

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
March 27, 2014**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham

Frank Kealty

Arlene Campbell, Secretary

MEMBERS ABSENT

Norma Dolan

Macy Sherow III
Arthur Weiland

ALSO PRESENT
Bob Fennell, ZEO

Chairman Malcarne called the meeting to order at 7:38 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:

Packes Subdivision (Lot 1) Area Variance – property located at 27-37 Stissing View Road, **Tax Grid 132400-6469-00-070585**.

The applicant is seeking an area variance to Sec. 250.29 B-6 of the Town of Clinton Zoning Law to allow for an existing accessory dwelling unit of 752 square feet of habitable space.

John Andrews, Ms. Packes' Engineer was back and explained his application. The above property received a conditional subdivision approval dated February 18, 2014. The new created lot (Lot 1) needs a variance for the accessory dwelling unit as a condition to the subdivision approval. The primary dwelling has a gross square footage of 2,170 square feet and habitable space of 1,748 square feet. Lot 1 with existing house has gross space of 960 square feet and 752 square feet habitable space. Mr. Andrews indicated that the zoning regulation allows an accessory dwelling to be 35% of the habitable space of the principal structure. He also noted that the other variance that was granted on this property will be null and void once the subdivision takes effect.

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
March 27, 2014**

Sec. 250.29 B-6 of the Town of Clinton Zoning Law states that “The accessory unit shall contain no greater than 35% of the total habitable space of the existing principal structure prior to the construction of such accessory apartment or 1,000 square feet of floor space, whichever is more restrictive.”

Chairman Malcarne asked for questions and comments from the board.

Mr. Kealty read the Planning Board’s recommendation dated March 4, 2014 which is positive. There were no letters received from the adjoining property owners.

Chairman Malcarne stated that this application is a straight-forward case.

The board agreed to open the public hearing.

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

Peter Randlev, 27 Silver Lake Rd, who lives directly across from the Packes expressed positive comments about this property. This property is well taken care of and the owners have done excellent improvements. Mr. Randlev also commented about the numerous mailings (publication notice) that he received about this property. He hopes not to see any more mailings about this property. Lastly, he pleaded that the board grant the application.

Hearing no more comments from the board, Chairman McCormack motioned to close the public hearing, seconded by Mr. Canham, All Aye, Motion carried, 5-0.

Mr. Calogero expressed his comments about this case. He stated that this is a large parcel and the requested variance is not going to change anything on this property.

Mr. Canham commented that this property is well taken care of.

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

Mr. Kealty motioned that the Zoning Board of Appeals grant to **Nancy Packes 27-37 Stissing View Road, Tax Grid 132400-6469-00-070585**, a variance from the Town of Clinton Zoning District Schedule of Supplementary Regulations 250-29 B (6) Accessory Dwelling Units, to allow for an existing accessory dwelling unit of 752 square feet of habitable space where the law limits the accessory dwelling unit to 35% of the total habitable space of the existing principal dwelling. The principal dwelling has 1748 square feet of habitable space so the law limits the accessory dwelling size to 612 square feet.

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
March 27, 2014**

Factors:

1. The applicant wishes to subdivide the property into two parcels and has been required to secure a variance for the accessory dwelling on the new Lot 1 as part of the application.
2. Section 250.29 B(6) of the Town of Clinton Zoning Law limits the size of an accessory dwelling unit to 35% of the total habitable space of the principal structure on the lot or 1000 square feet of floor space, whichever is more restrictive.
3. The principal structure on the lot has 1748 square feet of habitable space, which means the accessory dwelling unit is allowed a maximum of 612 square feet of habitable space.
4. The accessory dwelling unit has 752 square feet of habitable space, requiring a variance for the additional 140 square feet of habitable space.
5. The site is located in the Ridgeline, Scenic and Historic Preservation Overlay District.
6. An area variance is a Type II action under SEQRA and requires no further action.
7. An undesirable change will not be produced in the character of the neighborhood, and no detriment to nearby properties will be created by the granting of this variance.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested area variance will allow a 23% increase in the allowable habitable space of the accessory dwelling, which is substantial.
10. The alleged difficulty is self-created.
11. All appropriate fees have been paid.

Seconded by Mr. Canham.

Discussion. None.

All Aye, Motion carried, 5-0.

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
March 27, 2014**

APPROVAL OF MINUTES:

Mr. Canham motioned to accept the amended minutes of February 27, 2014 seconded by Mr. Calogero, all Aye, Motion carried, 5-0.

ADJOURNMENT:

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

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk