



TOWN OF AMENIA

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PLANNING BOARD MEETING
WEDNESDAY, JANUARY 22, 2025
IN-PERSON AT TOWN HALL
First Floor Meeting Room 7 pm
Livestream Broadcast and YouTube Meeting

PRESENT: Robert Boyles, Jr.
Ken Topolsky
James Walsh
Nina Peek – arrived late – 7:10pm
Jamie Vitiello
John Stefanopoulos

ABSENT: Walter Dietrich

OTHERS PRESENT:

Rosanna Hamm – Town Board Liaison
Jeff Barnett-Winsby – 14 MainStreet Wassaic
James Heelan – 3306 Route 343 Amenia
Leila Hawken – Lakeville Journal & Millerton News

CONSULTANTS: Paul VanCott and John Andrews were excused from the meeting

Chairman Robert Boyles, Jr. opened the regular meeting at 7pm. The Pledge of Allegiance was recited.

Ten Mile Table - 14 Main Street, Wassaic, Applicant: Jeff Barnett Winsby

Mr. Boyles asked the applicant Jeff Barnett-Winsby to speak about his project. Instead, Judy Westfall began the meeting by reading aloud the Consultants' comments that were provided for the discussion. (see attached)

Jeff then provided some comments for discussion about the building that was in question. His comments included:

* there was no Building Permit issued because he had a prior conversation with the Building Inspector and was told he didn't need one due to the nature of the building renovations occurring entirely in the interior of the building.

* Jeff said that the interior demolition was completed by previous owner

- * Subsequently, Jeff made exterior changes to the building - including two new windows (first floor), framing, repainting, and adding a second-floor balcony.
- * Jeff was issued a Notice of Violation from the Building Inspector, because exterior renovation work for structures in the HPO District requires Planning Board Approval.
- * his goal is to make the hamlet and downtown look more attractive
- * he has a prospective tenant in mind to do a wine shop (if a liquor license is obtainable) or other type of retail store on the first floor
- * Jeff also noted that he was also in the process of applying to merge 3 lots with an application to the Assessor (he says it has been over a year). He says it made sense to tie the land together to then tie the water and wastewater systems together too. He has checked and the merger has not yet been completed and he would follow up with the Town as to why.

A complete application to the Planning Board must be completed and submitted for review as well as an application and escrow fee obtained.

Topics such as water supply, lighting, wastewater and parking must also be addressed in the application for review.

Board members asked if there was a restroom in the building and Jeff said no...that they would have to use the restroom at the Lantern Inn. Board members asked whether the Lantern restroom would be available to employees of Ten Mile Table at all times – even when the Lantern is closed – and Jeff confirmed that the restroom would be available to Ten Mile Table employees even when the Lantern is closed.

The Board stated that Jeff would need a letter from Dutchess County Health Dept addressing the issue of no on premises restroom.

The second floor apartment has not been renovated at this time.

The Applicant was asked to complete a full Planning Board Application, supply documentation to support consistency and compliance with the Historical Preservation Overlay regulations and resubmit to the Planning Board.

Heelan 3306 Route 343 Amenia NY

Judy Westfall read aloud the comments from John Andrews and Paul VanCott that were pertaining to this preliminary application. (see attached comment memos)

Mr. Heelan and his construction contractor were present to discuss the project at 3306 Route 343 Amenia NY.

- * it was stated by the applicant that the windows on the outside of the storefront were badly in need of repair (broken and falling out) and that when they began the project, the entire framing was rotted and also needed to be replaced as well as a façade modification. It was all completed Memorial Day Weekend per Mr. Heelan, because it was a safety issue because of the loose panes of glass in the

storefront windows. They thought there was no need to get a permit to replace windows.

* A fire inspection on the building was then done by Mr. Segelken (Code Enforcement Officer) and he told Mr. Heelan to stop the work and that they would need to have an application for Planning Board Approval because of the visual changes to the exterior of the building in an HPO. He stated that they also want to replace the siding with vinyl siding. The Stop Work Order was issued in October and the CEASE & DESIST was just issued in December, because there has been no remedy from the Applicant

* Board members discussed how the windows were repaired and the verbal exchanges between the CEO and the applicant etc. The Building Inspector had been told the windows would be replaced – in kind – with single pane window, and no additional changes to the exterior of the building would occur. Subsequently, Mr. Heelan replaced the single pane glass windows with double hung vinyl windows instead of the original single pane windows which were taken out. The building's façade with the exterior renovations in progress are inconsistent with the historic character. Buildings in the HPO require site plan approval from the Planning Board for exterior renovations.

* The Applicant was asked to submit complete application for Planning Board and Consultants to review with necessary documentation demonstrating how the proposal is consistent with the building's prior design, consistency with the historic character of surrounding buildings, need for replacement of the windows and installing vinyl siding on the building. Judy Westfall will supply the applicant with the required Site Plan approval application to be completed.

OTHER MATTERS:

MINUTES 1-8-25

A motion was made by Jamie Vitiello, seconded by John Stefanopoulos and carried to approve the Planning Board Meeting Minutes from 1-8-25 as amended.

