

Montgomery County Planning Board
Meeting Minutes
June 28th, 2018

MEMBERS PRESENT:

Wayne DeMallie, Chairman
David Wiener, Member
Mark Hoffman, Member
John Lyker, Member
Erin Covey, Member
Robert DiCaprio, Member
Jim Post, Alternate

STAFF MEMBERS PRESENT:

Amanda Bearcroft, Senior Planner
Karl Gustafson, Grant Assistant

ABSENT:

Betty Sanders, Alternate
Irene Collins, Member
Ronald Jemmott, Vice-Chair

OTHERS PRESENT:

Michael Ottati, Owner of Mini Kwik
Richard Altieri, Altieri's Auto
Anthony Altieri, Altieri's Auto
Stefanie D. Bitter, BPSC
Peter Yeslay, First Hartford
Alanna Moran, VHB

I. Call to Order

The meeting was called to order by Chairman DeMallie at 6:30pm.

II. Adoption of Agenda

Motion was made by Mark Hoffman seconded by Robert DiCaprio, to adopt the agenda. All other members present were in favor.

III. Minutes

Motion was made by John Lyker, seconded by Erin Covey to accept the May 24th, 2018 meeting minutes. All other members were in favor.

IV. Public Comment

Richard Altieri from Altieri's Auto explained that the Altieri family business has been in Amsterdam for 63 years. Mr. Altieri stated that the city has changed the zoning of their properties and that the Altieri family missed the opportunity to get a special use variance. Mr. Altieri also explained that vehicles have been removed off of the Bridge Street location. Mr. Altieri asked for the board to consider a variance and without it, the business would go under.

Michael Ottati, the owner of Mini Kwik gas station on Route 30 in Amsterdam, had concerns about the proposed Cumberland Farms site location at the intersection of Wallins Corner Road and New York State Route 30. Mr. Ottati explained that this intersection is already very busy with multiple other businesses in the surrounding parcels such as 518 Grille, Liberty Fresh Market and

Amsterdam Print right down the road. Mr. Ottati believes that the entrance and exit points on Wallin's Corner Road will be very confusing and chaotic. Mr. Ottati also mentioned a letter that was written by Lou Moshier stating the same concerns he has brought up.

V. Referral City of Amsterdam – Altieri 42-46 Bridge Street

Ms. Amanda Bearcroft stated that the Altieri property on Bridge Street is looking for a special use permit for the continuation of non-conforming use of external storage of towed-in vehicles.

Ms. Amanda Bearcroft reiterated to the board that when making decisions on referrals the board should follow the 249-L process. Ms. Bearcroft stated that there are two referrals from the City of Amsterdam Planning Commission and one referral from the City of Amsterdam Zoning Board of Appeals. Ms. Bearcroft explained that the City of Amsterdam's code was updated last year on December 19th, 2017. In Section 70, it states that the city prohibits junkyards and any outdoor storage facilities in any zone except Light Industrial. Ms. Bearcroft stated that the existing business, if not granted a special use permit will have three years from the time the Zoning Code was adopted to keep their non-conforming business. On December 19, 2020, the non-conforming business will have to shut down.

Erin Covey asked if the business owner could sell the property with it being out of compliance. Ms. Bearcroft stated that they can sell the existing property and the buyer would have to follow the zoning code.

Robert DiCaprio explained that the purpose of the City of Amsterdam's rezoning was to follow the comprehensive plan the City passed years ago. Mr. DiCaprio stated that it is crucial that not only does the Planning Board look at this generation but for future generations to create smart growth. Mr. DiCaprio has concerns with the Bridge Street property because of the perimeter of other development in the area. Mr. DiCaprio pointed out that the tenant at the Bridge Street location does take care of the property but asked the board if it would be a hindrance for smart growth.

Mark Hoffman asked Anthony Altieri if there were notified of the zoning change. Mr. Altieri said the business was notified in 2016 that they were breaking the law on one of their existing properties and they must move 350 cars off the lot in 30 days. Mr. Hoffman stated that it is very tough to take an established business away from the City they've been in for more than 60 years, but it's ultimately up to the City of Amsterdam to make that decision. Mr. DiCaprio asked Ms. Bearcroft to explain the DC district that the Bridge Street parcel is located in. Ms. Bearcroft explained that the DC district is the Downtown Core

district. The zoning was meant for creating a new downtown for the Southside of the City. The main focus of the area is on the new development happening and bringing more people to the Southside.

Erin Covey asked if this referral was denied, would there be another open parcel on the Southside. Ms. Bearcroft stated that no matter what the Planning Board decides on tonight, the municipality will have the end say.

David Wiener pointed out the inconstancies in the City of Amsterdam's decision making and how they have gone against the Planning Board in the past. Mr. DiCaprio stated that the City is taking out uses that they see will stunt the growth of the Southside. Jim Post brought up that the Planning Board agreed with the updated version of the City's Zoning Code and that referrals have come before us that appeal the plan. Mr. Post's recommendation to the Board is to deny the use permit and ultimately let the City of Amsterdam make the final decision.

A motion was made by Robert DiCaprio, seconded by Wayne DeMallie to deny the special use permit for Altieri's 42-46 Bridge Street property.

Roll call vote:

Erin Covey-Nay
Mark Hoffman- Aye
David Wiener- Nay
John Lyker-Aye
Robert DiCaprio-Aye
Wayne DeMallie- Aye

The Altieri 42-46 Bridge Street referral was denied.

VI. Referral City of Amsterdam – Altieri River Street

Ms. Bearcroft explained that Altieri's River Street location is looking for a special use variance for the current impound lot. The proposed use is in violation of Section 250 of the zoning ordinance of the City of Amsterdam. Ms. Bearcroft explained that the City ZBA is proposing all impounded vehicles to be behind the property line and the road way of the property as a condition.

Mr. Jim Post asked what the exact address of the facility was. Ms. Bearcroft said there was no number on the location, but that it was just River Street.

Robert DiCaprio asked Mr. Altieri how many cars have been on this lot at one time. Mr. Altieri answered that there have been 350 cars on the lot at one point. Wayne DeMallie asked how many does Mr. Altieri anticipate to have on his lot. Mr. Altieri said he will have a lot less because he is no longer in the salvage yard business. Robert DiCaprio also asked

if the road leading to the property was a paved road, Mr. Altieri answered that the center road is paved.

Robert DiCaprio stated that the Planning Board should consider letting the impound car lot continue but to work with the Planning Commission to keep the site clean. With the facility downsizing to 35 cars, Robert DiCaprio recommended special screening and plantings.

Ms. Bearcroft asked if Mr. Altieri had a contract with the New York State Thruway that required him to take a specific amount of cars per month. Mr. Altieri said that he would only get cars as needed. Mr. Altieri also explained that this is why they bought another lot, in order to take the thruway contract they needed to expand to hold all of the cars. Robert DiCaprio asked how many cars were at the lower lot. Mr. Altieri stated that he would keep 80-120 cars there because he was keeping the corner used car lot looking clean. Mr. Altieri explained that since the City told him he couldn't use his lower lot, he had to move the cars to the auto body shop.

A motion was made by Robert DiCaprio, seconded by Erin Covey to approve of granting a special use variance to the Altieri's, with a recommendation to work with the planning commission to keep the site clean and recommend more screening by Altieri's.

Roll call vote:

John Lyker- Aye
Erin Covey- Aye
Mark Hoffman- Aye
Robert DiCaprio- Aye
David Wiener- Aye
Wayne De Mallie- Aye

The Altieri River Street referral was approved with modifications.

VII. Referral City of Amsterdam- Altieri Auto Shop, 1 Erie Street

Ms. Bearcroft explained that Altieri's Auto Shop wants a special use permit for the continuation of non-conforming use of the automobile body shop and external storage of vehicles. The auto shop is currently in the DC (Downtown Core) district of the City of Amsterdam. Ms. Bearcroft explained that the board could recommend any type of suggestion such as more screening or a limit on cars etc.

Ms. Bearcroft explained that cars from the previous referral location were moved to this lot. Mr. Altieri explained that most of the cars that are brought to the lot only sit there for 10-15 days, and that he doesn't bring them to the lower lot because he would have to get it from the lower lot in the near future. Mr. Altieri then explained that if a car sits for more than 30 days he will move it to the lower lot. The cars that will be at the Auto Shop will be only ones that are towed in from off the thruway.

