

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
June 25, 2020**

Due to the Pandemic Coronavirus (COVID 19), Emergency State and Federal Bans on large meetings or gatherings and Pursuant to Governor Cuomo's Executive Order No. 202.1 issued on March 12, 2020 and 202.15 as extended, suspending the Open Meetings Law, the Zoning Board of Appeals held their regular meeting via Zoom videoconference with a You Tube livestream to the public.

Members of the public may also view the Board meeting on the Zoning Board of Appeals video page on the www.townofclinton.com

MEMBERS PRESENT

Joseph Malcarne, Chairman
John Calogero
Charles Canham
Norma Dolan
Ron Mustello
Virginia Morrow
Arthur Weiland

MEMBERS ABSENT

Arlene Campbell, Clerk

ALSO PRESENT

Carol-Jean Mackin, Town Clerk/Acting Clerk

Chairman Malcarne called this virtual meeting to order at 7:33 pm via Zoom with a You Tube livestream to the public due to the Novel Coronavirus (COVID-19), Emergency State and Federal bans on large meetings or gatherings and pursuant to Governor Cuomo's Executive Order 202.1 issued on March 12, 2020 suspending the Open Meetings Law. The meeting is livestreaming via YouTube on the Town's website.

Chairman Malcarne asked the Clerk if the application on the agenda was properly advertised and adjoining neighbors were notified, and fees paid. Acting Clerk Mackin responded positively.

VARIANCE APPLICATION:

1. Application regarding **Eric Littlefield, property located at 370 Clinton Corners Avenue, Tax Grid No. 6566-00-561529.**
 - The applicant is requesting area variances to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations reducing the rear yard setback from 50 feet to 16 feet, and,
 - a variance on the allowable lot coverage of 12% which would increase by 68 square feet from the allowed 1934 square feet in order to permit the installation of a 21' Round Above Ground Pool on a .37 acre nonconforming lot in the H Zoning District.

Mr. Littlefield: explained that he met with John (Fenton?) for the installation of a 21 ft. round pool on a small, non -conforming lot with a well and drainage system, so there is limited area for the pool placement; that is why he is asking for the variance.

Arthur Weiland – viewing the map on the computer showing the subject property as well as the neighbors' properties, Mr. Weiland said the pool will be on the upper back side of the property in question and it does not encroach on neighboring homes. Mr. Weiland referred to a letter from the PB giving a positive recommendation to this project. Mr. Weiland read the Planning Board's motion aloud to grant the positive recommendation:

BE IT RESOLVED, that the Clinton Planning Board makes a positive recommendation to the Zoning Board of Appeals on the requested area variances to Sec. 250 Attachment 2 reducing the rear yard setback from 50 feet to 16 feet for the installation of an above ground pool and a variance on the allowable lot coverage in the H zone of 12% as requested by Eric Littlefield on property located at 370 Clinton Corners Rd. Clinton Corners, NY 12514 Tax Grid No. 6566-02-561529-00 in a Hamlet Zoning District.

WHEREAS:

1. The applicant is requesting a reduction of the rear yard setback from 50 feet to 16 feet for the installation of an above ground pool and a variance on the allowable lot coverage of 12% (68 feet increase from the allowed 1,934 square feet) on this .37 acre non-conforming lot. The proposed side yard setback of 35 feet is acceptable as in the H zoning district note 4 allows that the total width (35 and 65 feet) must not be less than 50 feet and the width of the narrower of the two side yards shall not be less than 1/3 of the total width of the two side yards(33.3 feet in this case).
2. The applicant is proposing to place the pool in the setback area as the best place to site the pool on this very small area.
3. The property is not in an Ag District.
4. The property is not within the Ridgeline, Scenic and Historic Protection Overlay District
5. The property is in a CEA (Critical Environmental Area)
6. The variance requested is substantial but choices are very limited on this small non-conforming lot, as the septic is in the side yard.
7. An undesirable change in the neighborhood will not occur, as many of the surrounding lots are non-conforming and have pools.
8. The alleged difficulty is self-created, as the applicant wish to build the pool in the setback area.
9. No adverse effects will be created by the building of this structure except during construction.

NOW THEREFORE, BE IT RESOLVED, the Planning Board is making a positive recommendation for approval to the Town on Clinton Zoning Board of Appeals.

