



TOWN OF AMENIA

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

**ZONING BOARD OF APPEALS MEETING
TUESDAY, JUNE 20, 2023
6:00 P.M – IN-PERSON**

REGULAR MEETING:

**PUBLIC HEARING: PETER KROSS – SETBACK VARIANCE
FOR INGROUND POOL 546 SMITHFIELD VALLEY RD
POTENTIAL BOARD ACTION**

REGULAR MEETING:

**SBA / NEXTEL – GENERATOR CONDITION REOLUTION AND
POTENTIAL BOARD ACTION**

OTHER MATTERS: MINUTES 5-15-23

**MEMO TO PLANNING BOARD RE: TROUTBECK
ADAPTIVE REUSE PLAN**



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ZBA MEETING TUESDAY, June 20, 2023 IN-PERSON at Town Hall

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

ABSENT: James Wright

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

Peter Kross -Applicant for Kross Inground Pool
546 Smithfield Valley Road

ZBA Chairman, Terry Metcalfe opened the meeting at 6:40pm with the Pledge of Allegiance after quorum was established and the attorney arrived. Motion to open the Regular Meeting was made by D.Menegat, seconded by C.Meili and carried. Chairman Metcalfe then asked for a motion to open The Public Hearing on The **Peter Kross Area Variance (for required setbacks) application for an in ground pool at 546 Smithfield Valley Rd.** A motion was made by T. Salladay, seconded by D. Menegat and carried to open the Public Hearing. Chairman Metcalfe asked the applicant for a brief description of his requests for setback variance for his proposed pool project. Mr. Kross described the pool project as being a 15' X 30' In ground Pool proposal in a location (on survey map) that would not meet the setback regulations. A letter to the ZBA from neighbor's attorney, Shawn Borrelli Pratt – representing J. Roger Erickson located at 538 Smithfield Valley Road (attached). The letter was read aloud by Chairman Metcalfe and filed in the record for the project. The board members commented on the letter and their concern about the proposed pool and other issues on the property.

After much discussion with the ZBA members and the attorney, and setback measurements per Town Code 121-28 listed in pre-existing, non-conforming parcels, it was suggested to Mr. Kross that he may want to have the pool placement

changed to accommodate the setbacks so that a variance does not have to be obtained. Mr. Kross discussed other possibilities with the board for measurements and decided to take their suggestion and re locate the pool and to have his surveyor go back and have a different drawing (survey) and pool placement on the property and resubmit before the next meeting. Therefore, the ZBA did not close the Public Hearing per a motion made by Tracy Salladay, seconded by Craig Meili and carried. The Public Hearing will be continued at the next scheduled ZBA meeting on July 17, 2023.

The next agenda item was the **SBA/NEXTEL – Generator Condition Resolution and Potential Board Action**. The chairman asked for any comments from board members. There were none. A draft resolution for the matter was prepared by the ZBA attorney. Chairman Metcalfe read the resolution **Modifying a condition of renewal of a Special Use Permit and Area Variance Approval for SBA 2012 TC Assets, LLC**. Before a motion was made to approve the resolution, some discussion and questions between board members and counsel took place. Questions about power outages and time frames, what kind of generators were promised with original, and are promised now? How are they notified? Are there specific contacts on file with the Town? Where is the Contingency Plan? (mentioned in document) After these items were discussed, Paula Pelosi made the motion, to vote on the above mentioned resolution, seconded by Dave Menegat and voted on with results as follows:

Terry Metcalfe, Chair	Yes
David Menegat	Yes
Paula Pelosi	No
Tracy Salladay	Abstain
James Wright	Absent
Craig Meili	No

✓ The resolution did not pass and will need to be revisited at another meeting because the Planning Board is waiting for the ZBA's approval in order for The Town to commence another 10 years of the Cell Tower located at this property under the conditions set forth herein.

OTHER MATTERS:

A motion was made by Paula Pelosi, seconded by Dave Menegat and carried to approve the minutes of the 5-15-23 ZBA Meeting .

Action was taken by the ZBA to enter into the minutes that the documentation was supplied to the Planning Board as Lead Agency from the ZBA as comments relating to the Troutbeck Adaptive Reuse Plan. These comments were part of the regular minutes and supplied to the Planning Board as a comment memo as requested for the record.

A motion was made by Paula Pelosi, seconded by Dave Menegat and carried to adjourn the meeting at 7:52 pm. The next meeting of the ZBA is scheduled for Monday, July 17th at 6pm.

Respectfully submitted



Judith Westfall
ZBA Secretary