



TOWN OF AMENIA

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ZONING BOARD OF APPEALS MEETING MONDAY, March 15, 2021

PRESENT: Acting Chairman – David Menegat – VIA ZOOM
Member - Paula Pelosi – VIA ZOOM
Member - Jim Wright – VIA ZOOM
Member – Tracy Salladay – VIA ZOOM
Member – Chairman – Terry Metcalfe

ABSENT: James Walsh – Alternate Member
Brad Rebillard – Alternate Member

ALSO PRESENT: Rob Stout – Attorney VIA ZOOM
Judy Westfall – ZBA substitute secretary &
ZOOM ADMINISTRATOR-Town Hall
Mary Steblein – NYSEG VIA ZOOM
Tammy Kelley – NYSEG VIA ZOOM
Scott Reinhart – NYSEG VIA ZOOM

Acting Chairman, David Menegat, opened with The Pledge of Allegiance was recited and the meeting began at 7:10pm VIA ZOOM (recorded). A quorum was confirmed. A motion was made and carried to open the Public Hearing for the NYSEG – Substation Expansion Variances. Judy confirmed that there were no inquiries and no public present on ZOOM. J. Wright made the motion, seconded by P. Pelosi to close the Public Hearing, which carried. Rob Stout asks if the Board would find it helpful if the applicant would make a brief outline of the variances sought. Tracy had some late questions emailed. Rob asks the board when to address them. Dave Menegat asks Rob to address them now for the purpose of the Board's decision. The first question was on 121-12.1 for traditional neighborhood development standard. The design guidelines themselves mention fences being no higher than 4 feet. This was in response to Rob's clarifications on the 6 variances being sought. This variance is being sought for the setback requirement where there is a fence. The Planning board can take that into consideration as part of their site plan and special use approval, not that the ZBA needs to grant express relief from. The NYSEG Substation is considered a Public Utility Facility. These are permitted in the "HR" Zoning District by Special Permit issued by the Planning Board. There are not any non-conformances with respect to the USE, but are some with respect to the area requirements. This brings up the question of whether or not there can be an expansion by more than 50%. It is not the case that it is a non-conforming use. The Planning Board was recommended to have the ZBA expand the use variances for AREA non-conformances and that's the reason for seeking the variances. Jim Wright suggests that the variances are not presented again to the board. Dave asks the Board if the draft resolution could be voted on at this time. Rob Stout reads the five criteria in the resolution for each of the 6 variances as written. (See below)

Pursuant to Section 121-59(D)(2) of the Town of Amenia Zoning Code, the Board considered the benefit to the Applicant if the variance is granted, as weighed against the detriment to the health, safety, and welfare of the neighborhood or community of such grant. For the following reasons the Project will not detrimentally affect the health, safety, and welfare of the neighborhood or community:

(a) Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

No undesirable change or detriment will be produced in the character of the neighborhood or to nearby neighbors from the grant of the area variance. The Applicant notes that the lighting will not spill beyond the substation yard and will not impact nearby property owners.

(b) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance;

There is no other feasible alternative method to expand the Amenia Substation and respond to increased load other than the plan submitted by the Applicant.

(c) Whether the requested area variance is substantial;

The area variance is not substantial. It is a 5-foot increase in the maximum allowable exterior lighting fixture height requirement.

(d) Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

The proposed area variance will not have an adverse effect on the surrounding neighborhood or district. The Amenia Substation is an existing use that is being expanded out of necessity to respond to increased use. The lighting is necessary for the expansion. The physical and environmental conditions of the Property will not be impacted by this variance, and the lighting will not spill beyond the substation yard.

(e) Whether the alleged difficulty was self-created, which shall be relevant to the decision of the Board but which shall not necessarily preclude the granting of the area variance.

The difficulty is self-created, by virtue of the Applicant's desire to expand the existing substation to respond to current need. However, expanding the existing Amenia Substation is preferable to and will likely result in less environmental impacts than constructing a new substation on an undeveloped lot. In addition, the difficulty does not detrimentally affect the health, safety, and welfare of the neighborhood or community and therefore shall not preclude the granting of this area variance. A motion was made by Paula, seconded by Jim and carried to approve the resolution to approve the variances requested by NYSEG to complete the application for the substation expansion. No further discussion on the variances and the resolution will be signed by Judy and filed with the Town Clerk. Resolution #2 **Memorializing Determination to Grant Six (6) Area Variances Related to Proposed Modifications to the Existing Amenia Substation.**

The foregoing resolution was voted upon with all members of the Zoning Board of Appeals voting and signing as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Terry Metcalfe, Chairman	X____	_____	_____	_____
David Menegat	X____	_____	_____	_____
Paula Pelosi	X____	_____	_____	_____
Jim Wright	X____	_____	_____	_____
Tracy Salladay	X____	_____	_____	_____

The Board went into Executive Session for Potential Litigation Purposes. Discussion ensued.

The Minutes of the February 8, 2021 meeting VIA ZOOM were approved as presented by motion made and seconded.

The Meeting was adjourned by motion made and seconded at 7:35pm. The next meeting is scheduled for April 19, 2021 at 7pm.

Respectfully Submitted,

Judith Westfall
Zoning Board of Appeals Substitute Secretary

The foregoing minutes are taken from a meeting of the Zoning Board of Appeals held on March 10, 2021 and are not to be construed as the official minutes until approved.

_____ Approved as read

____ _ Approved with: additions, corrections and deletions