



TOWN OF AMENIA

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PLANNING BOARD MEETING THURSDAY, OCTOBER 3, 2013

PRESENT: Nina Peek, Chairwoman
Norm Fontaine
Peter Clair
Tony Robustelli
Nathan Roy
James Walsh
Julie Mangarillo, Engineer

ABSENT: Larry Moore

MOTION TO OPEN THE PLANNING BOARD MEETING FOR OCTOBER 3, 2013 was made by Peter Clair, seconded by Nathan Roy

PUBLIC HEARING:

Cumberland Farms

Site Plan

**East Main Street
Amenia, NY**

Ms. Peek suggested that Cumberland Farms review the consultant comment memos with the Board and discuss whether/how they will incorporate the consultant comments into the design. Rob Osterhouse of Bohler Engineering and Rich Olson from McCabe & Mack represented the applicant, Cumberland Farms. Mr. Osterhouse addressed a few minor items as follows:

- Additional planting and a street tree will be provided
- Mr. Osterhouse will follow up with the Cumberland Farms re: the light spillover from the project site onto the adjacent property.
- The first two feet of the canopy columns will be faced with brick to match the building (instead of the decorative stone presented on the plan). If the Board's preference is to go with brick the applicant is OK with that.
- The ice storage chest will be located on the east side of the building (as shown in the Site Plan). There was a conflict between elevations and the site plans.
- The architectural improvements on the front of the building were discussed at the last Planning Board meeting and were addressed.
- The Site Plan and Survey will be revised to reconcile conflicting notes regarding the floodplain.

- The salt storage will occur within the building not the exterior of the building.
- The Applicant will be seeking a DEC wetland permit and also a flood plain permit through the Town.
- A typo on the Site Plans shows a difference between the existing and proposed finished floor elevations. The project does not propose a change in the finished floor elevation, this is an existing facility. The typo will be fixed.
- Regarding a request that the Site Plans include spot elevations for the parking lot above the proposed fuel tanks. The Applicant explained that they are replacing the fuel tanks and replacing the pavement over the fuel tanks with a concrete pad. There are no proposed elevation changes in the parking lot.
- The Site Plan will be revised to relocate the snow storage area away from the septic system area.
- The Site Plans will be revised to show an additional door on the west side of the building.

Jim Walsh commented they sell food, sandwiches, etc. and asked could they add a picnic area where one could eat. Mr. Osterhouse replied that the green space is also the location of the proposed septic area. The Applicant does not want to attract customers to that area and the area in front is where additional landscaping and storm water improvements are proposed. In addition, that area is located in the floodway.

Norm Fontaine felt that the brick versus stone it really makes no difference. Ms. Peek added that use of brick at the base of the canopy columns, would be consistent with the design of the building, rather than having stone in one place and brick in another. Nathan Roy noted a comment from one of the consultants regarding the windows, requesting a grill to break up the large expanse of glass. Mr. Osterhouse thought we were past that issue.

Ms. Mangrillo addressed Mr. Osterhouse

- A floodplain development permit from the Town will be required. The Applicant needs to prepare a request for the permit – for John Fenton (the floodplain administrator)
- The spot elevations over the proposed tanks will be required. Because the project is located in a flood zone, the Applicant needs to show that they are not filling in the flood zone.
- DEC permits will be required to be secured as a condition of Site Plan approval.
- The Site Plan should be revised to show the downspouts on the roof and extend them underneath (subsurface) the loading area to prevent icing.

Mr. Osterhouse had a concern regarding the downspouts - noting there is a very small roof area (3 foot x 3 foot), which will drain into the downspouts. The Applicant feels that if the drainage is subsurface they will need to be located near the septic system and if they are directed at the back of the site, it will impact wetlands and wetland buffers. Mr. Osterhouse noted that there are downspouts on the east side of the building. Ms. Mangrillo asked whether the downspouts would be anchored. Mr. Osterhouse felt that this should not be reflected on the Site Plan would be part of the building permit application and plans. Ms. Mangrillo felt it would be a neater

package if it was all together. Mr. Osterhouse will speak with Cumberland with Cumberland Farms about this.

Tony Robustelli asked about the stockade fence. Mr. Osterhouse added this to the plan. Tony Robustelli asked what type. The Board preferred the maintained wood. Ms. Peek asked Mr. Osterhouse to send the revised Plans, incorporating all outstanding comments, and a comment response letter. Ms. Peek noted that the sooner the Applicant can provide the revised Site Plan application package, the sooner the Planning Board can refer the application to Dutchess County Planning, for their referral. Mr. Osterhouse noted that they apologized for the delay in getting this submission to the Board, and would make sure to have a quicker turnaround.

MOTION TO OPEN THE PUBLIC HEARING FOR THE CUMBERLAND FARMS SITE PLAN was made by Peter Clair, seconded by James Walsh

Public Comments:

Victoria Alexander – Requested that the bollards in front of the store windows should be redesigned or capped as they “look ghetto”. Mr. Osterhouse stated those bollards are there to prevent people from driving into the building, to protect the customers, the building and for security reasons. Mr. Osterhouse noted that the Applicant has proposed a consistent color theme and the bollards represent a tie in feature with the lighting and the canopy columns. The bollards are white with a reflective stripe around the top. Ms. Alexander asked if they would consider putting hitch post caps on top to look more country. Mr. Osterhouse would speak with Cumberland about that, however, they would not fit in with the rest of the project.

Joyce Rebillard stated that she visited the Millerton store today and noted that “it is just beautiful”. She hopes this is what we are getting in Amenia.

Bill McGhee asked about the color change. Mr. Osterhouse showed Mr. McGhee a picture of the proposed building. The brick will stay the same color.

Sharon Kroger reminded Cumberland Farms they were at the edge of the historical business district. Across the street you have a historic synagogue, which is listed on the National Register of Historic Places so the design of the store is even more important.

Nathan Roy stated he has seen on an architectural website a slip that goes over the posts to give a country look.

Mary Ann Pitts asked if there was landscaping of shrubs and trees. Mr. Osterhouse presented the Site Plan and indicated along the front of the site where they will put in a landscape area, enhancing the landscaping along the west of the site and the east boundary of the site. The proposed landscape will include a mixture of grasses, flowers, shrubs and a street tree. Ms. Pitt asked if she could request they have native plants not ornamental. Mr. Osterhouse noted that Peter Karis, the Planning Board’s Landscape Architect reviewed the plans and came up with landscaping and plant materials recommendations that Cumberland will follow.

Cheryl Morse –Asked whether there was sufficient clearance within the site to allow the tanker to enter the site for fuel drop off. Mr. Osterhouse stated that they are putting in new tanks. Right now there are three tanks, which will be consolidated to two tanks. The Applicant proposes to shift the alignment of those tanks a little and the trucks will fit through easily.

Bill Carroll – asked if there was going to be parking in front of the store with a curb and how high would the curb be? Mr. Osterhouse told him that there would continue to be parking in the front of the store, with a standard 6” curb for safety and security. The sidewalk will be ADA approved and handicapped parking will be provided. Mr. Carroll also added in the winter, snow would be lodged between the bollards and icy conditions. Mr. Osterhouse stated there is a certain amount of hand work that will be required to clear the snow from between these posts. Mr. Carroll also stated he was glad they were doing this to enhance the downtown area.

Jeannie Rebillard was glad as well; however, when she was at the store in Millerton earlier that day a large delivery truck, not a fuel tanker blocked access to the site causing traffic congestion. Ms. Rebillard asked whether the trucks are required to deliver in a certain area. Mr. Osterhouse replied that fuel trucks must deliver near the tanks, and delivery trucks unload by the designated loading zone. If there is an issue, blocking the customers coming in, the manager would have the truck moved.

MOTION TO CONTINUE THE PUBLIC HEARING FOR CUMBERLAND FARMS UNTIL THE NOVEMBER 7, 2013 PLANNING BOARD MEETING was made by Peter Clair, seconded by James Walsh

VOTE TAKEN - MOTION CARRIED

REGULAR MEETING:

Rudy & Ginny Eschbach Informal Discussion

**Leedsville Road
Amenia, NY**

Ginny and Rudy Eschbach came before the Board stating they live on a family owned farm consisting of 150 acres on Leedsville Road. They wish to move to smaller quarters and are turning the farm over to their children and nephew. The farm is located in the RA zone in their area, which is 10 acre zoning. Mrs. Eschbach stated they are mindful of staying out of the historic vista and do not want to disturb the agriculture land. Ms. Peek asked if they want to sub divide out one 10 acre parcel. Mrs. Eschbach stated they would like a house on one acre and then place restrictions on the remaining 9 acres where it could still be farmed, however would rather do a smaller parcel.

