

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

Ron Mustello
Virginia Morrow

Arlene Campbell, Secretary

MEMBERS ABSENT

Norma Dolan

Arthur Weiland

ALSO PRESENT

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

Chairman Malcarne welcomed everyone and noted that this is the first time that the board is holding a public meeting via Zoom. He read his opening statement in accordance with the Governor’s Executive Order 202.1, and 202.15 as extended, which suspends certain provisions of the Open Meetings Law to allow the ZBA to convene a meeting via videoconferencing. He added that the public has also been provided with the ability to view the meeting via the Town’s YouTube Channel, a link has been provided in the meeting notice, and a transcript will be provided at a later date.

Chairman Malcarne asked the board members to introduce themselves.

Chairman Malcarne asked the secretary if the applications on the agenda were properly advertised and adjoining neighbors were notified. Ms. Campbell responded positively.

Chairman Malcarne read the notice about the Executive Order.

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VARIANCE APPLICATIONS:

Alison Aldrich and Alison Dye regarding property located at 210 Nine Partners Road, **Tax Grid No. 6468-00-871646.**

The applicants are requesting an area variance to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations reducing the side yard setback from 50 feet to 35 feet to enlarge the existing Deck from 12' x 8' to 14' x 12' in the AR3 Zoning District.

Ms. Aldrich and Ms. Dye appeared before the board via zoom. Ms. Dye explained that they want to replace the existing small deck at the back of their house which is rotted. The proposed deck will be slightly larger than the existing one to accommodate a small table. The steps will be built on the side due to the slopes.

Chairman Malcarne asked about the current size of the deck. Ms. Dye responded that the current deck is 12'-8' x 14'-12. They are proposing two feet out to the side of the house.

Mr. Mustello stated that the setback will increase from 35 to 37 feet with the new construction.

Chairman Malcarne asked for questions and comments from the board.

Mr. Mustello read the Planning Board's recommendation dated July 7, 2020 which is positive. No comments received from any of the surrounding property owners.

Mr. Mustello expressed his comments per his site visit. The existing deck is a wooden deck and shows sign of decay. He commented that there might be some structural issue if this deck is not replaced. He added that applicant also owned the adjacent property so there will be no infringement on the neighboring properties.

Mr. Calogero commented that he stopped at the property to check if there will be any changes with the proposed action. He noted that the area is extremely dense with trees and well screened. There is no visual of the proposed deck.

Mr. Canham opined that the proposed expansion presents no problem having to familiarity with this property and knowing the previous owners.

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The board agreed to open the public hearing. Chairman Malcarne motioned to open the public hearing, seconded by Mr. Calogero, Roll Call, All Aye, Vote 5-0.

Hearing no comments from the public, the board closed the public hearing. Chairman Malcarne motioned to close the public hearing, seconded by Mr. Calogero, Roll Call, All Aye, Motion carried, 5-0.

The board passed a resolution. Mr. Mustello read the motion that Ms. Dolan prepared and who was originally assigned to the application.

Mr. Mustello motioned that the Town of Clinton Zoning Board of Appeals grant the area variance to Section 250-Attachment 2 to enlarge an existing deck requiring a sideyard setback variance from 50 ft. to 35 ft. requested by **Alison Aldrich/Alison Dye**, for a 2- acre property located at 210 Nine Partners Road, tax grid number **132400-6468-00-871646-0000 in the AR3A zone**

FACTORS:

1. The applicant wishes to enlarge an existing 12'x8' deck to 12'x14' requiring a variance to the side yard setback of 50' to 35'.
2. An undesirable change will not be brought about in the neighborhood. The larger deck is replacing an existing one and is not visible from the road or any adjacent homes.
3. The benefit sought by the applicant cannot be achieved by some other feasible method besides granting the variance.
4. The requested variance is substantial.
5. The alleged hardship was self-created.
- 6.
7. A residential area variance is a type II action under SEQRA and requires no further action.
8. There is a pond on the site but the 100' buffer is not intruded upon by the enlargement of the deck.
9. The site is not in an Ag District and a residential area variance does not require an Ag Data Statement.

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10. The site is not in the Ridgeline, Scenic or Historic Protection Overlay District.

11. Per the Zoning Enforcement Officer, there are no known outstanding zoning violations.

Conditions:

1. All fees have been paid.
2. Both property owners sign the application form.

Seconded by Mr. Calogero,

Discussion. Ms. Campbell asked to include fees in the condition. The board agreed.

All Aye, Motion carried 5-0.

INTERPRETATION:

None

APPROVAL OF MINUTES:

Chairman Malcarne motioned to accept the minutes of May 28, 2020, seconded by Mr. Calogero, all Aye, Motion carried, 5-0.

Chairman Malcarne motioned to accept the minutes of June 25, 2020 as amended to include the paragraph about the Governor's Executive Order, seconded by Ms. Morrow, all Aye, Motion carried, 5-0.

OTHER MATTERS:

Board Member Mr. Weiland who had troubled joining the meeting earlier due to the storm noted that the Dye and Aldrich's application form should be signed by both property owners. The board agreed to include this as a condition to the approval.

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ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 9:15 pm, seconded by Mr. Canham, All Aye Motion carried, 7-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk