



TOWN OF AMENIA

ZONING DEPARTMENT

4988 Route 22, AMENIA, NY 12501

TEL: 845-373-8860 x122 FAX: 845-789-1132

E-MAIL: jwestfall@ameniany.org WEB: www.AmeniaNY.Gov

NOTICE OF PUBLIC HEARING TOWN OF AMENIA ZONING BOARD OF APPEALS

AREA VARIANCES RELATED TO PROPERTY LOCATED AT 546 SMITHFIELD VALLEY ROAD, AMENIA NEW YORK

NOTICE IS HEREBY GIVEN that, pursuant to Section 121-59(G) of the Town of Amenia Zoning Code, a public hearing will be held by the Zoning Board of Appeals (ZBA) of the Town of Amenia, New York, on June 20th, 2023 at 6:00 PM.

Applicant Peter Kross seeks two area variances from the Zoning Law with regard to Applicant's request to install a swimming pool 47' from the rear property line and 15' from the side property line, where a minimum rear yard setback of 50' and minimum side yard setback of 30' are required. The parcel is in the Rural Agricultural (RA) Zoning District and in the Historic Preservation Overlay Zoning District. Applicant seeks an area variance of 15' from the side setback and 3' from the rear setback requirements pursuant to Zoning Law Section 121-30F which requires accessory structures to meet the setbacks of principal structures listed in the Dimensional Table of the Zoning Law Section 121 Attachment 2. The property is located at 546 Smithfield Valley Road, Tax Parcel # 132000-7068-00-217671-0000, Amenia, NY.

A copy of the application is on file in the Planning/Zoning Office, 2nd Floor for public viewing and inspection, Monday-Thursday, 9-3 P.M by appointment. Please call 845-373-8860 X 122



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
(845) 373-8118, Ext. 122-124 Fax (845) 373-9147

Amount Requested: \$ 2,500.00

Minimum Balance: \$ 2,500.00

The Town of Amenia Zoning Board is currently reviewing your application for _____ in ground swimming pool _____ . This Board is requesting that you place in escrow sufficient funds to be used to defray reasonable costs incurred by the Town for professional services and inspections required throughout the entire review process, as authorized by the Town Code of the Town of Amenia. Based on estimated review costs, you are requested to deposit \$2500.00 in the escrow account. Should the balance of this account fall below \$500.00, you will be notified and requested to replenish the account to the requested amount.

The escrow account does not provide for the other development, application and filing fees set forth in the Town of Amenia Town Code and Schedule of Fees. The applicant must make timely, direct payment of those other fees as a prerequisite to continued review of the application.

All parties agree to the terms and conditions stated herein.

Town of Amenia Zoning Board

Applicant

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district because: there will be no impact on any other properties

PREVIOUS APPEAL

A previous appeal _____ has has not been made with respect to this decision of the Building Inspector or with respect to this property-

Such an appeal(s) was (were) in the form of:

- A requested interpretation _____ Appeal No. _____ dated _____
- A request for variance _____ Appeal No. _____, dated _____

ESCROW FOR PROFESSIONAL SERVICES

Date:

May 1, 2023 _____

Applicant:

Peter Kross _____

Project Name:

Smithfield Valley Schoolhouse Swimming
Pool _____

Location:

546 Smithfield Valley rd, Amenia NY
12501 _____

Description of Project: in Ground Swimming Pool

B. REVERSAL OR MODIFICATION of a decision of the code Enforcement Officer is requested because: The installation of a swimming pool is desired in a sunny location that includes use of set back restricted areas

C. A USE VARIANCE is requested for these reasons (all blanks must be filled in)

1. The applicant cannot realize a reasonable return from the property for any use allowed by the Zoning Law because:

The property was acquired in the year 2017 650,00 dollars. The applicant has invested 70,00\$ in the property since that time, and the largest return than can be expected from using the property as a (most valuable use allowed by the Zoning Law) is per year. The value of the property under the current Zoning Law, as determined by competent financial evidence submitted herewith, is \$ The expected return and/or property value from other uses allowed by the Zoning Law ranges from \$ to \$

(Please attach a list of all permitted and special permit uses and their probable return and value).