Ms. Peek asked if they had spoken with John Fenton about this. They replied briefly and Mr. Fenton suggested coming to the Planning Board. Ms. Peek felt they had a couple of options; they can: (1) build a house where they have indicated on the sketch, - as of right – without

subdividing because there is not currently a house on that parcel, (2) apply for an area variance with the ZBA, (3) subdivide out the 10 acre parcel, build a house on one and put the other 9 acres in conservation easement or, not the best option, (4) apply to the Town Board for a zone change.

Mr. Eschbach stated they are trying to do this in complying with the Comprehensive Plan, not to disturb more agricultural land than they need to. Ms. Peek felt they should go consult with their estate planner to discuss the tax implications. Or they could go to the ZBA for an area variance. The Zoning Code has defined decision making criteria for area variances and if the project meets those criteria they could get the variance. Ms. Peek stated that if they needed the Planning Boards support the Board would write a letter stating their proposal is consistent with the Comprehensive Plan. Nathan Roy asked how many homes were now on the property. Mr. Eschbach stated 2 homes, the original homestead and one single family home. Norm Fontaine asked if they were to increase either the lot the homestead was built on or the lot Mr. Eschbach's brother lives on would that be an option. Mrs. Eschbach stated it would interfere with either the pasture or the barns. Ms. Peek suggested they look at the Code, look at the criteria and consider their options. If they choose to seek an area variance, they could get on the next ZBA agenda for an informal discussion.

Bittersweet/Stone Resource

Site Plan/SUP

**3417 Route 343
Amenia, NY**

Bethany Ralph, Attorney for Mr. Bailey of Bittersweet/Stone Resource stated Mr. Lawrence Moore was no longer representing this applicant. Ms. Ralph stated because she has history with Mr. Bailey, this should go a little easier. Ms. Ralph continued the Stone Resource wholesale business was opened in 2006, before the new zoning. At that time it was a permitted use. In looking at the file, Ms. Ralph maintains that the retail plant business is an agricultural use, which is permitted as of right on the parcel - under the new zoning code. Further, Ms. Ralph stated that her review of the code indicated that site plan approval would not be required for the agricultural use. Ms. Peek stated she had spoken with John Fenton and it is his responsibility to make a determination on the allowable uses on the site. Ms. Ralph did not speak with Mr. Fenton but rather she came to the Board. Again she reiterated she felt a site plan was not necessary for the retail establishment, because the plants are sitting on the ground not in the ground. Ms. Peek continued that Mr. Fenton had not made the determination as to whether or not sale of plants would be considered an agricultural use and further Mr. Fenton had a question about whether the warehousing and sale of stone was a permitted use. Ms. Ralph stated the warehousing and sale of stone should be considered a pre-existing non-conforming use.

Dave Everett, the Planning Board Attorney and Mr. Fenton have stated Ms. Ralph must stop and see Mr. Fenton first so that he can make a determination as to whether or not the existing use is considered an allowed agricultural use and whether the warehousing and sale of stone constituted a pre-existing non-conforming use. Ms. Peek asked why they are not considering this a retail use since this is a retail shop. Ms. Ralph said it is more wholesale, however if someone came in they could buy the plants. Mostly they are selling the trees/plants in conjunction with the stone landscaping business. Jim Walsh asked if they were planning to put up a structure. Ms. Ralph stated no. Ms. Peek stated that even if Mr. Fenton determined that this retail plant shop could be considered an agricultural use, the warehousing and retail component would require amendments

to the site to accommodate employees, including bathroom facilities, a parking area with defined handicapped spaces, permits for the well that is on site. Ms. Ralph stated the well was also pre-existing. Ms. Peek stated those were the issues that Mr. Fenton raised, so Ms. Ralph needs to go to Mr. Fenton and he will make that determination.

