because I see it as an
13 opportunity for the growth of our community.
14 Thank you.

15 MR. FONTAINE: Jeanne
16 Rebillard?

17 MS. REBILLARD: No comment.

18 MR. FONTAINE: No. Laurence
19 Levin.

20 MS. LEVIN: Hi. Laurence
21 Levin, 189 Amenia Union Road. I just have a
22 procedural issue. I thought we were
23 supposed to have 14 days notice of this
24 meeting which I think was not given publicly
25 and there were supposed to be applications

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1 PROCEEDINGS
2 that were supposed to be reviewed since the
3 March meetings were not available for 14
4 days prior to this meeting either. So I do
5 hope that you will extend not only the
6 written comment period, but also I suggest
7 perhaps have another meeting on a Saturday
8 when more of the residents of Amenia are
9 able to attend even though there are a
10 number of them tonight, I think that you're
11 not seeing everybody who would like to speak
12 here. I said the procedural -- I do hope
13 that you will extend the period.

14 I -- I agree with many of the

15 speakers tonight that we're very pleased to
16 see this -- the revised Silo Ridge plans, it
17 had -- they fit much more into the site. I
18 think much more account of the site and also
19 of the character that many of the residents
20 of Amenia are hoping they will be able to
21 maintain.

22 There are some issues though
23 in some of the applications that they had
24 requested. Some of the waivers are -- I
25 find disturbing. I'm not a specialist, so I

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1 PROCEEDINGS

2 do hope that you take into consideration
3 what the people at the HVA have said and
4 what your own consultants flagged about some
5 of these waivers, particularly about the --
6 the buffer zones, the road grades.

7 The first thing I'm concerned
8 also about is the addition since March of
9 these nine or 10 houses on steep forested
10 slopes. I think we all very much want this
11 project to succeed and -- but I don't think
12 that 10 houses are gonna make or break this
13 project, I certainly hope not for your case
14 because, if not, then you're going in for
15 hurt. But I think it's inappropriate both
16 from an environmental standpoint, even if
17 the erosion can be controlled to a certain
18 measure, there are many problems with these
19 estate houses. They -- they're also
20 impacted the -- have a visual impact, so the
21 forested steep slopes and the houses upon
22 them, I think, should be reduced.

23 There should be further visual
24 impact mitigation. This is a rural area and
25 I think we should -- I hope that you, as a

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1 PROCEEDINGS
2 Planning Board, as well as the Silo Ridge
3 people and Discovery people, should keep in
4 mind our master plan which was, I think,
5 very well put together and it took many
6 years to -- to come together and has been
7 very well thought out. There are reasons
8 for some of the steep slopes requirements.
9 There are reasons for the buffer zone
10 requirements. We are all very concerned
11 about the environmental impact as well as by
12 the visual impact. So I do hope that when
13 you consider some of these applications and
14 waivers that you will take into
15 consideration the comments of the
16 specialists here and some of the residents
17 of Amenia. Thank you.

18 MR. FONTAINE: Thank you.
19 William McGhee.

20 MR. MCGHEE: I'll hand my
21 questions in.

22 MR. FONTAINE: Thank you. Liz
23 Faulkner.

24 MS. FAULKNER: Hi. I'm Liz
25 Faulkner. I live in Smithfield Valley.

37

1 PROCEEDINGS
2 I've lived there for over 20 years. I guess

3 my primary concern really is that the town
4 adhere to its stated desire and promise to
5 protect the rural quality, the rural
6 character of our town, that"s my
7 understanding of what the town wants, I
8 think that"s what most -- what Amenia wants.

9 And it seems like the density
10 of this project, the amount of houses, the
11 scale of the project is really gonna make it
12 -- and the traffic, including the traffic,
13 and noise and pollution is going to make it
14 more of a suburban town. And I -- I just --
15 I"m sorry, but I have to address the way we
16 were addressed, just now as a community by
17 Silo Ridge.

18 The last I knew, our
19 historical heritage was agricultural, that
20 this is a community of people who have
21 worked on the land and the varying services
22 and jobs come from supporting a lifestyle on
23 the land. I"m not sure that fitting in has
24 to do with playing on a golf course. So I
25 was just a little bit taken aback where

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1 PROCEEDINGS
2 we"re being presented with an image of -- of
3 something for our town that doesn"t seem to
4 really fit with what this town is.

5 So when this project was first
6 proposed, I -- I -- I"m not against
7 development, I"m not. I"m concerned that in
8 this day and age where we are at a point
9 where we"re aware of the environmental
10 pollution, we"re aware of energy needs, that

11 it be done as sensitively as possible. And
12 I hate to be a tattletale, but I have read
13 that that project of Discovery in Baker's
14 Bay was responsible for destroying or nearly
15 destroying one of the biggest corral reefs
16 in the Bahamas, and I don't know if now they
17 have mediated that, but I'm asking you, with
18 all my heart and soul, because as Arlene has
19 stated and we all know, that hill and that
20 view is our soul. It's the soul of our
21 town. It's what everybody -- when they say
22 Amenia, it's what they mean. That you be
23 very diligent every step of the way and make
24 sure that they adhere to everything they are
25 saying.

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1 PROCEEDINGS

2 Right now I feel there's a
3 difference between perception and reality,
4 and I think if any of us do our research we
5 can find that out. This is a contemporary
6 proposal for a kind of economy that supports
7 a sort of level of leisure which our town,
8 we're about agriculture and small families
9 and small jobs. Why don't we have a sewage
10 treatment facility that will allow our town
11 to develop small businesses? Why is the
12 sewage treatment facility being put up on a
13 hill so that when we do get those heavy
14 rains, now that we are more frequently
15 getting, it's gonna overflow down the hill.
16 Why is this happening, that is my question
17 that -- and my concern, that we are very
18 diligent as we go forward. Thank you very

19 much.

20 MR. FONTAINE: Thank you.

21 Walter Brett.

22 MR. BRETT: I also would like
23 you to extend the period so that I may be
24 able to write a few things to you. I really
25 haven't had enough time to go over all the

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1 PROCEEDINGS

2 material, really wasn't enough time, so I'd
3 ask that you do that, that you extend the
4 time for us to write or to speak further, if
5 we need to.

6 I have a couple of comments,
7 just a couple. You have a treatment plant
8 which is in the green buffer and I don't
9 understand why it's there. I mean, I'm not
10 technical that way, but can't it be put down
11 on Route 22 maybe in a -- or a zone for
12 commercial? That's one comment.

13 And also the number of houses
14 that are going up on -- high up on the
15 slope, it looks like there's an awful lot of
16 houses up there and they could be seen.
17 They could certainly be seen from the Rail
18 Trail or from Route 22. And other people
19 have commented about DeLeVergne Hill, being
20 able to see a beautiful valley, I hope that
21 that's maintained as well.

22 That's the comments that I
23 have for the moment. Thanks very much.

24 MR. FONTAINE: Thank you.

25 Kirk Imperati.

PROCEEDINGS

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2 MR. IMPERATI: Good evening.
3 I'm Kirk Imperati. I'm the Undersheriff for
4 the Dutchess County Sheriff's Office. I was
5 sent to speak on behalf of Sheriff Anderson
6 and the Dutchess County Sheriff's Office
7 about this project.

8 We're in 100 percent in
9 support of this project. One thing you can
10 say about the Silo Ridge team is over the
11 last 10 years of working with them and
12 discussing the various impacts upon the
13 community, as NASCAR Dave said earlier,
14 they're open, they're honest and they're
15 willing to work with you.

16 From a law enforcement's
17 perspective, we're comfortable with this
18 project and the impacts it's gonna have on
19 the community. I'm a 22 year veteran of
20 Dutchess County Sheriff's Office. My first
21 three years was spent out here patrolling in
22 the Harlem Valley. The impact that this
23 project is gonna have on law enforcement is
24 minimal and it's a positive impact, it's a
25 positive impact for the community as well as

PROCEEDINGS

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2 for law enforcement.

3 Sitting and talking with the
4 sheriff over the last several years about
5 this project -- the sheriff is a proud
6 resident of Dutchess County as I am. He's a
7 lifelong resident and proud of Harlem

8 Valley. And looking at this -- as we look
9 at it from various perspectives of Dutchess
10 County residents and parents, and to echo
11 some of the thoughts that were portrayed
12 here tonight and said here tonight were
13 about our kids. I'm fortunate to have two
14 beautiful girls, 14 and 18. I want them to
15 continue to live in Dutchess County, work in
16 Dutchess County, raise their families in
17 Dutchess County. A project like this in
18 Amenia, and Amenia can set the tone for
19 Dutchess County, it will allow our kids to
20 stay here, live here, work here and raise
21 families here. And the Silo Ridge team is
22 affording that opportunity for families in
23 Dutchess County.

24 As Dutchess County residents,
25 the sheriff and I look at this project and

43

1 PROCEEDINGS

2 we say, wow, Amenia has a great opportunity
3 to make this project go forward, and then
4 the snowball effect throughout Dutchess
5 County to allow other big projects that are
6 on the table to move forward.

7 So, again, we support this
8 project 100 percent. We appreciate the
9 group of Silo Ridge and their openness and
10 we appreciate the town and the Board and the
11 work you're doing on this project. Thank
12 you.

13 MR. FONTAINE: Pat Nelligan.

14 MR. NELLIGAN: Pat Nelligan,
15 lifelong resident, born in Wassaic, living

16 in Amenia by a little pond, back behind the
17 back of the church, and I care about the
18 environment. I'm also an Irish citizen.
19 Good to see you boys.

20 Anyway, I'm in favor of a
21 project. I wasn't in favor of the original,
22 so we've come along way. And as Mark
23 pointed out, there's been some significant
24 changes to make this project, I think, more
25 acceptable. The problem is those

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1 PROCEEDINGS

2 significant changes and the new owner mean
3 that the SEQR process needs to be done
4 again, and you're avoiding that issue. If
5 you proceed without doing SEQR for all of
6 the modifications, this is not the same
7 project, you're gonna have some legal
8 trouble. It won't just be from me, but
9 you'll have others.

10 The thing that really bothers
11 me is that here are these venture
12 capitalists that are gonna make a ton of
13 money on this project. They bought it for
14 peanuts, I'm sure, in a bad time, and
15 there's a lot of money floating out there
16 right now. They probably didn't have to use
17 much of their own. They're giving the town,
18 which the Town Board approved last week
19 naively, less than the cost of one of their
20 least expensive units of 222 for workforce
21 housing, less than one of their cheapest
22 units, under \$500,000 to fulfill their
23 workforce housing requirement, that was one

24 of the biggest things in our zoning law for
25 developments like this. The town is getting

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1 PROCEEDINGS

2 squat out of there.

3 Now, I'm requesting at least
4 two more hearings where you divide up the
5 waivers on one hearing, preferably the
6 second, and the special permits and
7 subdivision on another hearing, then a two
8 week period. It should be at least six
9 weeks for everybody to know all of this is
10 going on, not cram it all down our throats,
11 especially the procedures you've been
12 following, which are illegal.

13 So I'll take care of the
14 action against the town. If anybody is
15 interested in joining me in an action
16 against the Board if they proceed in a rapid
17 fashion, I'd appreciate the help. Thank
18 you.

19 MR. FONTAINE: Nina Peek.

20 MS. PEEK: I'm also not that
21 tall. Hi, Nina Peek, Town of Amenia. I
22 would -- I would echo the sentiment that a
23 lot of the people that have spoken here
24 tonight and would respectfully request that
25 you extend the comment period for this. And

46

1 PROCEEDINGS

2 in addition to that there's a very peculiar
3 restriction on the documents that are posted

4 at Silo Ridge SEQR which prevents them from
5 being printed. And as a result even if you
6 have a really good computer at your office
7 with a humming processor, it still takes a
8 really long time to download or look at any
9 of the documents. And it would make it much
10 easier and much more available to the people
11 that live here if those documents were
12 available to be printed out. So I would
13 respectfully request that you remove
14 whatever security provision that has been
15 provided.

16 And I guess what I sort of
17 want to talk about is the Planning Board has
18 two primary responsibilities. The first
19 responsibility is to ensure that
20 applications that come before you comply
21 with the law. All right. It's pretty
22 basic, right. And it's not just the town
23 law, but it's also state law and federal
24 law, county regulations.

25 The law that we have in this

47

1 PROCEEDINGS
2 town was written by people that live in this
3 town. It was reviewed by people that live
4 in this town. It was adopted by people that
5 live in this town. So for the Planning
6 Board to consider waiving the requirements
7 of that law you need to have a really,
8 really good reason to do that and you need
9 to document that reason. And -- and this
10 project is requesting in excess of 10
11 waivers for all sorts of things.

20 since we're entrusting you with our very
21 valuable piece of land in our town that you
22 would assume the same sort of
23 responsibility.

24 The other thing that this
25 Planning Board is supposed to do is conduct

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PROCEEDINGS

2 an open, transparent process. This hearing
3 is great. There have been many, many
4 administrative Planning Board meetings that
5 have been held at Silo Ridge's office where
6 Planning Board members have attended, the
7 town's consultants, the Planning Board's
8 consultants have attended, and decisions
9 have been made and without the benefit of a
10 full Board and without the benefit of any
11 public input. You probably didn't even know
12 they occurred. There were many, many
13 meetings.

14 And in the absence of that,
15 how are you to be able to make an informed
16 decision and how is the community able to
17 know what's going on. I mean, it would be
18 extremely helpful if you could release all
19 the comment memos that have been provided by
20 our counsel so that we can look at them.
21 Yeah, I got to wrap up, right.

22 So -- so the two primary
23 responsibilities, a lot of which seems to
24 have been sort of minimized or pushed to the
25 side and -- and I find that that is

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extremity troublesome. And I'll just close with one final thought. There is no visual impact analysis of the wastewater treatment plant, the structured parking that's proposed to be on this site, the maintenance facility, and no one else whatsoever is going to know what it looks like at night. So I would be very concerned that you can make an informed decision about the visual impact of this project without having ever asked the question. Thank you.

MR. FONTAINE: Victoria Alexander, no. Darlene Riemer.

MS. RIEMER: I'm Darlene Riemer of 604 Smithfield Valley Road. I -- I was the Chairman of the Wastewater Committee for 15 years and now on the committee.

Early on when Silo Ridge came to us, we talked about partnership with the wastewater treatment plant and it was bantered around that it was gonna be on DeLeVergne Hill on the north side of 44 and it was gonna be worth about two million

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PROCEEDINGS

dollars for us to hook up to that, but the cost of us getting there was enormous, it was over 12 million.

So in the interim, as things have developed we, in 2008, worked up a memorandum of understanding to do the payment in lieu of workforce housing. And

9 workforce housing is housing for people who
10 will live here and work here and young
11 families starting out and elderly retiring
12 here.

13 Back in 2008, that memorandum
14 of understanding was over \$600,000. We're
15 in the year 2014, and the payment in lieu of
16 workforce housing has diminished 100,000,
17 and I don't understand how that happened. I
18 think it needs to be revisited. I think a
19 partnership of -- of some sort could be
20 developed, and we look forward to having a
21 lively downtown, a lively community to
22 balance out the project at Silo Ridge. So I
23 hope that gets revisited and a partnership
24 could potentially be worked out. Thank you.

25 MR. FONTAINE: Benjamin

52

1 PROCEEDINGS

2 Schwartz.

3 MR. SCHWARTZ: Hi. I'm a
4 resident of 405 Sharon Station Road and I'm
5 a founder of Wassaic Community Farm. We've
6 been farming in the hamlet of Wassaic for
7 the last seven years. And I'm just here to
8 advocate for the Wassaic Creek which we use
9 to irrigate our fields and I'm highly
10 concerned about the runoff into the creek
11 and the viability of the farm, you know, if
12 the creek becomes contaminated and now
13 having to think about doing -- doing a water
14 testing. And so I hope that communities
15 downstream like the hamlet of Wassaic are
16 considered in this plan. That's my comment.