2. The hardship relating to this property is unique, and does not apply to a substantial portion of the district or neighborhood because: it is a very small acreage
3. The variance will not alter the essential character of the neighborhood because: the pool will not be visible unless inside the yard
4. The hardship is not self-created because: the set backs are substantial

ZONING BOARD OF APPEALS APPLICATION

D. AN AREA VARIANCE is requested for these reasons:

1. If the variance is granted, the applicant will have the following benefit: enjoyment, exercise and relaxation
2. There will not be an undesirable change of the neighborhood or a detriment to nearby properties because: i am a senior citizen and there will not be loud music or children
3. The applicant cannot attain the benefit of having the variance by any other method because: zoning rules apply

Accessory Structure (CANOPY)

Location: Front Yard Side Yard Rear Yard

Height: _____

Existing stories ft. Proposed stories ft.

Distance from:

Front Lot Line: Existing ft. Proposed ft. _____

Side Lot Line: Existing _____ ft. Proposed _____ ft.

Rear Lot Line: Existing ft. Proposed ft. Main _____

Other Accessory

Structures: Existing _____ ft. Proposed ft. _____

Building: Existing _____ ft. Proposed ft.

2. ATTACHED, MULTIPLE AND JOINT OCCUPANCY BUILDINGS ONLY

Useable
Space:

Open

Required:	Width		Depth _____ ft.	Area	ft.
Proposed:	Width	ft.	Depth _____ ft.	Area	ft. _____
Existing:	Width	ft.	Depth _____ ft.	Area	ft. _____

Number of habitable rooms in each dwelling unit (list each unit separately)

1. SPECIFIC RELIEF REQUESTED (Complete where applicable, attach additional sheets if necessary)

A. Interpretation of the Zoning Law is requested because: the lot size is very limited and the set backs are large

1. DESCRIPTION OF PREMISES

Size of Lot.75 acres Width 134 ft. Depth 588 ft Area 78,790 sq. ft.

Coverage (portion of lot occupied by all structures)

Max. allowable	sq. ft.	per cent	Proposed
Existing	sq. ft.	per cent	
	sq. ft.	per cent	

Principal or Main Building

Height:	Max. allowable	sq. ft.	per cent
	Existing	sq. ft.	per cent
	Proposed	sq. R.	per cent

Floor area - not required for single and two-family structures:

Maximum permitted sq. ft. Existing sq. ft. Proposed sq. ft.

Front Yard Depth -
Minimum required

ft.	Existing	ft.	Proposed	ft.

Side Yard

Minimum required	ft.	Existing	R.	Proposed	ft.

Smaller Side Yard

Minimum required	ft.	Existing	ft.	Proposed	ft.

Larger Side Yard

Minimum required	ft.	Existing	ft.	Proposed	ft.

Rear Yard Depth

Minimum required	ft.	Existing	ft.	Proposed	ft.

Yes:
No: not to my knowledge

Not Applicable:

ZONING

This application must be typewritten or legibly printed.

Project Name:Swimming Pool

Type of Application (check all that apply):

Area Variance 121-59.D

X _____

Use Variance 121-59.C

Reversal or Modification of Decision of CEO 121-59.B

Interpretation of Zoning Text or Map 121-59.A

Other (Please explain)

Property Address: Block Lot(s) Zone
District:

546 Smithfield Valley Rd
Amenia NY _____

Primary Contact Person:Peter kross

Address:546 Smithfield Valley Rd
Telephone:212-582-0586
Email:boxerdr18@gmail.com
Date Title Acquired: August 21,2017

Name of Property Owner:Peter Kross

Address:546 Smithfield Valley Rd
Telephone:
212-582-
0586Email
:boxerdr18@gma
i.com

Name of Applicant (if different)

Address:
Telephone:

Email:

Relationship to owner:

Current Use(s)

Proposed Use(s) and/or

Structures:Swimming Pool

Brief Description of Proposed Use/Acfrity
(attach additional sheets, if necessary) Swimming
Pool

Provisions of the Zoning Law relating to this
Application, and variance(s) from zoning, if any

Is there an existing Special Permit, Variance,
And/or Site Plan approval for your property?
Yes, granted on:
No not to my knowledge

Does the property contain a fann operation
located within an agricultural district or is the
pmperty boundary within 500 feet of a farm
operation Located in an agricultural district?

APPLICATION
Appeal Variance Checklist

_____copies (supplied by the applicant) of the following items are required to apply to the Zoning Board of Appeals for a variance, an interpretation of the Town of Amenia Zoning Law or a reversal of a decision by the Code Enforcement Officer. An application may not be filed until the Code Enforcement Officer has made a decision on a building or zoning permit application, except where an area variance is requested in connection with a special permit or site plan approval from the Planning Board. Incomplete applications will not be put on the agenda.

CHECKLIST

_____Complete Appeals/Variance Application with pdf

_____Disclosure of Interest Form

_____Cover letter (describing the project in detail including any hardships involved)

_____Agricultural Data Statement (for Use Variances only) if the property is in an agricultural district and contains a farm operation, or if the property is within 500 feet of a farm operation in an agricultural district.

_____Building Permit Application with copies of all drawings and maps submitted to the Building Department showing the proposed building(s) and site alterations with dotted lines and showing the existing building(s) and other improvements with solid lines.

_____Building Inspector's Denial (Decision of the Code Enforcement Officer)

_____Site Plan of the property showing (within 1/4 mile radius) adjacent or nearby villages or towns, county or state parks or other recreation areas, county or state roads or highways, county owned or managed streams or drainage channel and state-owned lands with public buildings, all other building locations and setbacks from other buildings and property lines noted with measurements.

_____Copies of all applications, attached information, and decisions if the matter is being heard by another Board

FEES:

Application \$350.00

_____Variance

_____Interpretation

_____Reversal of Decision by Code Enforcement Officer

_____Total (checks made payable to Town of Amenia)

_____Escrow - \$2500 (separate check made payable to Town of Amenia)



TOWN OF AMENIA

4988 Route 22, AMENIA, NY 12501
TEL: 845-373-8860, x118 FAX: 845-373-9147

ZONmG BOARD OF APPEALS APPLICATION

Dear Applicant:

Attached is an application to the Zoning Board of Appeals (ZBA). Please submit all applicable information on the checklist along with 3 copies of all information and required fees to the Zoning Board of Appeals Office at least three (3) weeks prior to the ZBA meeting. Meetings are scheduled for the 3rd Monday of every month at the Amenia Town Hall, 4988 Route 22, at 7:00 P.M. (unless specified otherwise).

The applicant is responsible for any costs incurred for public hearing notices and review of the application by Town consultants, if needed. An Escrow fee is required and will be set by the ZBA Board.

If the matter before the Zoning Board of Appeals was cancelled on the part of the applicant, there will be no refund of the application fee.

Applicants before the Board, must have all of the information necessary for submittal, as they will be required to pay a new application fee if the matter cannot be heard when it is scheduled. If it is determined that the application is complete, the applicant will be notified when the public hearing will take place: the Millerton News and all contiguous neighbors will also be notified by the ZBA Secretary. Incomplete applications will not be put on the Agenda.

If an applicant decides to postpone or cancel his/her appearance, please telephone the Zoning Board Secretary, x 124 or Zoning Enforcement Officer, x1 18 AT LEAST 48 HOURS IN ADVANCE, because there are clerical functions, which much occur (i.e. notifying property owners, notice in the paper, etc.)

Please supply a cover letter and describe the project in your own words including any hardships involved.

The applicant is responsible for adhering to Chapter 121, Sections 121-58 and 121-59 of the Town of Amenia Zoning Law available online at www.ameniany.gov (Quick Link, Town Code) or from the Town Clerk for a fee.

By signing this letter, the applicant gives permission to all ZBA members to do a site walk on the property prior to the public hearing.

I have read the above and fully understand my responsibilities-

Peter Kross

Name (please print)

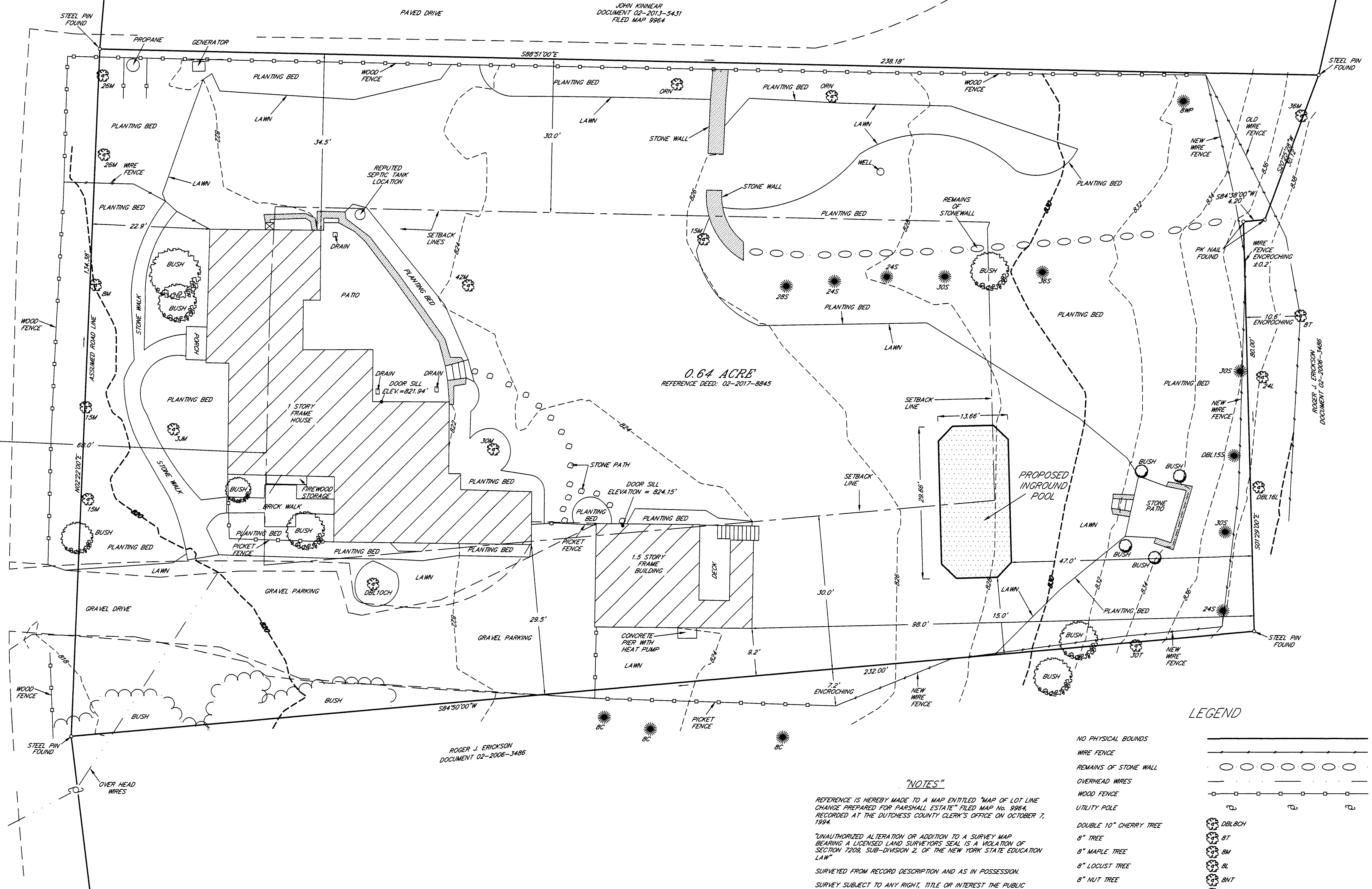
Signature

Date

5/17/23

ZONING BOARD OF APPEALS

COUNTY ROAD No. 83



0.64 ACRE
REFERENCE DEED: 02-2017-8845

LEGEND

- NO PHYSICAL BOUNDS
 - WIRE FENCE
 - REMAINS OF STONE WALL
 - OVERHEAD WIRES
 - WOOD FENCE
 - UTILITY POLE
 - DOUBLE 10" CHERRY TREE
 - 8" TREE
 - 8" MAPLE TREE
 - 8" LOCUST TREE
 - 8" NUT TREE
 - 8" CHERRY TREE
 - 3" JAPANESE MAPLE TREE
 - ORNAMENTAL TREE
 - 8" SPRUCE TREE
 - 8" WHITE PINE TREE
 - 8" CEDAR TREE
 - BUSH
- DBL BCH
 - BT
 - BM
 - BL
 - BNT
 - BCH
 - J.M
 - ORN
 - BS
 - BWP
 - BC
 - BUSH

"NOTES"

REFERENCE IS HEREBY MADE TO A MAP ENTITLED "MAP OF LOT LINE CHANGE PREPARED FOR PARSHALL ESTATE" FILED MAP No. 8964, RECORDED AT THE DUTCHESS COUNTY CLERK'S OFFICE ON OCTOBER 7, 1984.

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW"

SURVEYED FROM RECORD DESCRIPTION AND AS IN POSSESSION.

SURVEY SUBJECT TO ANY RIGHT, TITLE OR INTEREST THE PUBLIC MAY HAVE FOR HIGHWAY USE.

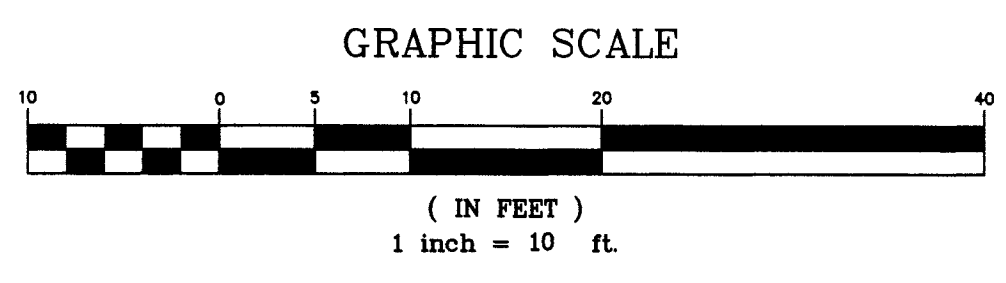
SUB-SURFACE STRUCTURES NOT VISIBLE OR READILY APPARENT ARE NOT SHOWN AND THEIR LOCATION AND EXTENT ARE NOT CERTIFIED.

SUBJECT TO THE FINDINGS OF AN ACCURATE ABSTRACT OF TITLE.

SUBJECT TO COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

TAX ID No.: 132000-7068-00-217671-00

TOPOGRAPHY SHOWN HEREON TAKEN FROM ACTUAL GROUND MEASUREMENTS; 2 FOOT CONTIGUOUS INTERVAL; DATUM ASSUMED.



TOPOGRAPHIC MAP
PREPARED FOR
SVSH, LLC

TOWN OF AMENIA
SCALE: 1" = 10'
DUTCHESS COUNTY, NEW YORK
OCTOBER 14, 2022
REVISED: APRIL 19, 2023

PROPERTY OF
PETER KRASS
546 SMITHFIELD VALLEY ROAD
AMENIA, NY 12501

BLY AND HOUSTON INC.
LAND SURVEYORS
PO BOX 629
9 ELM DRIVE
MILLBROOK, NEW YORK 12545
PHONE: 845-677-5619