

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
July 27, 2017**

MEMBERS PRESENT

John Calogero
Charles Canham
Norma Dolan

Macy Sherow III
Arthur Weiland

Arlene Campbell, Secretary

MEMBERS ABSENT

Joseph Malcarne, Chairman

Frank Kealty

ALSO PRESENT

Acting Chairman Calogero called the meeting to order at 7:30 pm.

Acting Chairman Calogero asked the secretary if the application on the agenda was properly advertised and adjoining neighbors were notified. Ms. Campbell responded positively.

Acting Chairman Calogero noted that the meeting was being recorded for record keeping purposes.

VARIANCE APPLICATIONS:

Diesing Area Variance Application– property owned by **Carl Jay and Sarah Elizabeth Diesing** located at 64 Bowmans Glen Lane, **Tax Grid No. 6568-00-147600.**

The applicants are requesting the following area variances to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations:

Front Yard setback reduction from 100’ to 83’ – Garage
Front Yard setback reduction from 100’ to 13.8’ - Shed

Mr. and Mrs. Diesing appeared for their application. Mr. Diesing briefly explained that they want to build an addition to have a garage. They currently have a two-car garage but need one more. Both of the proposed structures will not be visible from the neighboring property owners.

Mr. Deising noted that this is a flag lot and part of an approved subdivision. The house is oriented towards the Private Drive (Bowman’s Glen) but Nine Partners Road is

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considered the front yard. Mr. Diesing also indicated his conversation with his adjoining neighbor regarding no concern about this proposed project.

Acting Chairman Calogero asked for questions and comments from the board.

Mr. Sherow read the Planning Board's recommendation dated July 19, 2017 which is positive. There were no letters received from the surrounding property owners.

Mr. Sherow asked the applicant if the proposed garage is an extension of the house. The applicant responded, "Yes, it will have the same roofline."

The board reviewed the proposed building plan of the proposed garage.

Mr. Canham commented that Planning Board recommendation indicated that the variance for the shed is 37'. The site map shows a setback of 13'.8"

Mr. Diesing responded that there is a typo on the Planning Board's recommendation. They are asking to locate the proposed shed 13'.8" feet off the property line.

The board reviewed the distance of the proposed garage and shed on the map. There was also a discussion whether the verbiage on the legal ad was correct and was advertised right. After a brief discussion about the issue, the board agreed that the requested variances on the legal ad were advertised correctly.

Mr. Sherow asked if the shed is already on the property. Mr. Diesing replied, "No."

The board had a lengthy discussion about the proposed shed which is only 13 feet off the setback. Ms. Dolan commented that the board doesn't want to set precedence. The requested variance is significant (100' to 13').

Mr. Diesing commented that they could locate the garage to the front of the house (Bowman's Glen Drive) but they don't want to. They feel that the proposed location is the most feasible location. This is also the reason why they are requesting for a variance – to get a relief of the zoning.

Mr. Diesing stated that he spoke to his neighbor and his neighbor does not have an issue about the proposal. He underscored that the neighbors are happy about the proposed site since nobody can see it.

Ms. Dolan questioned the location of the leachfield on the map. She asked, "Why is it in the setback?" The board reviewed the approved filed subdivision map.

Mr. Canham asked, "Why can't the leachfield be in the setback? This is not a structure!" This lot is part of an approved subdivision. The septic design would fall under the purview of the Department of Health.

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Mr. Weiland asked if the shed is getting relocated. The Planning Board recommendation indicates a relocation of a shed.

Mr. Diesing responded, "No. This will be a new shed."

The board had a lengthy discussion about Ms. Dolan's concern (setting precedence). Mr. Diesing remarked that sometimes the proposed location might not be good or beneficial to the neighbors but this is the most feasible location.

Mr. Sherow explained the rationale in setting precedence. He also expressed his understanding about Ms. Dolan's concern.

Mr. Calogero stated that you really have to struggle to see this property. It's a very long driveway and the structure is tucked in.

Mr. Canham opined that the proposed site is for privacy and aesthetic purposes.

The board agreed to open the public hearing.

Acting Chairman Calogero motioned to open the public hearing, seconded by Mr. Sherow, All Aye, 5-0.

Hearing none, Acting Chairman Calogero motioned to close the public hearing, seconded by Ms. Dolan, all aye, 5-0.

After all the reviews and discussions were made, the board passed a resolution, to wit:

Mr. Sherow motioned that the Town of Clinton Zoning Board of Appeals grant an area variance requested by **Carl and Sarah Diesing** providing relief from Section 250-22 of the Town of Clinton Zoning Law. This enables them to extend their garage on their property at 64 Bowman's Glen Lane, **Tax Grid No. 6568-00-147600**.

Factors:

1. The applicants are requesting a reduction of front yard setbacks for an existing garage on the property. One setback reduction is from 100' to 83' to build an attached garage and the second reduction is from 100' to 13.8 for a 14' x 30' garden shed.
2. The property is designed as a flag lot and the front of the house is facing Bowman's Glen Lane, creating the need for a front yard setback variance.

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3. The applicant feels that this is the best placement of the structures to maintain privacy and it is a sensible layout.
4. The proposed structures will not be visible from the main road.
5. The requested variances will have no adverse effect on the physical or environmental conditions in the neighborhood.
6. The granting of these variances will not be a detriment to nearby properties or produce an undesirable change in the character of the neighborhood.
7. Given the nature of the layout of a flag lot, the benefit sought by the applicant can be achieved by other means but this is the most beneficial resolution.
8. The property is not within the Ridgeline, Scenic and Historic Protection Overlay District.
9. The alleged difficulty is self-created.
10. An area variance is a Type II action under SEQRA and requires no further action.

Seconded by Ms. Dolan.

Discussion. Mr. Weiland commented on the first paragraph of the draft resolution. It should be to extend the garage instead of an expansion.

The board crafted the verbiage of paragraph #1.

Ms. Dolan indicated that #7 of the draft resolution should state “can be achieved by another means. This is also the most beneficial solution.

Ms. Dolan asked about the size of the proposed shed. Mr. Diesing responded that the dimension of the shed is 14’ x 30’. Ms. Dolan suggested putting the size of the shed in the resolution.

Mr. Canham suggested putting 13 feet variance instead of 13.8 in case they ended up building more to the property line. The board agreed.

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Mr. Weiland discussed the no storage setback with the applicants.

All Aye, Motion carried 5-0.

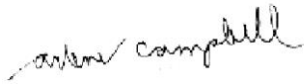
APPROVAL OF MINUTES:

Acting Chairman Calogero motioned to accept the minutes of June 22, 2017, all Aye, Motion carried, 5-0.

ADJOURNMENT:

Acting Chairman Calogero motioned to adjourn the meeting at 8:40 pm, seconded by Mr. Sherow, All Aye Motion carried, 5-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk