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TOWN OF AMENIA

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TOWN OF AMENIA ZONING BOARD OF APPEALS

Resolution #2 for 2020

Resolution Approving Request for Area Variance to Related to Proposed Kitchen and Dining Room Expansion

June 15, 2020

WHEREAS, Tamarack Preserve Ltd. (the "Applicant") is the authorized representative for Turkey Hollow, Inc., the owner of 800.94 acres of land located at 4754 NYS Route 44 in Amenia, New York (the "Property"); and

WHEREAS, the Property is located in the Rural Agricultural (RA) Zoning District; and

WHEREAS, the Town's Code Enforcement Officer has previously confirmed that the Applicant is a "membership club" as defined under Section 121-74 of the Town of Amenia Zoning Code (the "Zoning Code"); and

WHEREAS, on or about March 2, 2020, the Applicant's engineer, Rennia Engineering Design PLLC, submitted an area variance application to the Town of Amenia Zoning Board of Appeals (the "ZBA") seeking to exceed the maximum building footprint of 6,000 square feet for nonresidential structures as provided for in §121-Attachment 2, Dimensional Table, of the Zoning Code. The proposed exceedance total 533 square feet; and

WHEREAS, the documents submitted by the Applicant consisted of, among other things: (1) an Area Variance Application; (2) an accompanying narrative; (3) a site plan and site plan and details; (4) an agricultural data statement; (5) Part 1 of a Short Environmental Assessment Form and (5) the requisite filing fee (collectively the "Application"); and

WHEREAS, the ZBA issued a Negative Declaration pursuant to the New York State Environmental Quality Review Act ("SEQRA") finding that the granting of the requested area variance will not result in any significant adverse environmental impacts

WHEREAS, as provided for in §121-Attachment 2, Dimensional Table, of the Zoning Code, the purpose of the maximum footprint requirement is to maintain the historic scale and character of development in the Town; and

WHEREAS, Applicant is proposing the area variance in connection with its plans to

expand its existing clubhouse building in order to provide a new, larger, more modern kitchen and an additional 40 seat dining room for its members (the "Project"); and

WHEREAS, the clubhouse is located in the approximate center of the Property and is not visible from the road or neighboring properties, given the existing topography, dense foliage and setbacks; and

WHEREAS, access to the clubhouse is granted by a single entrance located along NYS Route 44, approximately 3,100 feet from the structure; and

WHEREAS, given that work associated with the Application will only relate to real property well in excess of five hundred feet from the items listed at General Municipal Law §239-m(3)(b), referral to the Dutchess County Department of Planning and Development is not required; and

WHEREAS, the Application indicates that currently, the clubhouse has one dining room, which affords no space for additional seating capacity or the option to simultaneously hold a private event during dinner service; and

WHEREAS, the Project will also create an outdoor covered porch which will be used to house a walk-in cooler and freezer as well as a new subsurface sewage disposal system to handle the increased seating capacity; and

WHEREAS, the existing clubhouse has a building footprint of 4,727 square feet; and

WHEREAS, the Project will provide the Applicant with an additional 1,541 square feet of enclosed dining and kitchen space and the proposed outdoor porch will create an additional 265 square feet of space, for a total additional building footprint of 1,806 square feet, resulting in a total building footprint of 6,533 square feet, and thus creating the need for the requested relief of 533 square feet, representing an 8.87% increase in allowable building footprint; and

WHEREAS, the ZBA, engaged in a detailed review of the Application; and

WHEREAS, on June 15, 2020, a properly noticed public hearing was held to gather comments on the Application and the ZBA considered the verbal and written comments submitted by the public, if any. The hearing was closed the same day; and

WHEREAS, in accordance with Section 121-59(D) of the Zoning Code, the ZBA has 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 reasons set forth in the attached findings, the ZBA has determined that grating the relief requested will not detrimentally affect the health, safety, and welfare of the neighborhood or community; and

WHEREAS, the Project will also be subject to review by the Town of Amenia Planning Board.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The ZBA hereby grants the requested area variance to permit an exceedance of the maximum building footprint for non-residential structures by 533 square feet for the Project; and

2. The dining spaces in the clubhouse will be used solely by members or guests of members of the Applicant; and

3. Before issuance of a building permit for the Project, the Applicant shall pay the outstanding fees for the ZBA's consultants incurred in connection with reviewing and processing this Application; and

4. As required by law, the ZBA issues the findings attached hereto to demonstrate how the Project will not detrimentally affect the health, safety, and welfare of the neighborhood or community; and

5. As required by Section 121-59(I) of the Zoning Code, a copy of this resolution shall be filed in the Town's Clerk's office and mailed to the Applicant within five business days after this resolution is adopted.

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

	Yes	No	Abstain	Absent	Signature
Terry Metcalfe, Chairman	✓				
David Menegat	✓				
Paula Pelosi	✓				
Jim Wright	✓				
Tracy Salladay	✓				

Dated: June 15, 2020
Amenia, New York

Terry Metcalfe, Chairman
Town of Amenia Zoning Board of Appeals

FINDINGS IN SUPPORT OF VARIANCE APPROVAL

Pursuant to Section 121-59(D)(2) of the Town of Amenia Zoning Code, the ZBA 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 Project is located in the approximate center of a +/- 800 acre lot and is not visible from the road or neighboring properties, given the existing topography, dense foliage and setbacks. Access to the clubhouse is granted by a single entrance located along NYS Route 44, approximately 3,100 feet from the Project. Granting the variance will not adversely affect the historic scale and character of development in the Town. The Applicant also notes that granting the variance will reduce its need to construct other new buildings on site, thereby promoting the low-density intent that the RA Zoning District was created to support. This is consistent with the Applicant's conservation-based recreation on forested land, which leaves most of the preserve parcel undeveloped, in an area that would otherwise allow 10 acre minimum parcels.

(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 method to expand the dining and kitchen areas other than by constructing a new building containing kitchen and dining facilities. This approach would not be practical or consistent with the intent of the RA Zoning District as it would result in a greater site disturbance and larger ultimate footprint.

(c) Whether the requested area variance is substantial;

The area variance is not substantial. It is an 8.87% increase in allowable building footprint on a +/-800 acre parcel, in an area that provides for 10 acre minimum lot sizes.

(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 Property's isolation makes the proposed action extremely unlikely to have an adverse impact on neighboring parcels or districts. Noise produced from both construction and operation at the Property will be buffered by the large vegetated buffers surrounding the Project site.

(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 alleged difficulty is self-created but 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.