



TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Resolution # 13 for 2015

Approving a Special Use Permit for Wassaic Auction Barn, LLC to Operate a Nano-Brewery

September 9, 2015

WHEREAS, the Wassaic Auction Barn, LLC (the "Applicant") is the owner of real property located at 4280 Route 22 in Wassaic, New York (the "Property"); and

WHEREAS, the Property is located in the Hamlet Mixed-Use ("HM") Zoning District and Upland Aquifer Overlay District under the Town of Amenia Zoning Code (the "Zoning Code"); and

WHEREAS, the Property contains a former cattle auction barn which is currently used for artist residency studios and workshops; and

WHEREAS, the Applicant proposes to use a portion of the auction barn to operate a nano-brewery to brew approximately 60 gallons of beer a month (the "Project"). The Project will not be open to the public; and

WHEREAS, the Project is considered a light industrial use under the Zoning Code because it will entail the processing and packaging of products. The Project is a permitted use on the Property under the Zoning Code provided a Special Use Permit is granted by the Planning Board; and

WHEREAS, pursuant to Article IX of the Zoning Code, the Applicant submitted an application to the Planning Board seeking a Special Use Permit for 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 survey map; (4) floor drawings; (5) an Agricultural Data Statement; and (6) the requisite filing fee and escrow amount for the application (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, the Planning Board has determined that the Project qualifies as a minor project under Section 121-60(C) of the Zoning Code because the Application entails the conversion of an existing structure totaling 5,000 square feet to another use with only minor changes to the exterior of the building; and

WHEREAS, the Planning Board deemed the Application to be complete for purposes of scheduling a public hearing and referring the Application to the Dutchess County Department of Planning and Development (“County Planning Department”) for their review and recommendation as required by Section 121-62(E) of the Zoning Code and Section 239-m of the NYS General Municipal Law, respectively, and thereafter caused the necessary referrals to be made to the County Planning Department; and

WHEREAS, the County Planning Department reviewed the Project for countywide and intermunicipal impacts and issued a report dated August 20, 2015, stating that the Project was a matter of local concern; and

WHEREAS, the Planning Board has determined that the Project is a Type II action and exempt from environmental review under the State Environmental Quality Review Act (“SEQRA”) because it constitutes construction or expansion of a nonresidential structure involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls in accordance with 6 NYCRR § 617.5(c)(7) feet; and

WHEREAS, pursuant to Section 121-62(F) of the Zoning Code, a properly noticed public hearing was held on September 9, 2015; and

WHEREAS, the Planning Board has determined to waive the following requirements of the Zoning Code with respect to the Applicant’s minor site plan for the reasons set forth in the memorandum dated July 7, 2015 from Rohde, Soyka and Andrews Consulting Engineers, P.C.: (1) Section 121-67(C)(1) (a sketch of the parcel on a location map showing boundaries and dimensions of the parcel and identifying contiguous properties that are within 200 feet); (2) Section 121-67(C)(2) (depicting existing features of the site lying within 200 feet of the proposed structure); (3) Section 121-67(C)(3) (depicting the proposed location and arrangements of structures and uses on the site, including means of ingress and egress, parking, and circulation of traffic); and (4) Section 121-67(C)(4) (a sketch of any proposed structures (including signs), showing exterior dimensions and elevations of front, side, and rear views; copies of available blueprints, plans, or drawings); and

WHEREAS, the Planning Board has determined that there are no existing violations of the Zoning Code on the Property; and

WHEREAS, the Planning Board has determined that the Project will comply with all Zoning 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

WHEREAS, the Planning Board has determined that the Project will not result in excessive off-premises noise, dust, odors, solid waste, or glare, or create any public or private nuisances; and

WHEREAS, the Planning Board has determined that the Project will not cause significant traffic congestion, impair pedestrian safety, or overload existing roads, considering their current width, surfacing, and condition; and

WHEREAS, the Planning Board has determined that the Project will be accessible to fire, police, and other emergency vehicles; and

WHEREAS, the Planning Board has determined that the Project will not overload any public water, drainage, or sewer system, or any other municipal facility; and

WHEREAS, the Planning Board has determined that the Project will not materially degrade any watercourse or other natural resource or ecosystem, or endanger the water quality of an aquifer; and

WHEREAS, the Planning Board has determined that the Project will be suitable for the property on which it is proposed, considering the property's size, location, topography, vegetation, soils, natural habitat, and hydrology, and its ability to be buffered or screened from neighboring properties and public roads; and

WHEREAS, the Planning Board has determined that the Project will be consistent with the goal of concentrating retail/commercial uses in hamlets, avoiding strip commercial development, and buffering non-residential uses that are incompatible with residential use; and

WHEREAS, the Planning Board has determined that the Project will not adversely affect the availability of affordable housing in the Town; and

WHEREAS, the Planning Board has determined that the Project will comply with the applicable Site Plan criteria in Section 121-65(D) of the Zoning Code; and

WHEREAS, the Planning Board has determined that the Project will have no greater overall off-site impact than would full development of the Property with uses permitted by right, considering relevant environmental, social, and economic impacts; 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, as follows:

- 1) The Planning Board grants waivers from the following minor site plan requirements in the Zoning Code as noted above: Section 121-67(C)(1), Section 121-67(C)(2), Section 121-67(C)(3) and Section 121-67(C)(4).
- 2) The Planning Board hereby approves the Application and grants the Special Use Permit in accordance with Section 121-62 of the Zoning Code, subject to the following conditions to be satisfied prior to the issuance of a building permit:
 - a. The location or reputed locations of the well and septic system shall be added to the survey and the survey submitted to the Planning Board;

- b. The Applicant shall address the comments raised by the Planning Board's Engineer in a memo dated July 7, 2015 to the satisfaction of the Engineer and the Board;
- c. The Applicant shall use a newly installed private septic tank to collect wastewater from the brewery operations. The tank shall include a high-water level alarm to prevent overtopping and the tank shall be pumped out as needed. The alarm shall be properly maintained and operated at all times when the tank is being used.
- d. Due to the unknown status of the existing septic system on the Property, it shall not be used for any waste water related to the brewery operations; and
- e. The Applicant shall pay all of the outstanding fees of the Planning Board's consultants incurred in reviewing and processing the Application.

BE IT FURTHER RESOLVED, that in accordance with Section 121-62(H) of the Zoning Code: (1) this Special Use Permit shall expire if (a) the Special Use Permit use ceases for more than 24 consecutive months for any reason, (b) the Applicant fails to obtain the necessary Building Permits or fails to comply with the conditions of the Special Use Permit within 12 months of its issuance, or (c) its time limit expires without renewal; (2) this Special Use Permit may be revoked by the Planning Board if the Applicant violates the Special Use Permit or its conditions or engages in any construction or alteration not authorized by the Special Use Permit; and (3) any violation of the Special Use Permit or its conditions shall be deemed a violation of the Town's 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	_____	_____	_____	X	_____
Peter Clair	✓	_____	_____	_____	_____
John Stefanopoulos	✓	_____	_____	_____	_____
Nathan Roy	_____	_____	_____	X	_____
Anthony Robustelli	✓	_____	_____	_____	_____

Erich McEnroe

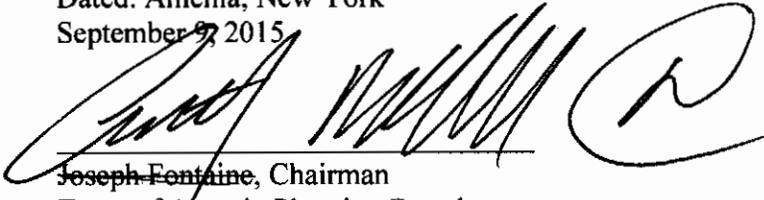
✓



Bill Kroeger

x

Dated: Amenia, New York
September 9, 2015



~~Joseph Fontaine~~, Chairman
Town of Amenia Planning Board

ANTHONY Robustelli
Deputy Chair