DeSantis Apartments

Major Site Plan

**770 Old Route 22
Amenia, NY**

Dan Wheeler came before the Board representing Mr. and Mrs. DeSantis who own 770 Old Route 22. This is a property which has been abandoned for a period of time and operated for a period of time; however there are now new owners. Mr. Wheeler has received Julie Mangarillo's comment letter and would like to address some of the issues tonight. Ms. Mangarillo stated that during the initial review, based on information provided by Mr. Wheeler, the application would have been considered a Type 2 action - in which case the aquifer recharge requirements would not apply. However, upon further review, Mr. Everett and Ms. Mangarillo agree that this would be considered a Major Site Plan requiring circulation to the ZBA. Mr. Wheeler asked why?

Ms. Mangarillo referenced the Zoning Code requirement for Major Site Plan 4 or more dwelling. Ms. Mangarillo continued she visited the site today and she saw no existence of a gravel lot. This will need to be addressed.

Mr. Wheeler continued there were questions regarding the lighting, even under the previous application the Board had concerns and questions about the lighting being harsh. It was up to 4.4 foot candles. Ms. Peek added the parcel is located within, and immediately adjacent to a single family residential area there. Ms. Mangarillo provided the Greenway Guidelines to Mr. Wheeler but he was not too sure, in the Greenway Guidelines go from one extreme to the other in those Guidelines. Mr. Wheeler agreed to resubmit the lighting plan to bring down the severity of the lights. He noted that the project proposes shielding on the side of the lights - to prevent light from shining on adjacent property. Lighting levels higher than 10 foot candles are extreme for even a parking lot and would therefore be significantly reduced in the revised plan. Ms. Mangarillo stated the Greenway Lighting states 2-5 foot candles are only needed in high security areas and more than 5 foot candles are usually a waste of energy and a source of glare. Ms. Mangarillo noted that the lighting levels should be reduced to 5 or less than 5.

Screening for the Parking Lot - Mr. Wheeler stated that screening is shown on the map. Ms. Peek added what your memo states "No landscape screening is proposed along the property line with N/F Ducillo, Sr. per the 7/22/2013 response letter, "The Applicant has considered it and respectfully declines." Mr. Wheeler stated that was the previous applicant. Ms. Mangarillo said she saw there was vegetation but it doesn't show up. Mr. Wheeler stated that the Site Plan will be revised to include screening from the adjacent properties.

Ms. Peek asked whether the project was still proposed to be affordable housing with the use of federal funding. Mr. Wheeler stated that affordable housing is no longer considered. The current proposal is for market rate rentals. Mr. Wheeler continued stating that the EAF would be updated with new proposal. Ms. Peek went on to state they would need to update their application and apply for a Special Use Permit if they propose multi-family in the zoning district.

Ms. Peek advised Mr. Wheeler to review the Site Plan and Special Use Permit application requirements in the Zoning Code for a major project; which also requires a referral to the ZBA. The proposed parcel is located in the Buffer Valley Bottom Aquifer, which must be indicated on the EAF form and has additional requirements per the Zoning Code. Mr. Wheeler stated there is a water main easement running through the property and the applicant also has a water main. Ms. Peek stated the plans show a water line and an overhead electric line running across the parking lot. The Applicant will be required to provide documentation that a parking lot can be constructed within the utility easement. The plans also show a sidewalk, driveway, stone wall and other items encroaching on the right of way for Old Route 22, which will need to be addressed by the County – because Old Route 22/CR 81 is a County Road. The caliper of the trees around the edge of the parking lot should be noted on the plans to make sure it complies with the zoning code for multi-family parking lots – 121-38. Ms. Mangarillo read the section of the Zoning Code, addressing parking lots containing less than 40 spaces, noting the requirement for one three inch minimum caliper shade tree per each space. The Applicant agreed to provide the required landscaping. The Applicant signed the escrow form that was in the file.

Ms. Peek stated that Mr. Wheeler must submit a completed application, with all comments addressed. The Planning Board will review the application and offer comments. Once the application is complete and reviewed by the Board and its consultants, a public hearing can be set. Ms. Peek told Mr. Wheeler to look over the requirements for Special Use Permit and Site Plan and all revised documentation would need to be in to the Planning Board Office by October 17th in order to be on the November 7th Planning Board Meeting.

MOTION TO CLOSE THE PLANNING BOARD MEETING was made by James Walsh, seconded by Peter Clair.

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 October 3, 2013 and are not to be construed as the final official minutes until so approved.

 X Approved as read 11/07/2013

 Approved with: deletions, corrections, and additions