



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
(845) 373-8860, Ext. 122 Fax (845) 789-1132

ZONING BOARD OF APPEALS MEETING MONDAY, November 21, 2022 6:00 P.M – IN-PERSON and VIA ZOOM

REGULAR MEETING: PUBLIC HEARING:

- 1. WHALEN / SILAND -4651 Route 22 – Area Variance Request
For setbacks AND fence height of 8'**

REGULAR MEETING: PUBLIC HEARING:

- 2. MAPLEBROOK SCHOOL – 94 Old North Rd – Area Variance
Request for Maintenance Barn**

OTHER MATTERS: Minutes 10/17/22



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ZBA MEETING MONDAY, November 21, 2022 IN-PERSON at Town Hall

PRESENT: John T. Metcalfe
Tracy Salladay
David Menegat
Paula Pelosi

VIA ZOOM From Potomac, MD: James Wright

OTHERS PRESENT: Melissa Cherubino – ZBA attorney, sitting in for Rob Stout from Whiteman, Osterman & Hanna

Patrick O’Leary – SILAND (engineer) – Representing Whalens
Jim Whalen – Owner neighboring SILAND property
Kenneth Hale - Business Manager, Maplebrook School
TJ Fassone – Assistant Business Manager – Maplebrook
Brian Watts, Day & Stakosa Engineering (for Maplebrook)
Fred Lattrell - Neighbor 75 Old North Rd
Stephen Witters -5118 Route 22

ZBA Chairman, Terry Metcalfe opened the meeting at 6:00pm with the Pledge of Allegiance with James Wright joining via ZOOM. A motion was made by D. Menegat, seconded by P. Pelosi and carried to open the Public Hearing for the SILAND/ Whalen Application for variance for setbacks and fence height for the property at 4651 Route 22, Amenia. Chairman Metcalfe asks Patrick O’Leary, Engineer from VHB, for a brief presentation of any new documents since the application was filed. Patrick states that the original application was just for a variance for the fence height, but it was pointed out by R. Stout that there is a need for a variance for the fence and that it is allowed within the rear yard and side yard setbacks. He also submits the latest copy of the EAF for the record. The Public Hearing Notice was sent out accordingly per this revision. This variance will

- Have no detriment to property values for adjacent properties
- Have no impact on Public Health, Safety & Welfare

- The fence is back from the roadway and is not in a sight line issue
- (Fence) will be seen and noted as an improvement to the Whalen’s property
- This is unsubstantial will have no other impact on other variances within the community.

There were no questions from the board on this brief presentation.

Chairman Metcalfe asked for any comments from the Public. There were no comments. A motion was made by P.Pelosi, seconded by J. Wright and carried to close the Public Hearing. Paula asks a question about the language in the proposed resolution...”this difficulty is self created”. She asks why that is? M. Cherubino explains the reason being is according to NYS Zoning laws, that it is to do with the existing business (SILAND) but on Whalen’s property. .

Chairman Metcalfe the reads aloud the proposed Resolution Memorializing Determination to Grant Area Variances Related to Side and Rear Yard Setbacks at 4651 Route 22.

The resolution was voted upon with all members of the Zoning Board of Appeals voting and 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____	_____	_____	_____

Chairman Metcalfe then went on to the next agenda item which was the Maplebrook School Maintenance Barn Application. A motion was made by P.Pelosi, seconded by T. Salladay and carried to open the Public Hearing for this matter. Brian Watts, from Day & Stakosa Engineering gave a brief presentation about the application. Maplebrook is seeking a variance for the construction of a 2,400 sq.ft. Maintenance barn (storage facility). Per Town of Amenia Zoning Code in the SR or RR Zoning districts, a building such as this has a limit of 1,000 sq.ft. for an accessory structure. Thus, they are seeking an area variance of the difference; 1,400 sq.ft. The address for the project is 94 Old North Rd which is in the RR Zoning District. The Maintenance facility is proposed to be on Moore Drive (southern edge

of the main campus), directly behind the residence on Old North Rd. This location is the farthest from the Main Campus on the same side of NYS Route 22. (East). B. Watts makes several points in his brief presentation:

- The proposed building is just to house equipment and materials for repair & maintenance
- The proposed building will have 4 bays
- There will be a gravel egress area to access the building
- Nothing will be stored outside
- The proposed building is less than .25 acre disturbance, and will involve removal of only 10-12 trees

A member of the public, Fred Lattrell from 75 Old North Rd asked the chairman is he could speak. Chairman Metcalfe opened the meeting for Public Comment. Mr. Lattrell is concerned about:

- the zoning laes for RR and SR districts and a building of this size.
- That a building of this size will have a major impact on the value of his property and also have an impact on his property if it is accessed from Old North Rd.
- Is this variance specific to just one building (for construction)
- Will there be any chemicals stored inside the building? Vehicle oils, fuel oil, etc.
- Is this the best site for this – on Maplebrook’s campus?
- Will there be deliveries made to this facility? Causing more traffic?
- Wants to know distance from NYS Route 22 to the back of the proposed barn. Drawing states it is 335 feet.
- What about the nearby walking path from the NYS route 22 intersection?

