

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
FINAL MINUTES  
June 22, 2017**

**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**

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:**

**Veith Area Variance** - on property owned by **Dana Veith and Elizabeth McCune** located at 436 Browns Pond Road, **Tax Grid No. 6268-00-919520.**

The applicants are requesting an area variance to Sec. 250 Attachment 2 for a Front Yard setback reduction from 100' to 25' in order to construct a two-bay garage.

Mr. Veith appeared for this application. He explained that he wants to put up a two-bay garage on his property. There is an existing shed on the property that he wants to move and use that location for the proposed garage.

Mr. Canham read the Planning Board recommendation dated June 20, 2017 which is positive. There were no letters or comments received from the neighboring property owners.

Chairman Malcarne asked for questions and comments from the board.

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Mr. Canham expressed his comment based on his site visit. This is a 2.2 acre lot in the AR5 Zoning District. Looking at this property, anything that you install or construct on this parcel will require a variance due to the configuration of the lot. The parcel is only 161 feet deep.

Mr. Canham stated that granting a variance of 25 feet will allow for the smaller shed to be in compliance with the zoning regulations. This is a pre-existing and nonconforming lot and the house is sited near the road. He opined that the requested variance will have no impact to the neighborhood. He also commented about the remarkable cave on the property.

Mr. Calogero asked about the extent of the property clearing. He noticed a lot of tree stumps where the shed is. He asked if the applicant is planning to cut more trees. Mr. Veith responded, "No, that is pretty much the footprint of the proposed site."

Mr. Weiland echoed Mr. Canham's view. The house has been there for a long time. Although he appreciates the fact that there is no other feasible area to build on this property, Mr. Weiland supported the above variance request. He suggested including the year that the house was built in the resolution.

Mr. Sherow verbalized his concern about the lighting. He asked if the applicant is proposing any lighting. Mr. Veith responded that he doesn't have any plans yet about the lighting. He will install a spotlight on the house to shine towards the garage. He added that he will most likely install basic lighting to this garage.

Mr. Sherow explained the rationale of his concern. He suggested to have down lightings to avoid illumination to the neighboring property.

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. Sherow, all Aye, Motion carried 5-0.

The board passed a resolution, to wit:

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Mr. Canham motioned that the Town of Clinton Zoning Board of Appeals grant an area variance requested by **Dana Veith and Elizabeth McCune** with respect to the Town of Clinton Zoning Law District Schedule of Area and Bulk Regulations (Section 250 Attachment 2) for a front yard setback reduction to 25 feet from the required 100 feet for the purposes of placement of a pole barn on their property at 436 Browns Pond Road, **Tax Grid # 132400-6268-00-919520**. The 2.45 acre property is located in an AR-5A Zoning District in the Town of Clinton.

***Factors:***

1. The applicants request an area variance to allow placement of an approximately 30' by 50' pole barn on their property. The property is an existing, nonconforming lot, with over 600' of road frontage, but the lot is only slightly over 160 feet deep. Thus, the standard front and rear setbacks for lots in an AR-5A zone consume all of the lot, necessitating variances for any structures on the property.
2. The principal dwelling was constructed in 1957 & is currently located approximately 25' back from the front lot line, and the proposed new structure would be consistent with that setback. Given the unique configuration of the lot, there is no other feasible location for the accessory structure.
3. The requested variance will have no adverse effect on the physical or environmental conditions within the neighborhood.
4. The granting of the variances will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties.
5. The alleged difficulty is self-created, and the requested variance is substantial, but this does not preclude its granting.
6. The benefit sought by the applicant cannot be achieved by other feasible means.
7. The property is not in the Ridgeline, Scenic and Historic Protection Overlay District.
8. The site is on a designated Scenic or Historic road, that being Browns Pond Road.
9. An area variance is a Type II action under SEQRA and requires no further action.

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**Condition:**

1. All fees have been paid.

Seconded by Mr. Sherow.

**Discussion.** Mr. Sherow commented about the size of the proposed garage (30' x 45'). After a brief discussion about the concern, the board agreed to put 30' x 50'.

Mr. Weiland suggested adding a notation in the resolution about the year that the primary dwelling was built.

Mr. Sherow commented about the verbiage in the resolution stating "...that the existing shed will be replaced." He wants to make sure that there is no uncertainty that there will be another shed. Mr. Canham suggested putting ".....that the existing shed will be moved and replaced and the pole barn (garage) will be placed in that location.

Chairman Malcarne noted that all these concerns are noted in the minutes of the meeting.

Mr. Calogero asked about the size of the shed. Mr. Veith responded that the size of the shed is 30' x 10'.

All aye, 5-0.

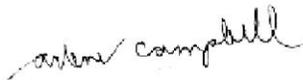
**APPROVAL OF MINUTES:**

Chairman Malcarne motioned to accept the minutes of March 23, 2017, all Aye, Motion carried, 5-0.

**ADJOURNMENT:**

Chairman Malcarne motioned to adjourn the meeting at 8:42 pm, seconded by Mr. Weiland, All Aye Motion carried, 5-0.

Respectfully Submitted By:



Arlene A. Campbell  
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk