



# TOWN OF AMENIA

---

4988 ROUTE 22, AMENIA, NY 12501  
(845) 373-8860 Fax (845) 373-9147

## PLANNING BOARD MEETING THURSDAY MARCH 7<sup>TH</sup>, 2013

Present: Chairwoman, Nina Peek  
Anthony Robustelli  
Peter Clair  
Larry Moore  
James Walsh  
Nathan Roy

Absent: Norm Fontaine

MOTION TO OPEN THE PLANNING BOARD MEETING AT 6:40 P.M. was made by Nina Peek, seconded by Pete Clair.

**Discussion on Draft Zoning Text.** Nina asked if everyone had read the draft zoning text and if there were any questions. Pete Clair asked if everything there was new and Nina Peek explained that things underlined in red are new and all the other language is in the existing code. For example, the definition of automobile service station underlined in red is new, but the remainder of that language is cut and pasted from the existing code and is not new. The sign regulations are pretty similar to the existing code, but are clarified. Larry Moore spoke about billboards and noted that there are at least 8 of them up and down Route 22 in town; including several by the Amenia Gun Club and up north of town between plaza and Webutuck School. Nina Peek said that they were always prohibited in the code (“no off-premises signs”), though obviously never enforced. Tony Robustelli asked about signs that are on state property, if they were prohibited. Nina Peek said that ones on state property are exempt, but billboards are prohibited on private property if they are “off-premises” commercial signs or they exceed a certain size. Larry Moore noted that the signs on Route 22 are on private property and the space is rented. Larry Moore said that some of those were paid for a decade ago and some of those signs south of town may be either on old Amenia landfill property or Silo Ridge’s property. Nina Peek said the verbiage prohibiting “off premises” billboards has always been in the law that they weren’t allowed and she didn’t want to just take it out. All agreed it should remain in the code. Discussion regarding last page, E-3, removal of signs, states the Code Enforcement Officer has the right to remove signs. Larry Moore said he wasn’t sure how well that would hold up now, that there may be more due process to that now. Nina Peek said perhaps the language should be changed to something like “upon failure to comply with such notice within the prescribed time, the Code Enforcement Officer could issue a notice to remedy and then Planning Board could refer to the Zoning Enforcement section of the code.” All agreed that prohibiting billboards should remain in code.

Tony Robustelli asked about the Wassaic Project sign, Nina Peek said they could put up a sign larger than what would be permitted under the existing signage regulations; but it just had to be temporary. They can get a 30 day permit. Tony noted that there had been a smaller sign when Luther’s was there, but it was taken down and a bigger sign put up in its place. Tony Robustelli questioned whether a comprehensive sign showing businesses in Wassaic might be something that could be done down the line. Larry Moore said they could do it under the section of “where the route of 3 or more businesses are located together” could be utilized. Tony Robustelli said that a way should be found to encourage, not discourage business and business growth. When the Master Plan was created there were a lot of grey areas, it was very overwhelming. Nina Peek agreed that having something

down the road near where County Rte. 81 goes off to the right would be nice, because that's where the hamlet of Wassaic begins. Nina Peek said the problem with allowing off-premises signs on public rights of way that advertise individual businesses would be including some businesses and not others. For example, . Who would decide which businesses would be able to post their sign and which would not? . Larry Moore said that perhaps if the Town wanted to put up some sort of sign addressing Amenia and Wassaic Hamlets that might be something that could be done. Tony Robustelli said that being planners, we can make recommendations to the Town for things like that. If the sign is located on private property, the owner would have to go to the ZBA. Nina Peek said she would add that to the list of things the Planning Board needs to speak to the Town Board about. Nina said it would be brought up to the Town Board and they might even be able to get a grant for the signage.

