

TOWN OF AMITY PLANNING BOARD
Regular Meeting
August 13, 2020

Roll Call -- Members present: W. Skinner, D. Serra, J. Maynard, G. Hanchett, B. Zlomek, J. Clouse
Members excused: P. VanDyk,
Guests present: Nick Horton, Will Bradley
Meeting called to order at 7PM

Secretary's Report -- Tabled

Guest Speaker – Nick Horton gave an update on the status of the creation of a Fire District which would include the Town of Amity and Village of Belmont. Following a public hearing, the Board of Trustees for the Village of Belmont passed a resolution on 8-3-2020 approving the creation of a fire district. The Town of Amity passed a resolution on 8-10-2020 to have a public referendum, requiring the passing of petitions to acquire a minimum of 39 signatures within 30 days. If 39 signatures cannot be acquired, the fire district automatically becomes an entity; if 39 signatures are acquired, then a special vote will be held no later than 90 days after the resolution; however, this special election will not meet the town budget timeline and will put the creation of the fire district off until 2022.

Liaison Report – There was no report available.

New Business –

Guest Will Bradley

W. Bradley spoke about his plans for the property at 5617 Belvidere Road (former Ivan Cherry property). He had been invited to meet with the planning board following condemnation of the above referenced property, and complaints of doing roadside business at that location. W. Skinner, planning Board chairperson, informed W. Bradley that there was a Land Use law in effect, and that the property land use stated as Residential in the real property tax records was no longer valid; she also stated that the property issues were with the landowner, and not W. Bradley; W. Bradley presented an affidavit of ownership to the board, signed by the property owner, Roland Tobler, and stated that he was responsible for the property through an agreement with R. Tobler. W. Bradley disclosed that he would no longer do roadside sales at the site, that he had no intention of repairing the house and/or using the property as Residential; he hoped to create an off-road antique shopping experience, but would use the property as storage until he could finish sorting and cleaning it up. At the point, he would file a Site Plan Review Application for the board to consider. J. Clouse (CEO) and D. Serra (LUO) recommended changing classification of the property to vacant / waste land.

Old Business

Update on Quicklees

J. Clouse reported that Quicklee's site is scheduled to open within the next two weeks; required documents to complete the file are forthcoming; Dunkin' Donuts has not committed yet due to some corporate restructuring; in the meantime, the DD area separation wall will be put in place in preparation for the build-out. J. Clouse again commended the Quicklee's construction process and team for their professionalism and cooperation.

Update on Tuckers Corners Property

C. Plummer failed to comply with attorney request to submit a Site Plan Review Application within 30 day. W. Skinner presented enforcement options to the board. She also shared property information acquired form discussions with the town assessor (see attached report that was submitted to the town board).

After reviewing all options, a motion was made by D. Serra, seconded by J. Maynard, that:

- J. Clouse and D. Serra complete the required annual commercial property inspection.
- J. Clouse and D. Scrra encourage the property owner to fill out the Site Plan Review Application
- J. Clouse and D. Serra contact property lessee O'Connell Electric and ask them to complete a Site Plan Review Application for use of the property

Vote: Yes – 6; No – 0; Motion carried

Failure to comply by property owner will result in subpoena for court appearance and/or fine.

Other Business

Sign Permit application/ Site Plan Review for Mattress Express

W. Skinner asked if there was a Site Plan Review Application on file for Mattress Express. The commercial property use has not been reviewed at this time. J. Clouse and/or D. Serra should coordinate a time to meet with property owner and provide him with a welcome card and site plan review application.

Executive Session

Motion by J. Clouse, seconded by D. Serra to move to executive session to discuss a personnel matter. Vote: Yes – 6; No – 0; motion carried. Executive session opened at 8:20 PM.

Motion to close executive session by J. Maynard; seconded by G. Hanchett. Vote: Yes – 6; No – 0; motion carried. Executive session closed at 8:50PM.

Next Meeting *Thursday, September 17, 2020 @ 7 PM*

Adjournment Motion to adjourn by D. Serra; seconded by J. Clouse; motion carried 6-0.
Meeting adjourned at 8:55 PM.

Respectfully submitted,

Wendy Skinner

TOWN OF AMITY PLANNING BOARD

Report for 8-10-2020

UPDATES

Tuckers Corners -P-MAC Welding Services property

- Property owner received notice from town attorney to comply with Local Law 1-2017 Land Use Law and submit an application for Site Plan Review for new use of property (industrial storage yard)
- Town attorney contact W. Skinner to inquire of status, and commented it was unfortunate that the property owner failed to respond
- As of today, property owner has not submitted application and is subject to fine and /or other enforcement measures
- Planning Board has informally had discussions about next step, and will decide at meeting on 8-13-2020; the board is leaning towards having the Code Enforcement Officer (John Clouse) and Land Use Officer (Doug Serra) perform annual commercial property inspection, perhaps accompanied by law enforcement (sheriff deputy); at this time property owner could be reminded to complete application, with possibility of fee being waived *UNLESS THE TOWN BOARD PREFERS ANOTHER APPROACH*
- W. Skinner looked up the parcel in the real property data base, and also contacted town assessor Joe Danheim, to confirm property lines; (the tax parcel address is on Belvidere Rd., and the business address is on Tuckers Corners Rd – with no tax parcel associated with that address).
- In doing the commercial inspection, Planning Board would like to know where the tanks listed as Improvements on the tax record, are located on the property. J. Danheim did not have information regarding that except for a note from a previous assessor asking where the tanks were located.
- An issue for discussion:
The property was purchased September 13, 2017; the final adoption of the Land Use Law was November 13, 2017; does this make the property use “grand-fathered” for current use as P-MAC Welding Services (was not able to obtain information regarding date the business started there; was also not able to obtain information as to whether the property was vacant before purchase, or still in use by Blades Corporation)?

Former Ivan Cherry Property

- The property was visited by John Clouse and Doug Serra last year; buildings were condemned, and the person working there was given time to clean up the property
- The property was condemned two weeks ago; and person doing business there was advised that the public should not be on the property
- The Planning Board will discuss next steps at 8-13-2020 meeting; the board is leaning towards having the attorney send a letter (similar to the one sent for property mentioned above), informing both the property owner and person selling goods that :
 - the land is not being used as “Residential” property as described in real property tax record;
 - that a Site Plan Review Application should be submitted to the planning board if the owner and person doing business there want to continue to do so
 - that the property has been condemned, and risk and liability falls on them in the event of an accident, etc.