DISCUSSION OF CANNABIS LOCAL LAW AND REVIEW

A brief discussion took place about the difference between the October referral and this referral. Nina explained that the October 2024 referral of the proposed law was an informal review and the current one (January 2025) is a formal review that is required as part of the local zoning law.

The Town Board left their Public Hearing from January 16, 2025 open until February 6th, 2025. There were two threshold questions for the board (see attached)

1. Does the Planning Board want John Andrews and Paul VanCott to review the draft of the new Local law and provide comments on it? The Board answered **YES**

2. Does the Planning Board wish to provide their comments on the new proposed Local Law with or without a special meeting? **ONLY IF THERE WERE SPECIFIC INCONSISTENCIES BETWEEN BOARD MEMBER COMMENTS THAT WOULD REQUIRE A SPECIAL MEETING.**

A motion was made by Ken Topolsky, seconded by Nina Peek to have all Planning Board member comments and Planning Board Consultants comments together by email to Paul Van Cott by Wednesday, January 30th with a possibility of the Chairman calling a special meeting for further discussion before emailing to the Town Board attorney before Friday, January 31st. Paul Van Cott will consolidate and transmit Planning Board comments to the Town Board.

KEANE STUD

A question was asked by the applicant's engineer and designer Renna Engineering, if John Andrews could meet directly with the Applicant's design team to review technical aspects of the subdivision. The Applicant requested that this meeting would not occur at a public Planning Board meeting. The Planning Board said NO explaining that all discussion related to applications currently in review by the Planning Board need to occur at a Planning Board meeting – in public.

LEVIN – SCHEDULE PUBLIC HEARING

A motion was made by Nina Peek, seconded by Jim Walsh and carried to set a Public Hearing for the Levin Subdivision Application for February 26-2025 and to direct Kirk Horton to submit a SEAF and authorize Paul VanCott and John Andrews to process a Negative Declaration in anticipation of the February 26-2025 Public Hearing.

One more item that Nina Peek brought to the attention of the Planning Board was the **DaVinci Windows application**. A revised drawing was received showing a 10 foot high sign which is no longer in compliance with Town of Amenia Zoning laws. The Applicant was granted conditional Site Plan Approval pending the receipt of their site plan showing the placement of the proposed lighting and now, revised again, the plan shows what used to be a 4 foot sign as a new 10 foot sign which is not in compliance with zoning. Nina suggested that The Planning Board either needs to direct DaVinci (Applicant) to resubmit the correct drawing (as originally shown) or Judy or John and Paul should speak to the applicant about resubmitting the drawings again to show the original height or keep it under 10 feet (per NYS and Town Code Sign

regulations). That would then meet the condition to move ahead to obtain a Building Permit.

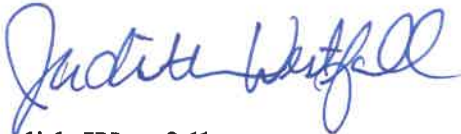
A debrief of this meeting will be shared with John Andrews and Paul VanCott from Judy Westfall for review.

Chairman Boyles reminded residents to please shovel out the snow around fire hydrants for access from Fire Department Personnel in case of a fire.

A motion was made by Ken Topolsky, seconded by Jim Walsh and carried to adjourn the meeting at 7:45pm.

The next scheduled meeting of the Planning Board is Wednesday, February 5, 2025 at 7pm.

Respectfully Submitted,



Judith Westfall

Planning Board Secretary

The foregoing minutes are taken from meeting of the Planning Board held on January 22, 2025 and are not to be construed as the official minutes until approved.

_____ Approved as read

_____ Approved with: additions, corrections and deletions

Judith Westfall

From: jandrews@rsaengrs.com
Sent: Thursday, January 16, 2025 3:49 PM
To: Judith Westfall; Robert Boyles; James Walsh; John Stefanopoulos; Nina Peek; Walter Dietrich; Kenneth Topolsky; James Vitiello
Cc: 'VanCott, Paul'; Building Department; Michael Segelken
Subject: January 22, 2025 Planning Board Matters

Follow Up Flag: Flag for follow up
Flag Status: Flagged

We offer the following comments for your consideration. Neither of these items contains sufficient information to conduct a proper review. We have tried to provide you with sufficient information to facilitate your discussion of these matters so that you can direct the Applicant in each case how to proceed.

Project: 14 Main Street, Wassaic, NY
Tax Parcel Number 7165-01-085850

The project is located in the Hamlet Mixed Use (HM) Zoning District, the Hamlet Exclusion Area of the Stream Corridor Overlay District, the Historic Preservation Overlay District (HPO), and the Upland Aquifer. A small portion of the property is located within the Flood Plain Overlay.