Mr. Clair asked about language on page 6, "no exterior signs shall be illuminated internally and no sign shall contain flashing intermittent rotating moving lights, etc." and whether that means that Freshtown Plaza can't have any open sign flashing. Mr. Clair said that the Chinese place has a sign that says open. Ms. Peek stated that that language is currently in the code. That nothing had been added or changed. This is already in the code, the problem is that people just go ahead and do it, then John Fenton has to go after them. Any flashing sign is a no-no. The problem is that no one ever followed the rules in the past. It was noted that even a barber shop rotating sign isn't allowed. Ms. Peek said she thought that particular section was directed towards signs and flashing things in windows and outside. Dutchess County issued a guidance brochure in signage in which they stated that businesses with streamers or colors outside can be distracting to a driver and are unsafe.

It was decided to put a definition of "no free standing" billboard signs shall be permitted in any zoning district and then define billboards somewhere. All agreed.

Mr. Clair then asked about #7, "no signs will be permitted on gasoline canopies", Ms. Peek stated that was new, and she said she had added a definition of gasoline service station canopy, "vertically supported , unenclosed roof like structure built to provide coverage for gasoline and service station pumps". So it will be clear no signs on gas station canopies. Mr. Clair asked about projecting signs. Ms. Peek explained that they are sometimes called blade signs. They are perpendicular to the wall. Ms. Peek said she would make definition clearer.

Ms. Peek said she would check with Mr. Fontaine, Mr. Walsh and Mr. Roy to see if they have any comments, will then make the changes and will recirculate it to the Planning Board Members to make sure it's okay and then will forward to the Town Board.

### **Discussion about Gasland**

Ms. Peek explained that Gasland has submitted a site plan for the non-conforming sign and they are coming before the Planning Board with that. They are in court for other non-conforming issues. John Fenton said to be happy that they are coming in for the one sign. Mr. Fenton will be meeting with the man who leases the store on Monday and will work with him to try and clean some of the signs out of the windows and the railings outside. They were upset about the escrow; the amount of the application fee appears unreasonable related to the cost of the process of this permit. They will be in the first meeting in April. Ms. Peek said we need to make sure that they understand that we are dealing with just this one sign, but that they need to address their other issues.

### **Discussion Regarding New Attorney**

Everyone has reviewed the proposal. Larry Moore questioned, is Mr. Everett going to be billing us for his travel time? Ms. Peek said it had been discussed and he will split it. He will bill 45 minutes travel time. Mr. Robustelli asked what the cost of the current attorney was. Ms. Peek said that the hope is with the new attorney we will not have long meetings. An application comes in. Susan, Katrina and John look at the application, make sure it's complete and send to attorney. The attorney will look over and writes a memo regarding what action is needed, if its major site plan, minor site plan, sub-division, etc., then he doesn't have to come to our workshop. Attorney

would only need to attend once a month to do procedural stuff, resolutions, public hearings, etc. We would only have the attorney for one meeting a month. That will save everyone money, the applicant, and the Town. Right now that's not happening. David Everett (Whiteman, Osterman & Hanna) has worked for the Town Board handling Kent Hollow Mining issue. Town decided to hire outside council for that matter. He did a very good job and was successful. He is also on the Zoning Board in his own town, in Chatham. Victoria (Rapport & Meyers) represents the Dover Zoning Board and Town Board. Ms. Peek said that Rapport & Meyers originally wanted a \$12,000 retainer, but we don't have that kind of money. They resubmitted a proposal and have submitted a flat rate of \$400 a meeting. Mr. Moore said that was a fair rate. Mr. Robustelli said that he had seen Victoria in action working in Dover and she was very good. Ms. Peek asked the board if they would like to meet the candidates and all agreed that would be a good idea. Ms. Peek asked for a date the board would be able to meet. She explained how time is important, first not fair to Ian, second a lot of big complicated applications will be coming in front of the board, including Sunoco-Gasland, Cumberland Farms and Four Brothers have submitted an application. Ms. Peek said she would contact the interested parties with the dates of March 12<sup>th</sup> and 13<sup>th</sup> (Tuesday and Wednesday) to find date and time agreeable to everyone to meet.

Ms. Peek asked if everyone would like to go over upcoming things. Four Brothers are not on agenda until April 4<sup>th</sup> and Green Leaf may be on the agenda for April 4<sup>th</sup>. Ms. Peek said that John Fenton had a complete application from Four Brothers; they've put a lot together.