Wayne DeMallie asked if the property was fenced in, Anthony Altieri explained that both lots were fenced in.

John Lyker explained to the board that the Altieri's keep this site clean and says that they bring in more money to the City than the smart growth plan that the city accepted. Ms. Amanda Bearcroft made it clear that the Altieri business is not grandfathered in.

A motion was made by Erin Covey, seconded by Mark Hoffman to approve of the special use permit with a recommendation that the Altieri business when they go to sell the property that it goes back to the 'Downtown Core' district and to work with more screening around the property to prevent any visible cars behind the shop.

Roll call vote:

David Wiener- Aye
Robert DiCaprio- Aye
John Lyker- Aye
Erin Covey- Aye
Mark Hoffman- Aye
Wayne DeMallie- Aye

The Altieri Auto Shop referral was approved with modifications.

VIII. Referral Town of Amsterdam- Cumberland Farms Site Plan

Stefanie Dilallo Bitter, of Bartlett, Pontiff, Stewart, & Rhodes, P.C., presented the site plan for a new 5,275-square-foot Cumberland Farms convenience store with a four-pump fuel island at 4855 Route 30 in the Town of Amsterdam. Ms. Bitter explained the two entrances into the site, with a right in and right out on the Wallins Corner side, and another entrance on the Route 30 side. Ms. Bitter said she reached out to Eric Mead, Commissioner of the County's Department of Public Works, prior to the meeting to describe the proposed project with him and to tell him that NYS Department of Transportation was supportive of their traffic access plan.

Robert DiCaprio asked how they came up with the square footage numbers for the building. Ms. Bitter responded, that the building is based off of other Cumberland Farms that have been built, but made it clear that it will almost double the one located in downtown Fonda. The exact square footage of the building is 5,275 ft. Cumberland Farms has made it a point to extend the parking for neighboring properties to make the circulation of traffic flow better.

Robert DiCaprio asked where the gas tanks were located and how were the trucks going to enter and exit the station. Ms. Bitter explained that there are two 20,000 gallon tanks in the western part of the site closest to Route 30.

Wayne DeMallie asked if trucks would be coming off of Route 30 into the site. Peter Yeslay from BPSC stated that the trucks have to unload on the passenger side of the truck so all trucks would be coming from Wallins Corner Rd. The fueling vehicle would exit onto Route 30.

Jim Post made a point about the gasoline trucks entering and exiting when they are refilling the gas tanks. Mr. Post was worried about the right in and right out entrances for the trucks and if they didn't use that entrance, then the trucks would have to use the Route 30 entrance: which would lead to crossing in between two to four lanes of traffic. Ms. Bitter said that they can make an internal decision on making the site more traffic friendly. Ms. Bitter also explained that the gasoline trucks will be filling the tanks at least busiest time of the day, either late at night or early in the morning.

Ms. Bearcroft pointed out that the Cumberland Farms that is located in Fonda, is much smaller than the one that is proposed.

Robert DiCaprio asked why there were parking spots extended off to the south side of the building. Ms. Bitter explained that the extra parking spots are for the neighboring tenants and can be used by the neighbors at any time. There will be approximately 36 parking spots for the neighboring tenants.

Alanna Moran from VHB explained that the fueling trucks will be coming at non-peak hours of the day, for example they won't be refueling on a Friday afternoon or a Sunday Afternoon. Robert DiCaprio asked if they have talked to DOT about the right in and right out off of the site. Alanna Moran spoke with Joe Sortino from DOT and he said there was no problem with the right in and right out on the site.

A motion was made by Mark Hoffman, seconded by David Wiener to approve the Cumberland Farms Site Plan.

Roll call vote:

Erin Covey- Aye
Mark Hoffman- Aye
John Lyker- Aye
Robert DiCaprio- Aye
Wayne DeMallie- Aye
David Wiener- Aye

The Cumberland Farms Site Plan referral was approved.

IV. Other Discussion

The Chairman stated that the next Planning Board meeting will be held on Thursday, July 26th, at 6:30pm.

V. Adjourned

A motion was made by Robert DiCaprio, seconded by Erin Covey, to adjourn the meeting at 7:53 p.m. All other members present were in favor.

Respectfully submitted

Karl Gustafson Jr.
Grant Assistant