



# TOWN OF AMENIA

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## PLANNING BOARD SPECIAL MEETING THURSDAY, NOVEMBER 29, 2012

PRESENT: Nina Peek  
James Walsh  
Peter Clair  
Nathan Roy  
Larry Moore  
Norm Fontaine  
Julie Mangarillo, Engineer  
Ian MacDonald, Attorney

ABSENT: Tony Robustelli

MOTION TO OPEN THE PLANNING BOARD MEETING OF NOVEMBER 29, 2012 was made by James Walsh, seconded by Nathan Roy

### CUMBERLAND FARMS

### ZBA APPEARANCE

Chair Nina Peek told the Board that last night, 11/28/2012, the Zoning Board of Appeals denied the "hardship" variance from Cumberland Farms. After a very lengthy discussion at the ZBA meeting, all (including the engineer representing Cumberland Farms) agreed that Cumberland Farms would: (1) revise the canopy signage to remove the white space surrounding the proposed Canopy signage, thereby reducing the overall size, and (2) reapply to the Zoning Board for "an interpretation of the Zoning Code" rather than a "hardship" variance. The language in the Zoning Board application prepared by the Applicant was not clear. The application indicated that they were seeking a variance for the size of the sign to be mounted on the canopy, however, because the Planning Board had interpreted the canopy as an awning. At present the Town's Zoning Code does not specifically define or regulate signage mounted on "canopies" under 121-39.

Actually, the Planning Board told Cumberland Farms that an interpretation of the signage as an "awning", it would allow the sign to be larger than if interpreted as a building sign. As such the Planning Board advised Cumberland Farms that it was to their advantage to interpret their proposed canopy signage as an awning. Cumberland Farms is going to reapply to the ZBA for an interpretation of the Zoning Code. After the Zoning Board reviews their application, and issues their findings with regard to the canopy signage, Cumberland Farms will return to the Planning Board to continue their Site Plan review.

## **GASLAND**

## **VIOLATION**

Gasland has submitted an application to the ZBA for a variance for just the sign, when in fact they are in violation of 4 or 5 different aspects of the Zoning Code. Zoning Enforcement Officer, John Fenton wrote a letter on November 16, 2012 to Gasland's representatives advising them to either come to the Planning Board for site plan approval and fix all the violations on the site, or go to the ZBA and ask for variances for all the things that are not compliant on the site. Peter Clair asked how long they are to exist as is and what the consequences were for Gasland. Attorney MacDonald indicated that Gasland had been issued a violation, however he had spoken with the Applicant's attorney several times to determine the most appropriate course of action. Attorney MacDonald was under the impression that Gasland was coming to either the ZBA or the Planning Board to resolve some of the issues, therefore he has not issued an appearance ticket. Norm Fontaine stated that despite the best efforts of Mr. MacDonald and Mr. Fenton, the Applicant has not been forthcoming in resolving the issues on the site, and therefore additional action would be appropriate. Ms. Peek stated this is why John Fenton wrote the letter to Gasland. If nothing happens in the next month or so they will get an appearance ticket to go to court.

## **OTHER MATTERS:**

MOTION TO ACCEPT THE MINUTES AS WRITTEN OF SEPTEMBER 6, 2012 AND SEPTEMBER 27, 2012 was made by James Walsh, seconded by Nathan Roy

ALL IN FAVOR - MOTION CARRIED

## **PUBLIC HEARING:**

**LEEDSVILLE ROAD**

**ADDITION**

**486 LEEDSVILLE ROAD**

MOTION TO OPEN THE PUBLIC HEARING FOR 486 LEEDSVILLE ROAD ADDITION was made by Peter Clair, seconded by Larry Moore

ALL IN FAVOR - MOTION CARRIED

PUBLIC COMMENTS - There were no public comments.

486 LeedsVillage Road - Ms. Peek stated because the application was for a Major Site Plan with a Special Use Permit it was referred to the ZBA. The ZBA met 11/28/2012 and determined that they have no particular comment specifically related to this project. Their one comment was that we as a Board and Town should somehow form an Architecture Review Board so when projects that are located in the Historic District come before these Boards there is some mechanism to review the architectural or historical character of the project.

Dutchess County Planning sent back their referral with regard to this application, indicating that it is "a matter of local concern".

MOTION TO CLOSE THE PUBLIC HEARING was made by James Walsh, seconded by Peter Clair

ALL IN FAVOR - MOTION CARRIED

Norm Fontaine asked about the historic district and how to monitor. Ms. Peek answered if the District is listed on the state or national register, then there are guidelines for that. The Town of Amenia, Historic Preservation Overlay District does not presently have state or federal register protection – but it is protected via our local law. However, there are no specific guidelines for review of locally significant historic structures in our zoning laws. The Board agreed that the planning Board should retain a consultant to review applications that would impact buildings within the Historic District. The Board agreed that hiring an outside consultant – who would get paid through escrow – would be preferable to forming a local review board to serve that purpose.

MOTION TO ACCEPT THE RESOLUTION ISSUING A NEGATIVE DECLARATION UNDER SEQRA FOR THE 486 LEEDSVILLE ADDITION was made by James Walsh, seconded by Nathan Roy

ALL IN FAVOR - MOTION CARRIED

MOTION TO ACCEPT THE RESOLUTION GRANTING A SITE PLAN APPROVAL AND A SPECIAL USE PERMIT FOR THE 486 LEEDSVILLE ROAD ADDITION was made by Nathan Roy, seconded by Larry Moore

ALL IN FAVOR - MOTION CARRIED

There will be no Planning Board meeting for December 6, 2012.

MOTION TO CLOSE THE PLANNING BOARD MEETING was made by James Walsh, seconded by Nathan Roy

ALL IN FAVOR - MOTION CARRIED

Respectfully submitted,

Susan M. Metcalfe  
Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on November 29, 2012 and are not to be construed as the final official minutes until so approved

Approved as read – 02-07-2013

Approved with: deletions, corrections, and additions