### **Shope Lot line**

It seems pretty straight forward. The property has been surveyed. Julie's comments were, making sure the new parcels comply with current zoning and how the MCO will affect the parcels. She said this is a little trickier than a regular lot line adjustment. Mr. Robustelli questioned Julies comment about by the aquifer. Ms. Peek explained the primary valley bottom aquifer and the valley bottom aquifer pretty much underlies the entire town. There are not a lot of places that aren't on that with the exception of the hamlet and a section along and between Route 22 and County Route 81. Julie recommended that they check the box that says they are located above the aquifer. It makes no difference to the application and will go through the comments with the Board at the next meeting. Not sure what she means by the MCO. Some of these things will just be notes on the plan. We will send this to Brian Houston with the notes. He is handling this for Mr. Shope. Mr. Roy commented it appears that what they want to do is pretty straight forward.

### **Cumberland Farms**

There were a lot of comments, the engineers have comments, Peter Karis has comments, and the planner has comments. Julie's main concerns are how the wetlands and flood plains will affect how they can proceed with the underground tank replacement. There is concern about this being located in the middle of the wetlands and flood plains by Peter and Mary Ann. What kind of permits they will need? The fence is located in the wetland buffer. Mr. Robustelli asked if the DEC regulates the tanks. Ms. Peek said that we technically aren't allowed to let people build things in the flood plains. Mr. Robustelli asked whether they are pre-existing non-conforming tanks, and if so, don't they have to take them out? Ms. Peek said yes and that they need to bring the site into conformity not only with the DEC regulations but with the Town regulations also. Mr. Robustelli said they would have to be double wall plastic and would have to go in the same hole. Ms. Peek said they were moving the location of them. Mr. Roy said he was surprised it was considered a minor project. Mr. Robustelli said he couldn't understand why they would want to move them. Ms. Peek said that even though it's a minor project we can require them to submit other information to help us make our decision. Since it is a minor project it will not require a public hearing. Mr. Roy asked what made it a minor project, it is in the center of town, there are tanks being dug up, DEC is involved.

Ms. Peek read from the Zoning law; a minor project is construction of 4 multifamily dwellings; construction of facility or structures for non-residential use covering 3000 sq. feet of building foot print; Alterations of existing structures or expansion of such structures by 1000 sq. feet. The expansion into the former video store would

include 600 sq. feet of additional space, so that would make it a minor project. They will take down the wall between the 2 stores, build bathrooms and utilize the vacant space just sitting there. The biggest part of project will be the removal of tanks. Ms. Peek said what we need to figure out is whether or not we interpret; since they are redoing the entire interior space of the whole building is it alteration of more than 1000 sq. feet? Mr. Robustelli said he felt it wasn't a major project because, they are not making the store any bigger on the outside, and they won't be changing the size of the canopy. Just "putting makeup" on the building. They have to take the tanks out because the ones there are illegal. Mr. Clair said it looks like they've added plantings by the sidewalk. There's not a lot that can be done along the fence line beside Norm Cayea's property. There's not really any space there to do anything with. Question was raised about reducing parking spaces on the west side of the property to 5 – how many are currently there? Mr. Roy said he thought there might be 7 or 8 currently. Mr. Roy said that he like the architectural details that they had presented to make the place look nicer. All agreed. The drawing shows new plantings along the eastern side along the existing wood fence line. Ms. Peek said she would ask Peter Karis to get new drawing and site plan together so be able to see better visual of what it will look like. She also said that the landscape planner will be coming to the next meeting.

MOTION TO ADJOURN THE MEETING was made by Peter Clair and seconded by Larry Moore.

Respectfully submitted,

Mary C. Maillet  
Planning Board Secretary-Alternate

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on March 7<sup>th</sup>, 2013 and are not to be construed as the final official minutes until so approved.

| \_\_\_\_\_ x \_\_\_\_\_ Approved as Read

\_\_\_\_\_ Approved with: deletions, corrections and additions