



TOWN OF AMENIA

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PLANNING BOARD SPECIAL MEETING PUBLIC HEARING WEDNESDAY JUNE 12TH, 2013

Present: Chairwoman, Nina Peek
Anthony Robustelli
Peter Claire
Joseph (Norm) Fontaine

David Everett, Whiteman Osterman & Hanna,
Julie Mangarillo, Rohde Soyka Andrews

Absent: Lawrence Moore, Nathan Roy and James Walsh

Ms. Peek stated anyone who had comments regarding the Amenia Drive-In to limit those comments areas for which this board has discretionary authority.

MOTION TO OPEN PUBLIC HEARING AT 7:00 P.M. was made by Peter Clair and seconded by Anthony Robustelli.

Public comments were as follows:

Evelyn O'Connell asked if a study on the cross road traffic had been done. Ms. O'Connell stated she had heard that Dutchess County was not happy with the traffic pattern. Ms. O'Connell said she was wondering if any study had been done because it's late at night. Ms. Peek responded that yes the applicant had done a full traffic impact analysis for the intersection of Route 22 and Route 343/44. They measured traffic going in and out of both driveways. All that information was referred to Dutchess County Department of Transportation, Region 8, who provided comment, which will be discussed after the Public Hearing is closed,, but for the most part DOT was satisfied with the analysis. DIT didn't have any substantial comment on any traffic patterns and how the proposed drive-in would impact the traffic patterns. Their one requirement was that the applicant posts a prohibition of left turn on the southern exit that goes onto Route 44, which we will discuss with Ms. Haight after the public hearing. The DOT effectively signed off the application. Our understanding is that after the Applicant receives Planning Board approval, they will have to go to DOT for a highway work permit. The Applicant will provide a traffic maintenance plan to the Planning Board, as a condition of their approval, which will include posting a trained staff member at both the Route 22 and Route 343 entrance/-exits when people are coming in and when they are leaving. These persons will also help control the traffic on the site during the movie.

Charlotte from Wassaic (ARC) stated she is 100% behind the Drive-In. She has no concerns.

Jeff Barnett-Winsby, Co-Executive Director of the Wassaic Project, stated that he was excited about the extra commerce and also about the "things to do" portion the drive-in will bring to Amenia. So they (Wassaic Project) are in full support and excited to see the Amenia Drive-In.

Lauren Was Eckstrom, from the Wassaic Project stated she thought it was an amazing addition to the town. Would give people something to do during the summer. All around positive addition to our cultural planning.

Adam Eckstrom from the Wassaic Project said he thought it would bring business to the other businesses in town. Patty O'Neill, resident Town of Amenia. Ms. O'Neill stated she lives in the center of town and she feels it's a good venue for a drive-in. It's tucked away in the back. The Four Brothers have shown obvious good care for this property, as well as their other properties here in New York and other states. She stated she had no concerns.

Joyce Rebillard said she thought it was a great idea for the Town of Amenia and wished the Four Brothers good luck.

William Flood, Town Supervisor and local businessman said that Four Brothers have been here 40 years and are hard workers and have been successful business people, now their children are coming up through the ranks. Mr. Flood said it's obvious that downtown Amenia needs help and the more people we can put in downtown Amenia the better off we will be. Everyone will benefit from what they want to do. We already are seeing benefits, there are more people walking on the streets, with what local businesses have done already. Mr. Flood said he thought the drive-in was a great way to keep Amenia moving in the right direction. He said he was 100% in full favor of this moving forward. If this is a great success they will possibly build a theater. Four Brothers have proven themselves, and it will be done and done right.

Motion to close public hearing was made by Anthony Robustelli and seconded by Peter Clair. All in favor, motion passed.

Return to regular meeting

Four Brothers

Site Plan

4957 Rte. 22 Amenia, NY

Nina Peek wanted it recorded that a letter in favor of the drive-in project from Mike Kelsey, Dutchess County Legislator was received. Also received was Dutchess County referral letter. An email was received from Chuck Walter and Mike [Sassi](#) from DOT. Question from Gene from Drive-in movie.com (planner for Four Brothers) asked if a letter from Director of Dutchess County Tourism had been received, Ms. Peek replied it had not been received yet. Ms. Peek asked Amy Haight if she had spoken with Chuck Walter from New York State Department of Transportation. Ms. Peek said his major concern was the installation of a sign prohibiting left turns from the southern exit of the Four Brother's lot (onto 343). Amy said she had spoken with Mr. Walter on Tuesday.