17 MR. FONTAINE: Thank you.

18 Bart Wu.

19 MR. WU: Mr. Chairman, thank
20 you very much. My name is Bart Wu. I'm an
21 attorney out of New York City. Please
22 excuse my garb, but I've actually had a
23 house here for over 30 years.

24 I'm here to talk about three
25 issues: One is water, one is lights, and

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1 PROCEEDINGS

2 the other is air. I'm gonna speak to you,
3 if I may, not just as members of the
4 Planning Board, but as custodians,
5 effectively the last line of defense in
6 maintaining the health and welfare of this
7 community.

8 In connection with water,
9 you've heard probably more than enough, but
10 it still is relevant as to runoff. What I'd
11 like to address for a few seconds is the
12 amount of water used. This project,
13 although it has been convincingly
14 demonstrated it's gonna have fewer houses
15 and fewer structures, the amount of water to
16 be used is going to increase, it has gone
17 from 120,000 to 128,000. The total amount
18 per day is contemplated to be 225,000
19 gallons. The problem is the assumptions.
20 The assumptions for this water was based on
21 a 1950 study of the amount of water
22 available, 1950s, when that was a farm and
23 only had a couple of hundred cows there.
24 Today obviously it is much different. I ask

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you to revisit the water issue in particular

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and determine not just whether the runoff is

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adequately addressed, but whether the water

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itself -- there's sufficient water because

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if there isn't, it has an irreparable damage

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to the rest of the town, particularly the

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part downtown.

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Incidentally, I'm hearing here

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as a contiguous land owner, I did not

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receive notice. So I'm serving notice now

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that while I am here and making comments and

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using private time, I'm not waiving my right

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to object to the failure to receive that

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notice.

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The second issue is light.

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When I speak of light, not in the context of

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the light that has been spoken of, the light

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lamps themselves, but again in the context

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of view. The view that has been outlined

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universally is -- and the view that was

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shown on the screen as the primary view is

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that from the hill, from where there's

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proposed to be vineyard cottages. By the

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way, there's no such thing as a cottage in

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the assessor's manual, so this was not a

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house that's either consistent or a

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structure that's consistent either with

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assessments or with Dutchess County, and

5 certainly not with Amenia.

6 What I'm talking about is
7 there are assumptions that you were gonna --
8 that damage is gonna be done is going to be
9 mitigated by certain factors. What those
10 factors turn out to be is a berm, relocation
11 of trees or new trees, the erection --
12 forgive the term -- of a 5,000 square foot
13 building called a winery and the
14 construction of parking places for 37 cars.

15 Now, close your eyes for a
16 moment if you want and imagine what that
17 really takes, basically that"s from the door
18 of Freshtown down to Santo"s over to the
19 northern door of Tractor Supply, three
20 columns -- approximately three columns of --
21 three rows of cars is the amount of space.
22 Imagine transplanting that on the curb, on
23 DeLeVergne Hill, along with a 5,000 square
24 foot structure and telling me or anybody
25 else in this room that there"s adequate --

56

1 PROCEEDINGS

2 you know, continuation of the most valuable
3 view, if not in Amenia, certainly in the
4 county. In effect, there could be
5 mitigation in a variety of ways. There is
6 no such thing as mitigation for a lost view.

7 The third point I'm addressing
8 is air, not in the sense that you think of,
9 but in the sense of financing. You've heard
10 about what their financing is in the general
11 sense and we are delighted to hear that
12 Discovery Land has appeared, but what you

13 don't know is whether there's sufficient
14 financing to complete the project.

15 This is like a dream, a dream
16 where you get to close your eyes and imagine
17 what it's gonna look like and how nice it's
18 gonna be. It's a closed dream so you can't
19 actually enter it because it's only gonna be
20 for the people who live there, but it's a
21 dream and a dream -- imagine what that dream
22 is like when -- if you put your hand across
23 the bottom part of that great image all you
24 see are -- is the sky or the top hills. The
25 problem with -- and the benefit is you get

57

1 PROCEEDINGS

2 nine million dollars. I'm asking that you
3 consider that factor, that what happens when
4 you wake up from that dream.

5 I'd like to reserve the rest
6 of my comments and offer them by way of
7 written comments following this meeting.
8 Thank you very much.

9 MR. FONTAINE: Thank you.
10 Kevin McEneaney.

11 MR. MCENEANEY: Kevin
12 McEneaney from Smithfield Valley. I was
13 here in the spring for the presentation and
14 this presentation today in the same room is
15 very much the same, but I did notice one
16 major difference that -- that I thought I
17 would like to call attention to, and that is
18 it was said back in the spring that there
19 would not be any building on the upper ridge
20 and it was said quite emphatically. And at

21 this presentation I did not hear that, and
22 so my question to the Town Board is, has
23 that changed, have you given permission to
24 build on the ridge?

25 MR. FONTAINE: Is there

58

1 PROCEEDINGS

2 anybody that came in -- is there anybody
3 that came in that didn't get a chance to
4 sign up and wanted to make a couple of
5 comments?

6 MR. LOEDY: Yes.

7 MR. FONTAINE: Please come up.
8 State your name and your address, please.

9 MR. LOEDY: Thank you, Mr.
10 Chairman. My name is Ed Loedy and I'm from
11 Millbrook. I have watched this process and
12 this potential project for over 10 years. I
13 was actually surprised that Kirk Imperati
14 said he knew that this was going on for 10
15 years because he's so young.

16 Rightly, everybody is
17 concerned about this because this is a
18 beautiful view. It's a marvelous view,
19 particularly if you come from Millbrook
20 coming down onto the site, and everybody
21 should rightly be concerned with that view.

22 Recently we had a project in
23 Millbrook at the old Bennett College where
24 -- and a lot less area of a hundred houses
25 were proposed and the Planning Board

59

1 PROCEEDINGS

2 approved that project. If it wasn't for the
3 fact that a very wealthy entity in Millbrook
4 decided to derail that project and bought it
5 and now is making it into a park. Now
6 that's a home run for Millbrook and that's
7 the kind of home run you hardly ever get.
8 So you're stuck with making this decision.

9 I have three reasons why I
10 think this is important and I'm afraid of
11 it, one is what I just mentioned. The
12 possibility of something like what was
13 proposed in Millbrook is actually a
14 possibility here, too, if this is turned
15 down.

16 Secondly, the expertise that's
17 required to go through these regulations,
18 it's unbelievable. I understand what
19 everybody's frustrated with, water, jobs,
20 viewsheds, traffic, nobody can really
21 understand it. You have to have a team of
22 experts on both sides. And you gentleman
23 are basically set up as a court by SEQR and
24 the process is adversarial just like in a
25 court of law where both sides present their

60

1 PROCEEDINGS
2 side, they really duke it out. In a
3 situation like that just about everything
4 comes out. If something hasn't come out by
5 now, something big and bad, it probably
6 doesn't exist. I think you need to leave
7 this to the experts even though it might be
8 frustrating to say, well, you know, I think
9 there's gonna be some more water and so on.

10 And, third, this is America
11 after all. These people have owned this
12 property for over 10 years. They have
13 diligently and prestigiously pursued their
14 dream for all this time. They stuck with it
15 all this time. They've changed a number of
16 times. The economies have changed. They
17 have spent a lot and a lot of money. They
18 followed every regulation they felt had to
19 be followed. I think they have a very, very
20 nice project. It's possible somebody could
21 design a nicer project, but in my opinion
22 this is a wonderful project. I expect to
23 come over that hill, yes, I'll see some
24 buildings down there, but I'll still see
25 this view beyond. So I respectfully submit

61

1 PROCEEDINGS

2 that you approve this proposal. Thank you.

3 MR. FONTAINE: Is there anyone
4 else that came in after the sign-up got
5 taken away that wants to speak? No.

6 All right. At this point, I
7 spoke with each of the Board Members, I
8 think except for Nathan Roy, prior to the
9 meeting and the consensus was that the
10 public hearing is gonna be continued for a
11 two week period until September 18th. And I
12 wanted to mention this, that decision was
13 made before any public comment was made so
14 that you can -- hopefully it will provide
15 some kind of comfort to people who had
16 concerns we weren't gonna extend it. We are
17 doing that. We did it without the input

18 from the public. And that will be also for
19 a two week period for submission of what I
20 was talking about earlier, for additional
21 comments.

22 So we'll resume this hearing
23 September 18th at seven o'clock, same
24 location. If people wish to make additional
25 comments or others want to make comments,

62

1 PROCEEDINGS

2 also submit it in writing in that same time
3 period, a written comment.

4 UNIDENTIFIED MAN: Did you say
5 September 18th and then there will be
6 another two weeks to submit written
7 comments?

8 MR. FONTAINE: No. You have
9 until September 18th to submit a written
10 comment and then the public hearing will be
11 continued on September 18th.

12 UNIDENTIFIED MAN: Meaning
13 we'll have another one of these on the 18th?

14 MR. FONTAINE: Yes.

15 UNIDENTIFIED MAN: Okay.
16 Thank you. I just wanted it clarified,
17 thanks.

18 MR. FONTAINE: By the way, I
19 have -- Bart.

20 MR. WU: As a point of
21 information, can one submit written comments
22 only until the closing of business of some
23 door or can it be sent in electronically by
24 email and, if so, will you be kind enough to
25 provide us with details?

1 PROCEEDINGS

2 MR. FONTAINE: Yeah, if you
3 submit it in writing, we ask that you submit
4 10 copies so it can be circulated fully. If
5 you submit an email, that"s all you have to
6 do is submit an email and then it could be
7 forwarded to the people it needs to go to
8 from there.

9 MS. DELANGO: It"s
10 LDeLango@ameniany.gov. If you go on the
11 website, you will find it there. If you
12 click on it you will email me from there.

13 MR. FONTAINE: Yes.

14 UNIDENTIFIED MAN: Is there a
15 request for a time by when it has to be
16 submitted?

17 MR. FONTAINE: No. It"s open
18 until the 18th.

19 UNIDENTIFIED: At what time?

20 MR. FONTAINE: I would say up
21 until 7:00 P.M. in the evening for a written
22 comment.

23 MR WU: I"m sorry, for those
24 of us who have a podium between you and what
25 you just said, could you repeat the email

1 PROCEEDINGS

2 address?

3 MS. DELANGO: It"s
4 LDeLango@ameniany.gov.

5 MR. WU: Thank you.

6 MR. FONTAINE: Okay. We told
7 the staff at Silo we'd offer them an
8 opportunity if they wanted to respond to any
9 of the comments. Does the Board have
10 anything? Any Board member have any
11 objection to that? No.

12 MR. WISE: Thank you, Mr.
13 Chairman, no.

14 MR. FONTAINE: All right. At
15 this point we're gonna go ahead and not
16 close the meeting, but go ahead and put it
17 on hold and reconvene on September 18th.

18 MR. ROY: There was a comment
19 regarding the accessibility of the
20 information. Can we also be sure that
21 there's plans and all the necessary
22 documents in the town office available?

23 MR. FONTAINE: All the
24 materials are in the library and they can be
25 seen down there. They're also here in the

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1 PROCEEDINGS
2 town hall and they can be seen here. As far
3 as the internet access, the website the Silo
4 has, we don't control their website. We
5 don't control the ability for documents to
6 be printed. They aren't required by law to
7 have them available to be printed, that's
8 their discretion to use -- they're available
9 to be seen in copy at the library and the
10 town hall. Yes.

11 MR. WU: Forgive me, once
12 again, but I'd like to find -- like the
13 Board to recognize that even when you try to

14 access some of the schedules you get a 404,
15 what that means is it"s not accessible. So
16 it"s -- while I would like to see it as
17 printed, the fact of the matter is some of
18 them are not.

19 The second point is, I greatly
20 appreciate you keeping this open, but
21 inasmuch as it is so difficult accessing it
22 and I must confess I have a whopper
23 computer, I would ask that you request of
24 the developer that they perhaps will allow
25 printing of these documents for a relatively

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1 PROCEEDINGS

2 short period of time of two weeks. Thank
3 you. It will help in terms of response.

