



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

Amenia Town Clerk

JUN 13 2019

TOWN OF AMENIA PLANNING BOARD

Received

Resolution # 9 for 2019

**Approving an Amended Site Plan for an Airstream Camper and Campsites at the
Amenia Drive-In Theater**

June 12, 2019

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 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 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, on September 13, 2017, the Planning Board granted an amended site plan approval for replacement of the snack shack at the drive-in theater with a new building to provide more space for the food service and more efficient customer service; and

WHEREAS, the Applicant now seeks to amend its site plan to expand its recreational business to allow limited overnight accommodations at the drive-in theater including one airstream camper and three tent sites; 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 prepared by Rennia Engineering Design, PLLC, (3) photographs of the Airstream Camper, (4) Part 1 of a

Short Environmental Assessment Form, and (5) the requisite filing fee and escrow amount for the Application (the "Application"); and

WHEREAS, the Planning Board and its consultants reviewed and considered all of the above referenced documents submitted by the Applicant as part of its 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 Application only involved a new accessory structure and use (without a change in principle use), only a site plan approval is required; and

WHEREAS, the Planning Board has determined that the Project qualifies as a minor project under Section 121-60(C)(1) of the Zoning Code because the Application does not exceed any of the thresholds set forth therein. Therefore, no public hearing was required and given the limited nature of the proposed improvements, the Board decided that a public hearing was not warranted; 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 May 31, 2019 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 under the State Environmental Quality Review Act ("SEQRA") because the action entails the construction of a non-residential facility involving less than 4,000 square feet of gross floor area (See 6 NYCRR 617.5(c)(9)) and therefore no environmental review is required; 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 comply with the applicable Site Plan criteria in Sections 121-65(D) and 121-67 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 Zoning Code.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with Section 121-67 of the Zoning Code, the Planning Board hereby approves the Amended Site Plan, Airstream Camper dated April 17, 2019 (last revised April 29, 2019) prepared by Rennia Engineering Design, PLLC (“Amended Site Plan Approval”); and

BE IT FURTHER RESOLVED, that pursuant to 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. In accordance with Section 121-74 of the Zoning Code (definition of “camp”) no more than four campsites including the airstream camper shall be permitted at the Property;
3. The Applicant shall provide 24/7 access to the restrooms located to the east of the campsites for use by overnight guests, when present;
4. Outdoor cooking shall be prohibited at the campsites. Overnight guests shall be sufficiently notified of such restriction;
5. Overnight guests shall comply with the Town of Amenia noise laws. Quiet hours shall become effective upon the conclusion of the last feature film and shall remain in effect until 7am the following day;
6. Campfires shall be permitted within the designated fire pit only. Overnight guests will be required to extinguish their campfires upon the conclusion of the last feature film;
7. Prior to the execution of the Amended Site Plan Approval by the Planning Board Chairman, the Applicant shall pay the outstanding invoices of the Planning Board’s consultants incurred in connection with this Application;
8. 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
9. Any change to the Amended Site Plan Approval (including adding new signs) may require an amended site plan approval from the Planning Board and/or sign variances from the ZBA; and

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, 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

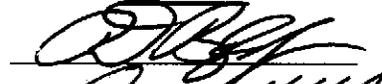
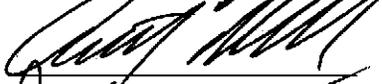
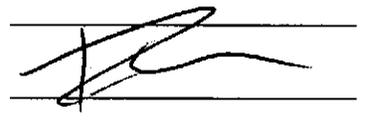
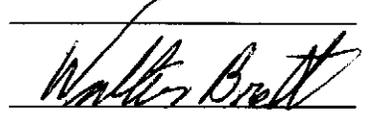
commence construction, to obtain the necessary building permits, or fails to comply with the conditions of this Amended Site Plan Approval within 18 months of its issuance. The Planning Board may grant a one-time six-month extension; (2) this Amended Site Plan Approval may be revoked by the Planning 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

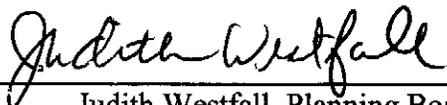
BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

Motion By: Pete Clair
 Second By: Tony Robustelli

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>
Robert Boyles, Chairperson	✓				
Anthony Robustelli	✓				
Peter Clair	✓				
Matthew Deister				✓	
Erich McEnroe	✓				
John Stefanopoulos				✓	
Walter Brett	✓				

Dated: June 12, 2019
 Amenia, New York


 Judith Westfall, Planning Board Clerk