Question was asked by Norm Fontaine about a response plan for managing traffic entering, moving within and exiting the property. Ms. Peek said the Applicant would provide a full operations plan, which would be required as a condition of approval. Ms. Peek said the DOT had recommended that the Board require the Plan. . Nina said she had spoken with Chuck Walter to see if he wanted to take a look at the Operations/Maintenance Plan. Mr. Walter noted that if the Planning Board is satisfied that it would be manageable and implemental, then DOT would not need to see it. But what they do need is the application for the highway sign work permit. Amy said he hadn't told her that on the phone, but it wasn't a hurdle. Nina said that they need to get the permit for the sign in before they open. Amy said she understood. Ms. Peek said they only other issue was the letter from County Planning, which seems to indicate that they are not particularly in favor of putting the drive-in at that location. Ms. Peek said the Board needed to discuss it. She asked if anyone from the board had anything to say regarding this. Peter Clair said that they were also talking about plans that were discussed during the Hamlet Plan and Master Plan regarding parking at that intersection, but it's all private property. He said he wouldn't put much weight in that. Norm Fontaine and Tony Robustelli both said they had no problems with the drive-in project based on what the County had said. Ms. Peek said that given that they gave us this referral and we need to override their

referral we need super majority vote (majority +1) of this board. Amy said she thought that was only needed if it was denied by county. Nina said she thought it was needed if they went contrary to county referral.

Nina said we would require a super majority vote of the Planning Board and then the Planning Board would need to send the County a letter explaining why the board voted to override their concern. Amy said she thought this was just a recommendation, so the board could do whatever they wanted. Ms. Peek said that she thought that they (the County) effectively deferred to the Planning Board. Peter Clair asked Planning Board Attorney, Dave Everett if his take from the letter was a resounding “No”. Mr. Everett replied he took from the letter that they (the County) recommended against the project and so to be safe, the Planning Board should have a super majority vote to override. Mr. Everett also noted that we need to discuss SEQRA compliance. The Board will need a resolution for the negative declaration, an approval resolution for the special permit; both of which could be ready for next week for the board’s approval. The hope then would be that next week you would have 5 members in attendance at the meeting – enough to vote and achieve a super-majority. Norm asked Amy if they could have all the paperwork in place by next week and she said she believed so. Ms. Peek told Amy that they needed to start the sign permit process and ask them to try and fast track it if possible. By next week, the Planning Board’s consultant will pull together the negative declaration, which will include all the components of the maintenance plan, traffic plan. Nina asked Amy if she would prefer to prepare some draft language, which Julie would then incorporate into the Neg. Dec. Amy said she would choose for the fastest route. Nina requested that Amy and Julie discuss amongst themselves and work out the optimal plan. Ms. Peek said that next week we (planning board) will have the resolutions and any other paperwork here and at least five members of the Planning Board so we can vote. Amy asked to address Julie’s latest letter, a comment on page 7 regarding adding a portable toilet comment. Julie said the question on the EAF regarding water usage. She said that they will be putting no change, which will be true but she is asking for a note next to it saying the additional restroom facilities will be provided by the portable toilet contractor. Amy said that she had done that and had brought copies for each board member to see and to be added to the boards EAF.

Dave Everett recommended going through part 2 of the EAF and getting that completed. He said that he had circulated a resolution last month requesting that the Planning Board act as lead agency under SEQRA. The Planning Board did not receive any correspondence from other Involved Agencies and therefore the Planning Board can declare itself Lead Agency. . Dave asked if John Fenton had issued a determination regarding the use of the site as a Recreational Business and not an off-street parking lot. Nina said it was in the file. Ms. Peek read the “Resolution to Declare Planning Board as Lead Agency for SEQRA”. Motion made by Peter Clair to accept the resolution and seconded by Norm Fontaine. All in favor to declare the Amenia Planning Board Lead Agency for the action known as the Amenia Drive-In theater. All in favor of declaring Lead Agency -4, opposed-0. Motion passed. Planning Board is now lead agency.

Ms. Peek then proceeded to go through the EAF part 2. The applicant has filled it out, the board needs to go through and answer if they agree or disagree with how they have answered the questions. The Planning Board agreed with all answers the applicant had given. Julie added one more comment regarding the EAF, regarding potential impact to public services in terms of having a police officer directing traffic. Amy asked whether the Planning Board wanted additional details on who would be directing traffic and what kind of trigger would be needed for having an off duty police officer. Nina asked the applicants if they would always have an off duty police officer there. The response was no. They had checked with drive-in in Hyde Park which holds about 800 cars. They only use an off duty police officer on special nights, like a Saturday night for a premier, and then they usually only have one officer. The drive-in here will have nowhere near the capacity of a larger venue and will be staggering the rows of cars being released. Nina asked what the threshold would be for them to have an off duty police officer. Amy recommended that they have a sheriff opening night and opening weekend. Then would have to see if it becomes an issue with traffic backing up etc., they would have to probably continue it with the Sheriff. The time they would be needed the most would be at the end of the movie. Ms. Peek asked Amy to, as part of the traffic and maintenance plan to have some kind of commitment in there, what kind of threshold or when that might occur, who will be contracted to provide the police services, who would contact the Sheriff’s department

or what is the mechanism for that to happen? The Town of Amenia does not have a police department, we have constables that are paid by the Town, but the Dutchess County Sheriff and State Police provide service. The Applicant needs to provide details on their proposed arrangement.

Dave Everett asked the board if there was a consensus that a Negative Declaration should be issued for the project under SEQRA? The board all agreed that Julie should prepare the negative declaration. Dave then asked the board for their consensus on whether a special use permit should be issued, and if so, then he will prepare the appropriate resolutions for that. The board stated they all were in agreement. Ms. Peek then told the applicants they would be on the agenda for the next Thursday's meeting, recommended that they talk to Chuck Walter about the highway work permit. We're not going to hold you up based on that, but we do need an idea when they expect to get that to you. Amy voiced her concern regarding having enough people for a super majority vote. Ms. Peek said they would try to sort it out before the next meeting. Mr. Everett said it's a regularly scheduled board meeting so it should be on everyone's calendar. Mr. Everett also said that to make sure they understood what Nina was asking for on the maintenance plan, the commitments that you said you were going to do for the project that are scattered in different parts of the application materials be brought together in one place that can be incorporated as part of the condition for the final approval of the special permit. This way the Code Enforcement Officer can look at one document to see what you're able to do and not do. Mr. Everett said once it's prepared to send it to Julie who will make sure it is complete.

Silo Ridge

**Discussion
Special Use Permit Extension**

**Route 22
Amenia, NY**

Peter Wise from the law firm, DelBello Donnellan Weingarten Wise & Wiederkehr, LLP from White Plains introduced himself. Mr. Wise is the newest member of the development team for the Silo Ridge Resort Community, providing counsel for the Applicant. The Applicant has applied to the Planning Board for a third extension of the Special Use Permit first granted in June 2009. Mr. Wise said the circumstances today are essentially the same as when the last extension was granted two years ago. The recession, which began in 2008 and prevented this project from going forward is still lingering and still impacting everyone in the development community and on us. Dave Everett asked where Silo Ridge stood with the conditions that were issued for the last extension. Mike Dignaccio from Silo Ridge spoke; he said they had submitted a revised Master Development plan in October of 2009. He said they are currently working on their engineering and architecture, have met with a conservation group and are advancing on all aspects of the project. He said they were in limbo for a little bit, but the pace has picked back up again. Dave asked them if they had any schedule as to when they might make the next submission to the town. Mike stated it is currently anticipated, hopefully in October. It would be site plan application for Phase 1. Peter Wise said the expectation is that it will be an application for an amended special use permit approval and a site plan approval for first phase. Dave asked them if they knew what that first phase would entail and they answered not yet, though plans are in process and Mr., Wise noted that the fact that he had been hired by the Applicant shows a renewed commitment in getting something done. There are new planners that have been brought onto the project as well. Peter said they are actively working on it now.

Nina questioned the revised Master Development Plan in 2009. Mr. Dignacco explained that during the process for the original Special Use Permit in April of 2009, during the course of all the meetings there was a condition in the Special Use Permit that said they had to submit a Master Development Plan. So it wasn't a revised plan from the original submission, but a final Master Development Plan from the crude Master Development Plan that they had. Mr. Wise said his records indicated a so-called final copy of the Master Development Plan was submitted December 2nd, 2009. Mike Dignacco said a better word to use would be updated, as it was based from all the comments from all the meetings we had back then. Dave asked Peter and Mike if they had any concerns that any environmental impacts will have changed in the last 4 years. Mr. Wise said they are still working on it, but all indications are that there will be fewer impacts when we come back before you than there were before.