4 MR. FONTAINE: Can somebody
5 from Silo speak to the internet capability,
6 to view the documents and download them?

7 MR. TORRES: You want me
8 address the issue of the ability to print
9 it?

10 MR. FONTAINE: Well, printing
11 and also downloading the materials onto
12 computers.

13 MR. TORRES: Yeah. So all the
14 materials are available to be downloaded.
15 We will be double-checking with regards to
16 your 404 issue. We"ve been trying to
17 ourself make sure we can download them and
18 go through all the documents. There"s a
19 substantial amount of documents.

20 With regards to the ability to
21 print them, a lot of the documents are not

22 our documents, they're actually documents
23 prepared by engineers and others. And we've
24 had in the past issues with some of the
25 documents have manipulated and changed, and

67

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PROCEEDINGS

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that's the reason why we, you know, are

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withholding the ability to print them.

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However, you can download any of the

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documents and put them -- you know, use them

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in your computer and look at them at however

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you want. You would have to do that

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actually in order to print the documents

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either way.

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UNIDENTIFIED WOMAN: You can't

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print if you download it.

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MR. TORRES: No, I know you

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can't print and I said the reason why is a

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lot of the documents are not ours, they're

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other engineers and others and we've had in

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the past -- in the past issues with

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documents that have been manipulated from

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PDF and modified, so that's the reason.

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MR. WU: That's not a printing

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issue.

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MR. TORRES: Excuse me?

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MR. WU: That's not a printing

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issue.

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MR. TORRES: Correct. If you

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print them you can modify the print and then

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PROCEEDINGS

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you have a document that could be moved

3 around.

4 Then to the extent of viewing
5 the documents, I welcome anyone to come to
6 our office. We have a extra set there as
7 well. We do have another copy machine. If
8 you want to make any copies, anybody can
9 stop in our office and look at them as well.

10 UNIDENTIFIED WOMAN: I
11 respectfully request that anybody that has a
12 full-time job cannot get to town hall or get
13 to the library during normal business hours
14 nor get to your office during normal
15 business hours. So it would be in the best
16 interest of full transparency and disclosure
17 if you made these documents fully available
18 to people that want to review them.

19 MR. TORRES: Okay. We'll --
20 we'll discuss it with our counsel and our --
21 I guess, our engineers as well.

22 MR. FONTAINE: Also, I'll also
23 review with our attorney and with our
24 secretary as to what can be done to make
25 them more accessible. I'm not a computer

69

1 PROCEEDINGS

2 person. We'll the do best that we do to
3 make them accessible. Anybody else?

4 UNIDENTIFIED WOMAN. I just
5 mention that you never actually opened the
6 public hearing. We never had a motion,
7 never had a second, so you may want to do
8 that.

9 MR. FONTAINE: Anybody else?

10 UNIDENTIFIED WOMAN: Going

11 back to the issue of printing the documents,
12 anything that was submitted to the town is
13 now a public document, so whether or not
14 there are any issues between the document
15 and these consultants really doesn't concern
16 the public. If it's submitted, it's public,
17 so there shouldn't be any reason why a
18 member of the public shouldn't be able to
19 print it. Thank you.

20 MR. FONTAINE: Okay. We're
21 getting into a debate back and forth. So at
22 this point we're going to go ahead and close
23 the meeting until September 18th.

24 (Whereupon, a conversation was
25 held amongst the Planning Board Members.)

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1 PROCEEDINGS

2 MR. FONTAINE: Okay. Thank
3 you.

4 (Time noted: 9:14 p.m.)

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C E R T I F I C A T I O N .

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

I, JAYNE MCGINLEY, a Court Reporter
and Notary Public within and for the County of
Westchester, State of New York, do hereby certify:

That I reported the proceedings that are
hereinbefore set forth, and that such transcript is a
true and accurate record of said proceedings.

AND, I further certify that I am not related
to any of the parties to this action by blood or
marriage, and that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 15th day of September 2014.

JAYNE MCGINLEY
Court Reporter