B. Watts and K, Hale both speak of the careful planning and placement of the Maintenance Barn on the property, in that it is farthest away from the main campus and not on the main driveway in and out of the campus. It is on the service entrance/exit road or Moore Dr. which is farthest away from the rest of the campus and pool, etc. The deliveries that are being made at present are all made to the main campus now and will continue to be made there. UPS, Kitchen, Uniforms, Pool supplies and chemicals, Cleaning supplies, etc.

When asked about lighting, it was explained that there will be motion sensor lighting from the barn itself. It will all be down lit / dark sky lighting to be shown ONLY on the Maplebrook side of the building. Ken Hale also explained that anytime they do anything to the Maplebrook Property, they have to come before the Planning / Zoning Boards because the entire campus is zoned “RR” Rural Residential and the code doesn’t allow for anything without site plan approval and/or variances. Mr. Lattrell’s questions and concerns have been addressed and he is ok with the proposal. Another property owner, Stéphen Witters from 5118 Route 22 spoke about his concern that the proposed maintenance barn would be located on the corner of Old North Rd and NYS Rt 22. He had not seen the plans, so he was happy to hear all of the details of the proposed project. Ken and Brian both said that they are trying to hide this and not make it visible(like on a corner of an intersection), they are also going to keep it yellow like all of the

other buildings on campus. Chairman Metcalfe asks Ken Hale for a copy of the Master Plan. Ken says he gave one to the Planning Board in 2019 or 2020. He will get that to him with this building added to it. He states that there are no other projects that they are anticipating. Tracy asks if this decision goes to the Planning Board after they make a decision. Chairman Metcalfe answers, "No" ...this is the final decision in the project. When the resolution for the area variance is approved is they can then obtain a Building Permit for the Accessory Structure. She questions the setback requirement. It is stated by Ken Hale that the 50' setback is met and that is Maplebrook's property as well. It was discussed that no movement of the building to the setbacks would make the proposed building less visible. Terry asks about the shaded area on the map. Brian describes the area as the "gravel driveway area." Melissa Cherubino suggests that Chairman Metcalfe read through and discuss the "Findings in support of Variance Approval" supplied with the Resolution.

FINDINGS IN SUPPORT OF VARIANCE APPROVAL

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;

(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;

(c) Whether the requested area variance is substantial;

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

(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.

Chairman Metcalfe adds that all of the above have been taken into consideration per the discussion outlined in the above minutes.

Tracy asks if granting this variance for one building will be a precedent for others to receive the same? M. Cherubino speaks to the issue. This discussion item was meant to be for the same parcel that the application is for at Maplebrook, not another as Tracy is inquiring about. So, for the same parcel, other structures could be proposed and would need building permits as well, she says they are not likely to pursue another building over 2,000 sq.ft. Chairman Metcalfe says as far as precedents being set, he does not hold to many of these in the Zoning Board of Appeals area. Each project is its own entity and in its entirety. Nothing is compared to or likened to another. With that statement, A motion was made by P.Pelosi, seconded by J.Wright

and carried to close the Public Hearing on the Maplebrook School Maintenance Barn application. Chairman Metcalfe reads aloud the resolution:

Resolution Memorializing Determination to Grant An Area Variance Related to An Accessory Structure located at 94 Old North Rd, Amenia NY for Maplebrook School. The resolution was voted upon with all members of the Zoning Board of Appeals voting and 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___	_____	_____	_____

A motion was made by D. Menegat, seconded by J.Wright and carried to approve the Minutes of the 10-17-22 ZBA Minutes as submitted.

The final motion of the evening was made by P.Pelosi, seconded by T.Salladay and carried to adjourn the meeting at 6;47pm. ZBA Secretary, J.Westfall will be in touch if there will be a meeting in December.

Respectfully submitted



Judith Westfall
ZBA Secretary