The project as we understand it involves the renovation of an existing and the conversion of the existing structures into an unspecified retail facility. No site modifications have been identified and/or detailed. The interior of the existing structure will be renovated to the proposed retail use. Exterior renovations appear to involve the addition of a second story deck/balcony, window replacement and front facade modifications

The unspecified retail use is a permitted use in the HM Zoning District subject to site plan review. Since the project is also located within the HPO and involve alteration of the structures including the deck/balcony addition, façade modification with window replacement that will alter the exterior appearance, site plan approval is required. The proposed project appears to fall within the thresholds for a minor project and should therefore be considered a minor project.

The Code Enforcement Officer has denied the application for a Building permit citing Town Code Section 121-14.2 (D) **Site Plan Approval requirement**. Based on the information provided to us, it appears that the majority of the work involved with the alterations has been substantially completed. The material submitted is insufficient to conduct a proper review of this project.

We call the Planning Board's attention to Town Code Section 121-67. **Procedure for minor site plan approval**. We note the following for the Planning Board's consideration:

- a. A Short Environmental Assessment Form is required. It is likely this is a Type II action under SEQRA and therefore not subject to environmental review. Submission of the SEAF is necessary to make that determination.
- b. Certain basic material is necessary and required by the Code, including a Sketch of the parcel and the features of the site, the building and any and all improvements related thereto
- c. No Public Hearing is required. However, there is still the obligation to refer the action to the County and agricultural parcels as may be appropriate. The project is within 500 feet of a County Road
- d. The Planning Board must find at a minimum that the proposal is generally consistent with the criteria found in Section 121-65.D and will not adversely affect neighboring properties.

The Planning Board needs to determine the information to be submitted to properly review and approve the required site plan. The Planning Board will further need to address such site items as water supply, wastewater disposal, parking, landscaping, and lighting.

Project: 3306 Route 343, Amenia, NY
Tax Parcel Number 7167-13-165477

The project is located in the Hamlet Mixed Use (HM) Zoning District, the Hamlet Exclusion Area of the Stream Corridor Overlay District, the Historic Preservation Overlay District (HPO), and the Primary Valley Bottom Aquifer.

We have no information concerning the nature of the project. The Code Enforcement Officer has issued a Violation and Order to Remedy citing several deficiencies, including citing Town Code Section 121-14.2 (D) Site Plan Approval requirement. Based on the limited information provided it is clear that the work stopped in process involved window replacement and a facade modification that will clearly alter the exterior appearance triggering the site plan approval requirement.

The Project Sponsor must complete an application for Site Plan approval. Future submittals shall include the information identified in Town Code § 121.65.B. Any waivers from the requirements shall be requested in writing from the Planning Board with such documentation as necessary to justify the waiver. Only after the requested information has been provided can the Planning Board make an adequate determination of the information required to properly review and approve the site plan.

John

John V. Andrews, Jr., P.E.
ROHDE, SOYKA & ANDREWS
Consulting Engineers, P.C.
387 Hooker Ave, Suite 1
Poughkeepsie, NY 12603
845-452-7515

Judith Westfall

From: VanCott, Paul <PVanCott@woh.com>
Sent: Wednesday, January 22, 2025 7:23 AM
To: jandrews@rsaengrs.com; Judith Westfall; Robert Boyles; James Walsh; John Stefanopoulos; Nina Peek; Walter Dietrich; Kenneth Topolsky; James Vitiello
Cc: Building Department; Michael Segelken
Subject: RE: January 22, 2025 Planning Board Matters

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Board –

We agree with the comments from John Andrews. Applications and escrow fees should be provided by both applicants consistent with what is required for other applicants. We have only cursorily reviewed the materials provided to avoid cost to the Town which should be borne by the applicants once applications are submitted. No public hearing is required and they appear to be SEQRA Type 2 actions, requiring no further SEQRA review. Once the applications are received and initially reviewed, they should be referred to the County Planning Department for GML 239-m review.

Both of these projects involve work that has been done without prior Planning Board review or approval as required by the Zoning Law. They have been referred to the Planning Board by the CEO for Site Plan review and the Board needs to consider what information it needs in order to make a decision on the projects as undertaken by the applicants. The Board has the discretion to waive the need for information it does not deem necessary for its review of these projects. Any other enforcement action undertaken by the CEO is separate from the Planning Board's review and decision and subject entirely to the CEO's discretion.

Paul

Paul Van Cott | Whiteman Osterman & Hanna LLP

Of Counsel

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From: jandrews@rsaengrs.com <jandrews@rsaengrs.com>

Sent: Thursday, January 16, 2025 3:49 PM

To: 'Judith Westfall' <jwestfall@ameniany.gov>; 'Robert Boyles' <rboyles@ameniany.gov>; 'James Walsh' <JWalsh@ameniany.gov>; 'John Stefanopoulos' <jstefanopoulos@ameniany.gov>; 'Nina Peek' <npeek@ameniany.gov>; 'Walter Dietrich' <WDietrich@ameniany.gov>; 'Kenneth Topolsky' <KTopolsky@ameniany.gov>; jvitiello@ameniany.gov

Cc: VanCott, Paul <PVanCott@woh.com>; 'Building Department' <building@ameniany.gov>; msegelken@ameniany.gov

Subject: January 22, 2025 Planning Board Matters

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