

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
January 24, 2013**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham

Macy Sherow III
Arthur Weiland

Arlene Campbell, Secretary

MEMBERS ABSENT

Norma Dolan
Frank Kealty

ALSO PRESENT
Bob Fennell, ZEO

Chairman Malcarne called the meeting to order at 7:31 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 record keeping purposes.

VARIANCE APPLICATIONS:

Marie Claire Gladstone Area Variance – property located at 137 Hollow Road **Tax Grid No. 6267-00-513506.**

The applicant proposes an area variance to Sec. 250.22 A-4 (Number of Accessory Structures) to increase the number of accessory structures from three to four.

Kevin Halton from Halton Construction Co. and Spence Hall, Surveyor both appeared on behalf of the property owner.

Mr. Halton explained that they need an area variance to allow four accessory structures on this property. There are six accessory structures on this property. Sheds 1 and 2 are both under 100 square feet. All these structures have Building Permits and Certificate of Occupancies. Mr. Halton noted that these structures existed on this property prior to Ms. Gladstone's ownership.

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Mr. Halton stated that they want to convert the barn into a guesthouse. The footprint of the building is going to be the same. They are not expanding the building. Everything else will remain the same except for the doors and the windows.

Chairman Malcarne asked, "What's the current use of the building?" Mr. Halton responded that the previous owner use this dwelling as a workshop. He was a woodworker. Mr. Fennell noted that this property was previously owned by the previous chairman of the Town of Clinton Zoning Board of Appeals.

The panel reviewed the number of accessory structures on the map. Mr. Fennell opined that the pool and the pool house should be considered as one accessory structure.

Mr. Canham asked about the garage. Is this another parking garage? Mr. Halton responded, "No, this is a garage/shed".

Mr. Weiland asked about the pool house. He asked, "what's in the pool house?" Mr. Halton responded that the pool house contains furniture and electrical supplies for the pool.

Mr. Weiland read the Planning Board's recommendation which is positive. There was no letter received from the adjoining property owners.

Chairman Malcarne asked questions and comments from the board.

Mr. Weiland expressed his comments. He stated that he is not really concerned about the number of accessory structures on this property. He noted that the Planning Board will still have to rule the Special Permit of the guesthouse.

Mr. Fennell noted that the Planning Board already granted the Special Permit dated 1-22-13 contingent with the variance approval.

Mr. Weiland stated that he really doesn't have a problem with these structures. Building Permits and Certificate of Occupancies were issued. Mr. Weiland expressed his hopes that the issue about pool and pool house can be addressed in the future zoning.

Mr. Canham expressed his views about this case. There is an alternative instead of granting a variance. Mr. Canham opined that given the zoning limit of three accessory structures, counting the pool and pool house as two separate structures doesn't give much allowance.

Mr. Calogero asked about the proposed guesthouse (barn/shed). He asked if the accessory structure (barn) will become an accessory dwelling (guesthouse). Mr. Fennell responded that the barn (accessory structure) will remain an accessory structure/dwelling. The conversion of the barn into a guesthouse will not reduce the number of accessory structures.

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Mr. Calogero commented that it doesn't seem fair to count accessory structure and accessory dwelling as one. He indicated the zoning requirements to have an accessory dwelling such as double the acreage, size, etc.

Mr. Fennell agreed. He stated that he thinks that accessory structure refers to structures on small parcels.

The board exchanged opinion about the above issue. Mr. Canham stated that he hopes that whatever the board decides to do on this case, it will cover the entire bases. He expressed his concern about setting precedence. There are five or six accessory structures on this property.

Mr. Fennell stated that the board can adopt a resolution stating "these structures are not considered accessory structures due to the size of the buildings".

The board agreed to open the public hearing. Chairman Malcarne motioned to open the public hearing, seconded by Mr. Canham, all Aye, Motion carried, 5-0.

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

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

After all the discussions and reviews are made, the board passed a resolution.

Mr. Weiland motioned that the Town of Clinton Zoning Board of Appeals grant an area variance from Section 250.22.A.4, (ACCESSORY STRUCTURES) to increase the number of structures from 3 to 4 in order to correct an administrative error and allow the property to be in compliance on property owned by **Marie-Claire Gladstone** located at 137 Hollow Road Tax Grid # **6267-00-513506-00**.

Factors:

1. An undesirable change will not be brought about in the neighborhood nor will there be a detriment to nearby properties because the fourth structure incorrectly added is an in-ground pool on this 12.37 acre lot. This doesn't impact the neighborhood and adds value to the property and township.
2. The benefit sought by the applicant can be achieved by some other feasible method besides granting the variance, such as moving or removing a structure, but that would seem to be an unnecessary financial burden.
3. The variance of 33% is substantial.

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4. The granting of this variance should not have an adverse effect on the physical or environmental conditions in the neighborhood because of the normal residential use of this property, and since the amount of the property's acreage is over two and a half times the amount necessary for its district.
5. The alleged hardship was self created.
6. A residential area variance does not require an Ag Data Statement.
7. A residential area variance is a type II action under SEQRA and requires no further action.
8. The site is in a CEA district with no negative effects to the district.
9. The site is on a Scenic or Historic Road - Hollow Road but with no activities of concern to the road.
10. The structures are not within the boundary or buffer of a Wetland on the property.
11. The site is not in the Ridgeline, Scenic or Historic Protection Overlay District.

Seconded by Mr. Canham..

Discussion. None.

All Aye, Motion carried, 5-0.

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APPROVAL OF MINUTES:

Chairman Malcarne motioned to accept the minutes of October 25, 2012 as amended, seconded by Mr. Canham, all aye, Motion carried, 5-0.

ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 8:37pm. seconded by Mr. Calogero All Aye Motion carried, 5-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk