

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
March 23, 2017**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham
Norma Dolan

Macy Sherow III
Arthur Weiland

Arlene Campbell, Secretary

MEMBERS ABSENT

Frank Kealty

ALSO PRESENT

Chairman Malcarne called the meeting to order at 7:35 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:

Heintz variance – property owned by **Christopher and Laura Heintz** located at 1046 Bulls Head Road, **Tax Grid No. 6569-00-039389.**

The applicants are requesting an area variance to Sec. 250-22 (A)-4 to increase the number of accessory structures from three to four in order to construct a pool house.

Jordan Valdina, architect from Svergy Design appeared on behalf of the applicants. He explained that they wished to install a 369-square foot pool house. He described the surrounding area of the proposed pool site which is already done. He also indicated the plan about tying up the septic system to the existing one.

Mr. Valdina stated that they needed an area variance due to the number of accessory structures. He itemized the structures on the property such as garage, tennis court, pool and shed.

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Mr. Calogero read the Planning Board's recommendation dated 3-7-17. One letter was received from the adjoining property owners, Russell Bonk from 1062 Bulls head Road indicating no concern about the proposed project.

Chairman Malcarne commented about the condition stated on the Planning Board's recommendation. The pool house is allowed to have water but not kitchen.

The board discussed the application on hand.

The board had a lengthy discussion about the issue. Chairman Malcarne noted that this concern will be addressed when they go before the Planning Board to go through this process.

Mr. Canham commented that although there are number of structures on this property, it doesn't look overwhelming looking at the aerial view of the property.

The panel had a lengthy discussion about the proposed pool house. Chairman Malcarne indicated his strong concern about this structure becoming a dwelling unit since it is heated.

Mr. Canham commented that the pool house cannot have a kitchen. Ms. Dolan noted that they cannot have an oven.

Mr. Calogero addressed the concern about the potential subdivision on this property. He said that this parcel was part of the Markel approved subdivision. There is a no subdivision restriction on the map per filed map # 7192 (see parcel access filed map).

The board agreed to open the public hearing.

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

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. Weiland, all Aye, Motion carried, 6-0.

After a very lengthy discussion, the board passed a resolution, to wit:

Mr. Calogero motioned that the Town of Clinton Zoning Board of Appeals grant the area variances requested by **Christopher and Laura Heintz** from Section 250-22 of the Town of Clinton Zoning Law, needed to enable a fourth accessory structure at 1046 Bulls Head Road, **Tax Grid No. 6569-00-039389**, located in the AR5 Zoning District, in the Town of Clinton.

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FACTORS:

1. The parcel contains four existing accessory structures while Section 250-22 allows for three. These were constructed prior to the applicant's ownership.
2. The ZEO has previously determined that a pool house and a pool shall be considered one structure for the purpose of calculating the total number of structures on a property so a variance will be required for the pool/pool house combination.
3. All setback requirements are satisfied. The pool house will be constructed within the existing pool- patio area.
3. The proposed structure will have no effect on physical or environmental conditions in the neighborhood as this parcel is very secluded and has natural screening from all property lines.
5. The parcel is nearly three times the acreage required in this district.
6. The property is not in a CEA, Ridge-line, or Scenic and Historic Protection Overlay district.
7. An area variance does not require an AG Data statement and since it is a Type II action under SEQRA, no further action is required.
8. Though the alleged difficulty is self-created, the benefit sought by the Applicant cannot be achieved by any other means.
9. The only known zoning violation will be remedied with the granting of the variance.
10. All fees have been paid.
11. The Planning Board has issued a positive conditional recommendation.

CONDITIONS.

1. The ZBA concurs with the Planning Board's notation that the Clinton ZEO's interpretation of June 17, 2015, determined that a pool house may contain potable water, a sink, shower and toilet, but "... a pool house is not a dwelling and cannot have a complete kitchen."

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2. A letter of authorization and application form signed by both property owners and duly notarized.

Seconded by Mr. Sherow.

Discussion. Mr. Weiland suggested including a condition about the letter of authorization from the other property owner.

The board agreed to use the verbiage “to enable the 4th accessory structure”. Ms. Dolan commented that this prevents the idea of having a fifth accessory structure.

The board had a lengthy discussion about the pool house’s potential use as an accessory dwelling. It was agreed to underscore that a pool house cannot have a kitchen.

Ms. Dolan expressed her concern about this property getting subdivided in the future due to the number of structures. Mr. Canham responded that this is beyond the board’s purview.

Mr. Calogero commented that this variance did not change anything on this property. The number of existing structures is pre-existing prior to the ownership of the current owner. The pool and the pool house is counted as one accessory structure.

All Aye, Motion carried 6-0.

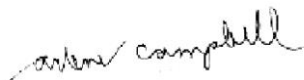
APPROVAL OF MINUTES:

Chairman Malcarne motioned to accept the minutes of January 26, 2017, all Aye, Motion carried, 6-0.

ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 8:53 pm, seconded by Mr. Sherow, All Aye Motion carried, 6-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary
Cc: Carol Mackin, Town Clerk