

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
FINAL MINUTES  
June 28, 2012**

**MEMBERS PRESENT**

Joseph Malcarne, Chairman

John Calogero  
Charles Canham

Macy Sherow III

Arlene Campbell, Secretary

**MEMBERS ABSENT**

Norma Dolan  
Frank Kealty

Arthur Weiland

**ALSO PRESENT**

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:**

Trendell Variance – property located at 22 Grissom Place, Tax Grid No. 6466-00-013895.

The applicant is seeking an area variance to Sec. 250 Attachment 2 (Area Bulk Regulations) of the Town of Clinton Zoning Law for a side yard setback reduction from 50 feet to 30 feet in order to install an above ground pool.

Roseanne Trendell along with his contractor, James Hughes from Leisure Tech Inc. appeared for this application.

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
FINAL MINUTES  
June 28, 2012**

Mr. Hughes explained that they needed a side yard setback to install an above ground pool right by the deck. This is the most feasible location on this property since the septic is behind the house and the well is on the other side of the house.

Mr. Canham read the Planning Board's recommendation dated 7-19-12 which is conditional positive. One letter was received from the adjoining neighbor, Gerry and Linda Odell of 20 Grissom Place, stating no objection.

Chairman Malcarne asked questions and comments from the board.

Mr. Sherow asked, "Where's the property line?" Ms. Trendell responded that the marker of the property line is the tree stump. The two trees that are bordering the Stokes' property are hers.

Chairman Malcarne asked if this pool is going to be accessed from the deck. Mr. Hughes responded that the pool is going to be accessed through a ladder. He noted that this will be a pool with an "A" frame ladder.

Chairman Malcarne asked about the distance from the deck to the house. Mr. Hughes responded that the deck comes out ten feet from the structure. With the pool in place, Mr. Hughes estimated the distance to be 15 feet from the main structure.

The board reviewed the proposed location.

Mr. Sherow asked about materials on the property that looks like wire. He asked, "Is this the well?" Mr. Hughes replied, "No, the well is on the front side of the house."

Mr. Sherow commented that there's no other spot on this property. This is the best location for the proposed pool.

Mr. Calogero indicated no objection or issues about this proposal. He wondered what Mr. Weiland's thoughts would be as in the case of the storage area.

The board reviewed the setbacks of the property. Mr. Hughes indicated that he's asking 20 feet reduction of the side yard setback. Chairman Malcarne advised the applicant that the edge of the pool should be no less than 30 feet of the Stokes' property line. Mr. Hughes agreed.

Chairman Malcarne motioned to open the public hearing, seconded by Mr. Canham, All Aye, Motion carried, 4-0.

Hearing no comments from the public, Chairman Malcarne motioned to close the public hearing, seconded by Mr. Calogero, All Aye, Motion carried, 4-0.

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
FINAL MINUTES  
June 28, 2012**

The board agreed to pass a resolution.

Mr. Sherow motioned that the Zoning Board of Appeals grants an area variance to Roseanne Trendell for a property located at 22 Grissom Place, **tax grid #132400-6466-01-013895**, to provide relief from Section 250 Attachment 2 of the Town of Clinton Zoning Law, to reduce the side yard setback to 30 feet from the required 50 feet for placement of an above ground swimming pool.

**FACTORS:**

1. This is a .5 acre site located in an AR3 Zoning District.
2. The property is not located within Ridgeline, Scenic and Historic Preservation Overlay District.
3. The site is not within a CEA.
4. The lot is not in an Ag District.
5. An area variance is a type II action under SEQRA and requires no further action.
6. The project would not produce an undesirable change in the character of the neighborhood.
7. The benefit sought by the applicant cannot be achieved by a feasible alternative because the proposed location of the project avoids the property's septic system.
8. The requested variance is substantial because the required side yard setback is cut nearly in half, but that should not preclude its granting.
9. The alleged difficulty is self created.

**CONDITION:**

- a) Mechanical components are to be located on the house side of the pool and plans will clearly specify the location of said mechanical components.

Note: Any additional modifications in the setback such as a deck require an additional variance.

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
FINAL MINUTES  
June 28, 2012**

Seconded by Mr. Canham.

**Discussion.** Chairman Malcarne discussed the Planning Board's condition (item #2 of the recommendation). He asked the applicant about their intentions about the deck. He asked, "Is the deck coming down prior to putting up the pool?"

Ms. Trendell responded, "No." She also noted that she doesn't have any intention of putting up a full deck. It will just be a quarter moon size deck.

The board agreed to add a note in the resolution about modifications in the setback.

All Aye, Motion carried, 4-0.

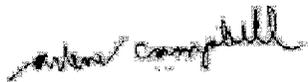
**APPROVAL OF MINUTES:**

Chairman Malcarne motioned to approve the minutes of May 24, 2012 seconded by Mr. Canham, all aye, Motion carried, 4-0.

**ADJOURNMENT:**

Chairman Malcarne motioned to adjourn the meeting at 8:27 pm. Seconded by Mr. Calogero All Aye Motion carried, 4-0.

Respectfully Submitted By:



Arlene A. Campbell  
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk