



TOWN OF AMENIA

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PLANNING BOARD MEETING THURSDAY, SEPTEMBER 5, 2013

PRESENT: Nina Peek, Chair
Tony Robustelli
Peter Clair
Norm Fontaine
Larry Moore
Nathan Roy
Peter Karis, Landscape Architect
Dave Everett, Lawyer
ABSENT: James Walsh

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

VOTE TAKEN – MOTION CARRIED

Cumberland Farms

Major Site Plan

**3333-3339 RT 343
Amenia, NY**

Richard Olsen, Attorney for Cumberland Farms, Bill Park, Regional Supervisor for Cumberland Farms and Robert Osterhouse from Bohler Engineering represented the applicant. Mr. Olsen continued stating this is an application to replace the gasoline tanks, a 59' building expansion into the remaining half of the store and redoing the new corporate logo upgrade. In May, we were here discussing with the Board a couple of issues (1) SEQRA status, Type 2 and (2) additional comments that the consultants had made. On July 17th Cumberland Farms gave the Board a re-submission, which incorporated those comments. The applicant has since received consultants comments back on that submission. Taconic Design had a telephone conference with Bohler Engineering and Cumberland Farms to come to an agreement with some of the consultant's additional comments.

Mr. Osterhouse has some renderings tonight to show the Board what Cumberland Farms has agreed to those additional comments. The applicant hopes to move forward on the SEQRA issue and for the Planning Board to deem this application complete.

Robert Osterhouse gave copies of the updated renderings to the Board. He continued, some of the changes were adding some trim and crown molding to the canopy, the front facing gable on the building with the decorative columns, columns on the canopy have been improved, and

shrouds have been placed on the canopy. He also went over the rendered landscape site plan. After receiving the consultant's comments, Bohler Engineering conferred with Cumberland Farms and their consultants and Cumberland will address the majority of those comments with another submission. One item is the removal of one parking space next to the road to put in additional green space; however everything else stays the same. Lighting is a big concern. Spill over lighting on the east is a big concern and a revised lighting plan will be submitted that will show "0" lighting levels on the property line. Improvements have been made to the canopy, green space for additional plantings, and a change in planting materials.

There are a few issues that need to be worked through. The bollards on the front of the store are white. A comment to paint them black with reflective strip was mentioned, however for safety reasons, they need to be white. They are there to protect the store, the employees and the customers. They have a green stripe at the top. Nathan Roy asked if they could be a wooden 6 by 6 rather than steel and concrete. Mr. Osterhouse stated wood could potentially break off, they need something more secure.

Signage is proposed to be compliant and significantly reduced as the lighting of that signage is critical. The lighting proposed is fluorescent fixtures at the top of the sign structure with fully shielded fixture directed towards the sign down to give consistent lighting to the sign and also have the up-light fixtures to handle the pricing signage. Additional comments were to reduce the lighting levels at the front of the store and reduce the lighting levels under the canopy. Presently they are over 20 foot candles and after speaking with Cumberland Farms, under the canopy they will be reduced to 10 foot candles and the front of the store to 19-20 foot candles. For safety and security, the clerks inside the store need to have visibility and adequate lighting to the pump area and the front of the store.

Mr. Osterhouse continued the light poles and bases will remain white to fit with the rest of the color scheme. The Flood Study - since the Applicant is not proposing anything other than what the Board has asked for improvements for landscaping and a storm water basin. The Applicant has done the delineation for wetlands adjacent to the stream and has the 100' buffer for the DEC wetland area. A permit from DEC will need to be secured for impacts within the buffer. A permit from the Town may need to be secured for these proposed improvements to landscaping and storm water, however will not do any detailed flood investigation since we are not proposing anything that would have an impact on that. There was also a comment on traffic patterns and are not planning on any traffic study.

Nathan Roy asked if there was any fencing that would be placed around the dumpster and could they use a stockade or wood type fence to obscure. Mr. Osterhouse would investigate that suggestion. Mr. Roy asked if the plantings were going to change along the street and signs. Mr. Osterhouse replied in the review letter there was a planting exhibit that showed what would be incorporated into the landscape plan, some perennials, grasses, and street tree. Ms. Peek gave Mr. Osterhouse a list of materials for those plantings. Ms. Peek stated that the plantings are mostly herbaceous perennials which Peter Karis suggested. If the goal is to provide some landscaping buffer between the sidewalk and the travel way, it might be better if you planted some shrubs that would be year round or possibly as Mr. Roy suggested to put wood bollards on the street side in that area. Mr. Karis felt a small tree centered in the island, possibly a

Hawthorne. There will be a time during the year that the island will appear empty. Ms. Peek spoke to the Town engineer, Peter Karis and the CFO regarding the floodway/flood plain issue. Mr. Karis and Mr. Andrews felt it is probably not necessary to do flood plain mapping in this area as there is going to be a net improvement, however the ZEO also said in the absence of mapping it is difficult for him to sign off on whether or not this will be an encroachment into the floodway when he doesn't know where the floodway is. Mr. Everett asked if the Applicant knew where the floodway on the site is. Mr. Osterhouse replied they did not. Based on Mr. Everett's review the entire site is in the floodplain, however it is hard to determine where the flood way lined up on the site. Mr. Osterhouse replied the 100' buffer DEC wetland does encompass the majority of the site. In order to get the permit from Mr. Fenton you may need documentation suggesting possibly a letter stating this was reviewed and the Applicant does not feel there is any adverse effect on the flood plain. Ms. Peek felt the Applicant needed to provide a letter back to the board however the only other issue is with the lighting. There is no up-lighting in the historic district at all in the Town; there are only goose neck lamps that provide down lighting.

Mr. Everett stated in Dutchess County there is a new law that you must show the most expensive price for gasoline. Mr. Everett continued the Board needs to decide if this application is a Type II action which is exempt from SEQRA and whether or not the Board deems the application complete. It looks like there will be another round of submissions. Does the Board want to deem the application complete subject to those submissions?

The questions were:

1. Bollards-white
2. Signage-lighting
3. Reduced lighting under the canopy
4. White light poles and bases
5. Flood Study
6. Traffic Patterns
7. Fence around dumpster

MOTION TO ADOPT A RESOLUTION DECLARING THE APPLICATION TO BE A TYPE II ACTION UNDER SEQRA, DEEMING THE APPLICATION TO BE COMPLETE SUBJECT TO THE ADDITIONAL SUBMISSION AND SCHEDULE THE PUBLIC HEARING FOR OCTOBER 3rd, 2013 was made by Norm Fontaine, seconded by Nathan Roy

VOTE TAKEN - MOTION CARRIED

Tony Robustelli	Yes
Peter Clair	Yes
Larry Moore	Yes
Nathan Roy	Yes
Norm Fontaine	Yes
Nina Peek	Yes
James Walsh	Absent

Other Matters:

Norm Fontaine felt that the communication between the Planning Board and Silo was not good. There was a site visit on the 20th and the Planning Board members were not told about it. Ms. Peek stated this was asked for by Silo not the Planning Board. Mr. Fontaine asked that the Planning Board members be informed when these meetings were held. Mr. Fontaine did not want this to be a consultant's led meeting and decisions made. At this time there are letters from the consultants to Silo requesting some things be done, however the Planning Board have not discussed them as to if we agree with the consultants. Mr. Everett suggested the Board discuss how the Board wants the procedure to unfold. Ms. Peek stated Silo requested they be able to meet with the Board's consultants off line, to sort out some of the issues that Silo wants to vetted through our consultants, have that discussion and Silo and Silo's consultants knows that the Planning Board's consultants are not in power to make any decisions on behalf of the Planning Board. They are just sorting out some issues on behalf of themselves. Then Silo will come back to the Planning Board when they have a plan that they are happy with and reviewed by the consultants and present it to the Planning Board. Mr. Everett stated that is part of the problem, Silo has not submitted an application yet and it is Silo's decision to do that. If the Planning Board does not like this way, then this will need to be conveyed to Silo. Tony Robustelli felt that this will only save time in the application process. Norm Fontaine suggested that the Planning Board sit down with the consultants as a group and discuss what we agree or don't agree with, then the Board give Silo clear direction on which way to go. Ms. Peek will ask Silo and the consultants to attend the September 19th meeting.

MOTION TO ADJOURN THE PLANNING BOARD MEETING was made by Peter Clair, seconded by Norm Fontaine

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 September 5, 2013 and are not to be construed as the final official minutes until so approved.

_____Approved as read

_____Approved with: deletions, corrections, and additions

