

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
May 24, 2012**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero

Norma Dolan

Frank Kealty

Macy Sherow III

Arlene Campbell, Secretary

MEMBERS ABSENT

Charles Canham

Arthur Weiland

ALSO PRESENT

Bob Fennel, ZEO

Chairman Malcarne called the meeting to order at 7:32 pm.

Chairman Malcarne asked the secretary if the application on the agenda was properly advertised and adjoining neighbors were notified. Ms. Campbell responded positively.

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

VARIANCE APPLICATIONS:

Stokesville Inc Area Variance – property located on 835 Fiddlers Bridge, Road, Tax Grid No. 6468-00-382468.

The applicant proposes the following area variances in order to put a 432 square foot addition on a pre-existing, nonconforming dwelling, to wit:

Sec. 250.81 A Enlargement of Nonconforming use from Not Permitted to Permitted

Sec. 84 A Expansion of Nonconforming Building from 50% to 100%

Sec. 250 Attachment 2 – reduce the side yard setback from 50 feet to 14.2 feet

Gary Stokes, President of Stokesville, Inc. appeared and explained his proposal. The existing building next to the store needs a renovation. This is being rented on occasion. What they want to do is to increase the size and make it more livable. Currently, it has small kitchen, a bathroom and a small living room. Mr. Stokes noted that this structure will still be a one bedroom dwelling.

Mr. Stokes submitted a letter from the adjoining neighbor, the Everys of 829 Fiddlers Bridge Road, indicating no objection but wishes for installation of fences between their properties.

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Ms. Dolan read the Planning Board's recommendation dated 5-15-12 which is positive.

Chairman Malcarne asked questions and comments from the public.

Mr. Sherow asked if the style of the proposed structure is going to be the same as the rest of the buildings on the property. Mr. Stokes responded, "Yes".

Ms. Dolan commented that this building is pretty consistent with the rest of the buildings on the property.

Mr. Calogero discussed the concern of the neighbor which is screening. He also asked about the location of the propane tank on this property that the Everys wish to be removed. Mr. Calogero asked, "Are you going to eliminate the use of the propane?"

Mr. Stokes explained that he has a fill station and there is this one tank that's been giving him a problem (leak). He hasn't been using this tank to be on the safe side. This tank will be removed from the property once he gets the approval of this project. Mr. Stokes stated that he will still be using propane tank. He noted that these tanks will be situated on one side of the property.

Chairman Malcarne motioned to open the public hearing, seconded by Mr. Kealty, All Aye, Motion carried, 5-0.

Hearing no comments from the public, Chairman Malcarne motioned to close the public hearing, seconded by Mr. Calogero, all Aye, Motion carried, 5-0.

The board agreed to pass a resolution.

Ms. Dolan motioned that the Town of Clinton Zoning Board of Appeals grant the area variances to **Gary & Linda Stokes (Stokesville, Inc.)** 835 Fiddlers Bridge Road, **tax grid #132400-03-6468-00-382468**, which is located in a Hamlet district in the Town of Clinton for the preexisting, nonconforming accessory dwelling unit on their property. The Planning Board granted a positive conditional recommendation for these requests:

- *Permit the construction of an addition (432 sq ft to approximately 864 sq ft). (Variance to Section 250.81.A)
- *Double the size of the building (Variance to Section 250-84)
- *Reduce the total side yard setback from 50 ft to 14.2 ft. (Variance to Section 250 "District Schedule of Area and Bulk Regulations).

Factors:

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1. An Undesirable change would not occur in the character of the neighborhood or be a detriment to nearby properties. The impact of the addition is minimal and will be consistent with architectural style of the hamlet.
2. The benefit sought by the applicant can not be achieved by a feasible alternative to the variance.
3. The requested variance is substantial but should not preclude its granting and is not not a unique situation for this area.
4. The alleged difficulty was self-created
5. An area variance is considered a type II action under SEQRA and requires no further action.
6. The property is not in the Ridgeline, Scenic or Historic Protection Overlay District.
7. An area variance does not require an Ag Data Statement
8. The site is not in a NYS DEC Wetland
9. There are no zoning violations.

CONDITIONS

1. Architecture style of addition is to be kept with the scale and appearance of the hamlet.
2. If the owner wishes to change the existing principal use of the property, the owner will have to obtain appropriate approvals.
3. All fees to be paid

Seconded by Mr. Calogero.

Discussion. Chairman Malcarne stated that fees need to be included in the conditions.

All aye, motion carried, 5-0.

APPROVAL OF MINUTES:

Chairman Malcarne motioned to approve the minutes of February 23, 2012, seconded by Mr. Calogero, all aye, motion carried, 5-0.

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ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 9:00 pm. Seconded by Mr. Kealty, All Aye Motion carried, 5-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk