

SEP 14 2017

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TOWN OF AMENIA

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TOWN OF AMENIA PLANNING BOARD

Resolution # 12 for 2017

Approving an Amended Site Plan for the Replacement of a Snack Shack at the Amenia Drive-In Theater

September 13, 2017

WHEREAS, John Stefanopoulos (the "Applicant") is the authorized representative for Four Brothers Pizza, Inc., the owner of 15.32± acres of land located at 4957 NYS Route 22 in Amenia, New York (the "Property"); and

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

WHEREAS, on June 20, 2013, the Town of Amenia Planning Board (the "Planning Board") granted a Special Use Permit and site plan approval for the development of a drive-in theatre on the Property; and

WHEREAS, on March 25, 2015, the Planning Board granted an amended Special Use Permit and site plan approval for the addition of numerous constructed improvements and to identify additional signs not depicted in the original site plan; and

WHEREAS, the Town of Amenia Zoning Board of Appeals also granted numerous area variance for signs at the drive-in theater; and

WHEREAS, subsequently on April 6, 2017, the Applicant submitted an application for an amended site plan approval seeking to replace the existing snack shack at the drive-in theater with a new building (approximately 1,440 square feet) to provide more space for the food service and more efficient and better quality customer service; 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 Revised Site Plan and Signage Plan, (3) building elevations, (4) Part 1 of a Short Environmental Assessment Form, and (5) the requisite filing fee and escrow amount for the Application (the "Amended Application"); and

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

WHEREAS, the Planning Board determined that, in accordance with Section 121-64 of the Town of Amenia Zoning Code (the "Zoning Code"), because the Amended Application only involved a new accessory structure (without a change in use), only a site plan approval is required; and

WHEREAS, the Planning Board deemed the Application for an amended site plan to be complete for purposes of referring the Amended Application to the Dutchess County Department of Planning and Development ("County Planning Department") as required by Section 239-m of the NYS General Municipal Law and thereafter caused the necessary referral to be made to the County Planning Department; and

WHEREAS, the County Planning Department reviewed the Project for countywide and inter-municipal impacts and issued a report dated September 13, 2017 stating that the Project was a matter of local concern; and

WHEREAS, the Project is a Type II action and therefore not subject to environmental review under the State Environmental Quality Review Act ("SEQRA") (See 6 NYCRR 617.5(b)(7) (the construction of a non-residential structure involving less than 4,000 square feet of gross floor area is not subject to SEQRA review)); 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 Amended Application involves the construction of a structure for non-residential use covering less than 3,000 square feet of building footprint; and

WHEREAS, pursuant to Section 121-67 of the Zoning Code, a minor site plan does not require a public hearing; and

WHEREAS, the Planning Board considered the Project requested in the Amended Application according to the criteria for minor projects set forth in Sections 121-67(D) and 121-65(D) of the Zoning Code; 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 Zoning Code.

NOW THEREFORE, BE IT FURTHER RESOLVED, that in accordance with Section 121-67 of the Zoning Code, the Planning Board hereby approves the following amended site plans for the Project prepared by Rennia Engineering Design ("Amended Site Plan Approval"):

1. Amended Site Plan Replacement Snack Shack dated April 6, 2017 (last revised August 14, 2017);

2. Amended Signage Plan Replacement Snack Shack dated April 6, 2017 (last revised August 14, 2017); and
3. Snack Shack Additional Signage Details dated August 13, 2017 as amended by the condition below.

BE IT FURTHER RESOLVED, that pursuant to Section 121-62(G) of the Zoning Code and Sections 274-a of the New York State Town Law, the Planning Board imposes the following conditions on the Amended Site Plan Approval granted by this resolution:

1. At all times, the Applicant shall comply with the Amended Site Plan Approval including, without limitation, all notes on the approved plans;
2. Prior to the execution of the approved amended site plans, the Applicant shall address the comments in the memorandum dated, September 8, 2017 from the Town Engineer, Rohde, Soyka & Andrews, to the satisfaction of the Engineer;
3. Prior to execution of the approved amended site plans, the Town Engineer shall update the "Four Brothers Restaurant and Amenia Drive-In Sign Chart (last revised January 12, 2015) and submit it to the Planning Board and Code Enforcement Officer;
4. Prior to the execution of the approved amended site plans, the Applicant shall pay the outstanding invoices of the Planning Board's consultants incurred in connection with this Application;
5. All terms and conditions of the special permit, as amended, previously granted for the Amenia Drive-In shall remain in full-force and effect; and
6. Any change to the approved amended site plan (including adding new signs) may require an amended site plan approval from the Planning Board; and
7. Before execution of the approved amended site plans, the Applicant shall remove "Four Brothers Drive In Theatre wall mounted sign" containing 12.57 sf of sign area from the Snack Shack Additional Signage Details dated August 13, 2017 to ensure that the total signage square footage on the site complies with the signage variances previously granted by the ZBA for the site. The Applicant shall submit a revised signage detail plan for execution by the Planning Board Chairperson.

BE IT FURTHER RESOLVED, that the Planning Board hereby authorizes the Planning Board Chairperson to stamp and sign the approved amended site plans 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 Zoning Code: (1) this Amended 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 this Amended Site Plan Approval within 18 months of its issuance. The Planning

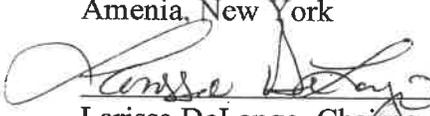
Board may grant a one-time six-month extension; (2) this Amended Site Plan Approval may be revoked by the Planning Board if the Applicant violates the Amended Site Plan Approval or its conditions or engages in any construction or alteration not authorized by the Amended Site Plan Approval; (3) any violation of the Amended 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>
Larissa DeLango, Chairperson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Peter Clair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
John Stefanopoulos	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Matt Deister	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Anthony Robustelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Erick McEnroe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Rosenberg	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dated: September 13, 2017
 Amenia, New York


 Larissa DeLango, Chairperson
 Town of Amenia Planning Board