Ms. Peek noted that that the Planning Board has drafted new proposed zoning limiting the number of extensions that may be granted for a Special Use Permit. As such, Dave Everett recommended that the Planning Board condition this extension on the applicant's submitting a phase 1 site plan or some other documentation to move the project forward in the near future rather than just granting the extension for another 2 years with no requirements for real progress. Peter Clair asked what would happen if they didn't submit within the extension period. Nina responded that if they didn't submit anything, then they wouldn't be meeting the requirements of the extension. When asked if they could commit to having something ready to submit by October, Mr. Wise responded that they can't say for certain that they will but that they can work with a reasonable date, which could be a year perhaps, and then they can work with that. Nina agreed that a year was fair. Nina asked again if their intention was to move forward to which Mr. Wise replied, absolutely. Peter Clair said he understood and would be a little nervous to pin them in a corner with not knowing exactly what the future economy holds. Mr. Fontaine agreed saying given the amount of work that has already been put in this project, the amount of money it has cost the applicants over the years, he would prefer just to go ahead and give them the extension. Mr. Clair agreed with him. Mr. Fontaine stated that he hadn't been in favor of granting the extensions to begin with but once it's been done we've committed ourselves. Mr. Everett said that granting the Special Use Permit extension is a type two action under SEQRA and he recommend another resolution like that last two times. Norm Fontaine made the motion to authorize Dave Everett to prepare a resolution extending the Special Use Permit for Silo Ridge, Peter Clair seconded. All in favor. Dave will prepare the resolution for next week's meeting. Mike Dignacco noted that he would like to meeting with the planning board consultants (at minimum: Mary Ann Johnson, Michael Klemens and Julie Mangarillo) between now and October to bring them into the loop. Nina said the Planning Board's consultants wanted to make sure the Planning Board would be okay with them meeting with the Silo Ridge people without the Planning Board members being present. She said that if once in a while if someone from the planning board wanted to attend to sort of check in and keep everyone in the loop. Mr. Dignacco said he would make sure everyone was cc'd and aware of meetings. The first meeting is scheduled for July 9th, will be very informal and will only last 30 to 45 minutes.

Shope

Lot Line Change

**78 Sinpatch Rd
Wassaic, NY**

Brian Houston provided revised copies of plan for lot line adjustment. The problem with the previously submitted plan was meeting the maximum impervious coverage of 10% . Brian explained they had to modify the plan. He explained that lot 11, which was part of the campus has been totally eliminated from the plan. What is before you is two parcels of land, proposing a lot line change. Proposal is to merge 91 acres from lot 4 (which is currently a little more than 178 acres) with the 8.96 acres of land on the south side. This will create the campus with 100.72 acres and the vacant lot #4 will be reduced to 86 acres of land. That will get us to 10% of impervious coverage. We had to add almost 40 acres of land to get that and that's substantial. Everything else is as we discussed before, the orange lines will be the new property line. Everything south and west of that line will be merged with that 9 acre parcel. Everything north will be the remainder of lot 4 which is as a vacant parcel has its own access off of Sinpatch Road. Brian explained that there had been a prior lot line change on this piece of property. There had been 5 additional building lots on Sinpatch Road and Mr. Shope merged that into lot 4, essentially getting rid of the 5 building lots that used to exist. That had been prior approval years ago, back in the 1970's. Brian said other comments made by Julie had to do with the agricultural and zoning districts, requesting 2 notes as far as the buffer area because this adjoins an agricultural use area. Lot 4 will have agricultural use on it.

Julie explained the purpose of the notes - that when they do the lot line change the lots with the buildings on them, would now be adjoining an agricultural property. This way if someone wants to develop the lot with the buildings on it, they know they are buying a piece of property that's next to an agricultural property. The code says that if you are buying a piece of property next to an agricultural property and you want to develop it for something that's not agricultural, you are required to provide a buffer along your property – thereby protecting the operations on the agricultural property. So Brian has added the two notes required by the code. Nina said the next step is to

schedule a public hearing. We need to notify all property owners within 500 feet, we need to send a referral to the county. The public hearing will be scheduled for July 18th. Dave will prepare a notice for the paper.

Leedsville Road Addition

Revised Resolution

**486 Leedsville Rd
Amenia, NY**

Nina asked to be noted into the record, that the Board approved a resolution amending the original Site Plan/Special Use Permit approval. The revised resolution addresses a 75 foot difference between the original site plan/ special use permit and the current plan. The amended resolution deemed this change a minor site plan. The whereas clauses throughout the resolution, list the history of the project, what and why it's changed. A copy of this resolution shall be filed within 5 days in the office of the Amenia Town Clerk. All members voted in favor of this and signed acknowledging that.

Other Matters

Nina asked if everyone had read the minutes from May 2nd and if anyone had any changes. No one had any changes to be added. Minutes were accepted as read.

Motion to close meeting was made by Anthony Robustelli and seconded by Peter Clair. All in favor. Meeting adjourned at 7:55pm.

Respectfully submitted,

Mary C. Maillet
Planning Board Secretary-Alternate

The foregoing represents unapproved minute of the Town of Amenia Planning Board from a meeting held on June 12th, 2013 and are not construed as the final official minutes until so approved.

 x Approved as Read

 Approved with: deletions, corrections and additions