

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
FINAL MINUTES  
April 25, 2013**

**MEMBERS PRESENT**

Joseph Malcarne, Chairman

John Calogero  
Charles Canham

Frank Kealty  
Macy Sherow III  
Arthur Weiland

Arlene Campbell, Secretary

**MEMBERS ABSENT**

Norma Dolan

**ALSO PRESENT**  
Bob Fennell, ZEO

Chairman Malcarne called the meeting to order at 7:34 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:**

**Pamela Morgan** – property located at 8 Fifth Avenue, **Tax Grid No. 6469-10-312617.**

The applicant proposes the following area variances to Sec. 250 Attachment 2 (District Schedule of Area and Bulk Regulations) in order to construct a 14' x 6' ½" deck.

Rear Setback reduction from 75 feet to 47 ½ feet  
Side Setback reduction from 50 feet to 27 feet

Ms. Morgan appeared and explained that she wants to put up a 16 ½ x 14 deck to the rear of her cottage. She noted that this will not be visible to any of her neighbors. This project is also for safety issue since this will enable her to access the house without going up and down the steps through the front door. She opined that this proposal will not have a negative impact to the character of the neighborhood.

Chairman Malcarne asked for questions and comments from the board. Mr. Kealty read the PB recommendation which is positive. There was no letter received from the adjoining property owners.

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Mr. Kealty stated that he doesn't have any issue or concern about this application. He doesn't see any reason to turn the variance application down.

Mr. Calogero concurred with Mr. Kealty. He noted that he doesn't see any negative impact to the neighborhood. The project is for safety issue and this will benefit the applicant.

Mr. Canham shared the same thoughts with Mr. Calogero.

The board agreed to open the public hearing.

Chairman Malcarne motioned to open the public hearing, seconded by Mr. Weiland, all Aye, Motion carried, 6-0.

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

Mr. Malcarne motioned to close the public hearing, seconded by Mr. Sherow, all Aye, Motion carried, 6-0.

The board agreed to pass a resolution, to wit:

Mr. Kealty motioned that the Town of Clinton Zoning Board of Appeals grant to **Pamela Morgan** of 8 Fifth Avenue, **Tax Grid No. 6469-00-312617**, a variance from Sec. 250 Attachment 2 for a side yard setback reduction to 27 feet from the required 50 feet, and a rear yard setback reduction to 47.5 feet from the required 75 feet for property owned.

***Factors:***

1. The applicant wishes to construct a 14' x 6.5' deck to the rear of the cottage and a 3' wide deck (6.5' long) on the side connecting the rear deck to the side entry and stairs. The rear deck is for recreational use and the side deck provides access without using the stairs which is a safety consideration.
2. This is a 0.36 acre site located in the C zoning district.
3. The property is not located within the Ridgeline, Scenic and Historic Preservation Overlay District.
4. The site is not within a CEA.
5. The lot is not in an Ag District.

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6. An area variance is a Type II action under SEQRA and requires no further action.
7. The site does not contain a NYSDEC wetland.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested variance is substantial.
10. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
11. The alleged difficulty is self-created.
12. The application fee has been paid.
13. Per the ZEO, there are no known violations associated with this property.

Seconded by Mr. Sherow.

**Discussion.** None.

All Aye, Motion carried 6-0.

**APPROVAL OF MINUTES:**

Chairman Malcarne motioned to accept the minutes of February 28, 2013 as amended, seconded by Mr. Calogero, all aye, Motion carried, 6-0.

**ADJOURNMENT:**

Chairman Malcarne motioned to adjourn the meeting at 9:05 pm, seconded by Mr. Kealty, All Aye Motion carried, 6-0.

Respectfully Submitted By:



Arlene A. Campbell  
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk