



TOWN OF AMENIA

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Amenia Town Clerk

TOWN OF AMENIA ZONING BOARD OF APPEALS

Resolution # 1 for 2022

Resolution Memorializing Determination to Grant Area Variance Related to Existing Side Yard Setback

January 10, 2022

WHEREAS, by Application dated December 7, 2021, Joseph Fontaine (the "Applicant") applied for an area variance to address an existing twenty six and seven tenths (26.7) foot side yard setback where thirty feet (30) is required in the Suburban Residential District, related to property located at 21 Folan Road, Tax Parcel ID: 132000-7168-00-197209 (the "Property"); and

WHEREAS, the Application provides that the setback deficiency is the result of contractor error during the construction of the home, the deficiency was not previously noted and a certificate of occupancy issued for the Property;

WHEREAS, Pursuant to 6 NYCRR Part 617.5(c)(11), (16) and 17, this action is a Type II action pursuant to the New York State Environmental Quality Review Act ("SEQRA"), and is thus not subject to review pursuant to SEQRA and its implementing regulations; and

WHEREAS, a public hearing was held on the Application on January 10, 2022, and the public was invited to comment on the Application at the hearing or submit comments prior to the hearing for consideration by the Board; and

WHEREAS, at its January 10, 2022 meeting, the Board made the findings below, which are being memorialized by this Resolution.

NOW THEREFORE, BE IT RESOLVED, the Board finds that the granting of the requested area variance will not result in a detriment to the health, safety, or welfare of the neighborhood or community. In so finding, the Board notes that granting of the variance will not create an undesirable change in the character of the neighborhood, nor will there be a detriment to nearby properties; that the granting of the variance will not result in any physical work or new construction; that the variance is not substantial; that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood; and that the difficulty is self-created, by virtue of the existing location of the house. The Board finds that on balance, the Applicant's request for an area variance shall be granted; and

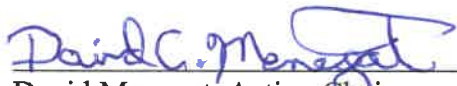
BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed in the

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.

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>
David Menegat, Acting Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Terry Metcalfe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paula Pelosi	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tracy Salladay	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dated: January 10, 2022
Amenia, New York



David Menegat, Acting Chairman
Town of Amenia Zoning Board of Appeals