



TOWN OF AMENIA

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Amenia Town Clerk
JUL 23 2015
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TOWN OF AMENIA PLANNING BOARD

Resolution # 7 for 2015

Approving a Site Plan to Renovate Commercial Retail Property located at 51 Mechanic Street

July 22, 2015

WHEREAS, WeGetBy LLC (the "Applicant") is the owner of approximately .18 acres of land located at 51 Mechanic Street in Amenia, New York (the "Property"); and

WHEREAS, the Property is located in the Hamlet Mixed Use (HM) Zoning District and the Historic Preservation Overlay District; and

WHEREAS, pursuant to Article IX of the Town of Amenia Zoning Code (the "Zoning Code"), on or around June 10, 2015, the Applicant submitted an application to the Planning Board seeking Site Plan Approval to allow for the renovation of an already existing commercial retail property for the purpose of a health food store. The proposed renovations include interior alterations, an outdoor awning sign, new outdoor lighting, and fencing and gate to screen the garbage receptacles (the "Project"); and

WHEREAS, the documents submitted by the Applicant as part of its application consisted of, among other things, (1) a Land Use Application; (2) a Short Environmental Assessment Form; (3) a site survey; (4) an Agricultural Data Statement; (5) the requisite filing fee and escrow amount for the application; and (6) a variety of additional documentation (the "Application"); and

WHEREAS, the Planning Board reviewed and considered all of the above referenced documents submitted by the Applicant as part of its Application; and

WHEREAS, on or about June 25, 2015, the Planning Board deemed the site plan Application to be complete for purposes of referring the Application to the Dutchess County Department of Planning and Development ("County Planning Department") for its review and recommendation as required by Section 121-67(D) of the Town's Zoning Code and Section 239-m of the NYS General Municipal Law and caused such referral of the Application to the County Planning Department; and

WHEREAS, on July 8, 2015, the County Planning Department reviewed the Project for countywide and intermunicipal impacts and issued a report stating that the Project was a matter of “Local Concern”; and

WHEREAS, the Planning Board has determined that the Project qualifies as a minor project under Section 121-60(C) of the Town’s Zoning Code because the Application involves the alteration of existing structures or expansion of such structures by less than 1,000 square feet; and

WHEREAS, pursuant to Section 121-67(D) of the Zoning Code, no public hearing was required for this minor site plan. Nevertheless, the Planning Board held a properly noticed public meeting on July 22, 2015; and

WHEREAS, pursuant to Section 121-38(A) and (B), the Planning Board determined that the provisional off-street parking standards applicable to the Project shall be varied from 12 spots, as required by 121-38(A)(3)(a)(1), to 4 spots due to the availability of safely usable on-street parking; and

WHEREAS, the Planning Board has determined that the Project requested in the Application will comply with all Zoning district, overlay district, and other specific requirements of the Zoning Code and other chapters and regulations of the Town Code, and will be consistent with the purposes of the Zoning Code and the HM Zoning District and applicable overlay district; and

WHEREAS, the Planning Board has determined that the Project requested in the Application will comply with the applicable Site Plan criteria in Section 121-65(D) of the Zoning Code and will not adversely affect neighboring properties; and

WHEREAS, the Planning Board’s determinations outlined above are based on the Applicant’s representations contained in all of the Application materials submitted to the Planning Board and the Applicant’s compliance with the Town of Amenia Code including the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 121-65 of the Town’s Zoning Code, the Planning Board hereby approves the site plan for the Project dated July 17, 2015, attached hereto (“Site Plan Approval”); and

BE IT FURTHER RESOLVED, that pursuant to Section 274-a of the New York State Town Law, the Planning Board imposes the following conditions on the Site Plan Approval granted by this resolution:

1. The awning sign shall comply with Section 121-39 of the Zoning Code and the awning specifications submitted by the Applicant (dated July 9, 2015).

2. All outdoor lighting must be installed in accordance with Sections 121-40(L) and 121-38(A)(4)(d) of the Zoning Code and comply with the lighting specifications submitted by the Applicant (dated July 9, 2015).
3. Fencing and gate to screen the garbage receptacles shall consist of a 6-foot high stockade fence as provided in photographs submitted by the Applicant.
4. Pursuant to Section 121-14.2 of the Zoning Code, any alterations to the exterior appearance of the building will require additional site plan approval by the Planning Board.
5. Prior to the execution of the approved Site Plan by the Planning Board Chairperson, the Applicant shall pay the outstanding invoices of the Planning Board's consultants incurred in connection with this Application.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the Site Plan upon the Applicant's compliance with applicable conditions, if any, and the submission requirements stated herein, if any; and

BE IT FURTHER RESOLVED, that in accordance with Section 121-68(E) of the Town's Zoning Code: (1) this Site Plan approval shall expire if the Applicant fails to commence construction, to obtain the necessary Building Permits, or fails to comply with the conditions of the Site Plan approval within 18 months of its issuance, or if the Special Use Permit with which it is associated expires. The Planning Board may grant a one-time six-month extension; (2) this Site Plan approval may be revoked by the Planning Board if the Applicant violates the Site Plan approval or its conditions or engages in any construction or alteration not authorized by the Site Plan approval; (3) any violation of the Site Plan approval or its conditions shall be deemed a violation of the Zoning Code and shall be subject to enforcement action; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the office of the Town of Amenia Town Clerk within five (5) days of the date of this Resolution, and shall be mailed to the Applicant within the same five (5) day period.

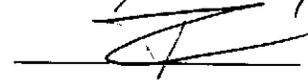
The foregoing resolution was voted upon with all members of the Planning Board voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>	<u>Signature</u>
Joseph Fontaine, Chairman	✓	_____	_____	_____	
Peter Clair	✓	_____	_____	_____	
John Stefanopoulos	✓	_____	_____	_____	
Nathan Roy	✓	_____	_____	_____	

Anthony Robustelli

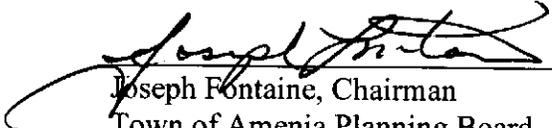


Erich McEnroe



Bill Kroeger

Dated: Amenia, New York
July 22, 2015



Joseph Fontaine, Chairman
Town of Amenia Planning Board