Seconded by Mr. Thomas, All Aye, Motion carried, 7-0.

Tracie motioned, seconded by Paul, all Aye, 7-0.

Mr. Weiland commented that he is familiar with the property, this is a neighborhood with many lots of various sizes and this is a good addition to the general use of the property.

Upon Mr. Weiland's completion of having read the Planning Board's positive recommendation aloud, MM Chairman Malcarne, 2nd Mr. Canham to open the public hearing on the Littlefield variance application. On roll call, All aye. Motion carried.

Elizabeth Merrill, 390 Clinton Corners Road: Unsure where the pool will be sited. It seems like the pool will be very close to the road. Arthur Weiland said the location is behind the house; it has a horseshoe driveway, the back portion of the yard is open and that is the pool's location. Ms. Merrill asked: Is it in the side yard? Arthur Weiland said it is in the back yard setback. Ms. Merrill is concerned it would be close to the street and that the yard was not big enough to support a 21 foot wide pool. Charles Canham referred to the map and showed there is a distance that measures 88 feet from center of road to the pool, well in the setback. Mr. Littlefield said the pool is sited from the end of the back of the house toward the back yard of the house.

Brian Merrill: how far is the site line to the front of the house? Arthur Weiland said it is a north east diagonal, about 30 to 35 feet from the road. The Board discussed the location of the pool and using the map projected on the screen, the pool is located to the rear of the house.

Brian Merrill: how is it being filled? And What is the height of the fence around pool from the site line from the road.

Mr. Littlefield: the pool will be filled by a truck, we do not want to tap the well. There will be no fence in front. An above ground pool and the height of the pool does not require an additional fence.

Don Lewis, 372 Clinton Corners Road: owns property surrounding two sides of Littlefield. The location of pool with mandatory fencing is adequate as a shield and there is a screen of trees and growth roadside. Feels that the pool will not be adverse to the property, and they don't have a problem with it. It will be an asset to their property. The property has evolved through the decades and it is a good addition, and appearance-wise it will not affect the neighborhood.

MM Chairman Malcarne, 2nd Mr. Calogero to close the Public hearing. All aye. Motion carried.

In other comments, Charles Canham commented: don't try to fill a pool from your well! Use a pool water service. John Calogero noted that there is a beautiful tree in the yard and the Littlefield's will be able to salvage the tree, which is positive for the neighborhood.

Ron Mustello: familiar with property, drove by and the location of the pool on the property is optimal and it is not adverse to the neighborhood.

Motion to approve the variance:

MM Arthur Weiland, 2nd Charles Canham that we grant to Eric Littlefield of 370 Clinton Corners Road - Grid # 6566-02-561529-00, variances from section 250-Attachment 2, Rear

Yard Setback from 50' to 12' in a hamlet zone and to exceed the allowable lot coverage by 68 sq. feet beyond the allowable 1934 sq. feet on this .37 acres.

- 1 An undesirable change will not be brought about in the neighborhood by adding a moderately sized pool to the yard.
- 2 The benefit sought by the applicant cannot be achieved by some other feasible method besides granting the variance.
- 3 The variance is substantial but not significantly impinging on the next door homes.
- 4 The installation of this above ground pool will not have an adverse effect on the physical or environmental conditions in the neighborhood.
- 5 The alleged hardship was self-created due to the desire to add a pool to the yard.
- 6 A residential area variance does not require an Ag Data Statement.
- 7 A residential area variance is a type II action under SEQRA and requires no further action.
- 8 The site is in a CEA district.
- 9 The site is not within the boundary or buffer of a Wetland.
- 10 The site is not in the Ridgeline, Scenic or Historic Protection Overlay District.
- 11 There are no known any known outstanding zoning violations.

No further discussion from the ZBA members, however Mr. Weiland commented that there are no concerns that the property is in any historic district.

Roll call vote – All aye. Motion carried. Variance granted.

Mr. Littlefield: ZBA Clerk Arlene Campbell has been great, she is really a great employee.

At this time, Chairman Malcarne asked if there are any other items: Being none, he offered thanks to Carol Mackin for Clerking and Fred Shequine for managing Zoom.

MM Chairman Malcarne, 2nd Mrs. Dolan to adjourn. All aye. Motion carried. Time: 8:05 pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin,
Town Clerk/Acting Clerk