

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
February 23, 2012**

MEMBERS PRESENT

John Calogero
Charles Canham
Norma Dolan
Frank Kealty
Macy Sherow III
Arthur Weiland

MEMBERS ABSENT

Joseph Malcarne, Chairman

ALSO PRESENT

Bob Fennel, ZEO

Arlene Campbell, Secretary

Acting Chairman Calogero called the meeting to order at 7:34 pm.

Acting Chairman Calogero asked the secretary if all the applications on the agenda were properly advertised and adjoining neighbors were notified. Ms. Campbell responded positively.

Acting Chairman Calogero noted that the meeting was being recorded for keeping record purposes.

VARIANCE APPLICATIONS:

Magnificat Farm LLC area and use variance – property owned by Michael and Barbara Appolonia located on 521 Schultsville Road, **Tax Grid No. 6567-00-257398.**

The applicants propose area and use variances to Sec. 250-29B-6 and Sec. 250-29B-1 respectively in order to convert the existing barn on a 41.4 acre parcel into an accessory dwelling apartment.

Mr. Appolonia was back before the board. Mr. Calogero recapped what had transpired at the previous meeting. He indicated the recent comment that was received from the Dutchess County Planning Department stating no concern. He also indicated the opinion that was received from the town attorney.

Mr. Calogero asked questions or comments from the board.

Mr. Fennel stated that per his understanding of the town attorney's opinion, the applicant only needs a building permit in order to construct the proposed accessory dwelling since this property is protected by Ag and Market's ruling.

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The board exchanged opinions about the comment that was received from the town attorney.

Mr. Canham stated that it seems that this case is about Interpretation if there is a concern about public welfare. Ms. Dolan asked, "What if the property has ten house trailers like in the case of Breezy Hill Farm?" This is a question of "Does it affect public health and safety?"

Mr. Kealty asked, "Does this mean that farmers can just put as many structures as they want on their property?"

Mr. Weiland expressed his concern about the number of dwellings on this property in the future.

The Zoning Officer questioned the board about their discussion. He asked, "Why are you doing this?" The town attorney's opinion clearly states that the applicant doesn't have to go through this process. This case is exempt from the town law. Mr. Fennel noted that Ag and Market's ruling pre-empts our zoning law.

The board agreed to open the public hearing. Mr. Canham motioned to open the public hearing, seconded by Mr. Sherow, All Aye, Motion carried, 6-0.

Hearing no comments from the public, the board agreed to close the public hearing.

Mr. Calogero motioned to close the public hearing, seconded by Mr. Kealty, All Aye, Motion carried, 6-0.

The board discussed whether this case needs an action from the board.

After all the deliberations were made, the board agreed to pass a resolution, to wit:

Mr. Weiland motioned the following resolution:

Be it Resolved that the Town of Clinton Zoning Board of Appeals finds that the **Magnificat Farm LLC** area and use variance application, property located on 521 Schultsville Road, **Tax Grid No. 6567-00-257398** are not applicable in this situation per NY State Ag and Markets Law Sec. 305 –a (1).

Be it further resolved, that the Town of Clinton Zoning Board of Appeals does not have to act on the proposed area and use variance application.

Seconded by Mr. Kealty.

Discussion. None.

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All Aye, Motion carried, 6-0.

OTHER MATTERS:

The board agreed to include another item in the Zoning Checklist that states "Is this property a working farm and in the Ag District? Is it within 500 feet of the County State road, etc.?" If yes, was the notice properly send out?"

APPROVAL OF MINUTES:

Mr. Calogero motioned to approve the minutes of December 1, 2011 as amended, seconded by Mr. Weiland, all aye, motion carried, 6-0.

Mr. Calogero motioned to approve the amended minutes of January 26, 2012, seconded by Mr. Weiland, all aye, motion carried, 6-0.

ADJOURNMENT:

Acting Chairman Calogero motioned to adjourn the meeting at 9:00 pm. Seconded by Mr. Canham, All Aye Motion carried, 6-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk