

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
December 1, 2022**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham
Norma Dolan
Ron Mustello
Russel Tompkins
Frank McMahan

MEMBERS ABSENT

ALSO PRESENT

Arlene Campbell, Secretary

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

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

Acting Chairman Canham welcomed everyone and asked his colleagues to introduce themselves.

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

INTERPRETATION:

Maloney Interpretation – property located at 511-521 Schultzville Road, **Tax Grid No. 6567-00-257398.**

The Planning Board seeks an interpretation regarding the request of the Maloney’s area variance for a second ADU on a 41.41-acre horse farm property in the AR5 Zoning District determining:

- (1) whether Section 250-29B(1) of the Zoning Law, allowing only one accessory dwelling per lot, applies to this application (necessitating a second variance), or
- (2) whether the stated use of the existing accessory dwelling as farm worker housing renders Section 250-29B(1) inapplicable, or
- (3) whether the presence of three dwellings on the lot meets the definition

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of “Multifamily Dwelling” under the Zoning Law invoking the requirements of Section 250-62.

Mr. Mustello recused himself due to family ties with the applicant.

Acting Chairman Canham indicated the history of this property. This property used to be owned by Michael Appolonia and came before the board for an area variance to build a large accessory dwelling to house a farm worker. It was determined at that time that an area variance was not required and the ADU can be built and should not be counted as an ADU under the Ag and Markets Law. Mr. Canham stated that per his understanding, this building was never built.

Acting Chairman Canham circulated a document regarding AML 305 (Guidelines for Review of Local Laws Affecting Farm Worker Housing).

Mr. Tompkins expressed his comment based on his understanding of the Guidelines for Review Affecting Farm Worker Housing. A farm worker housing does not fall under the category of ADU in our zoning. If the current ADU above the garage is modified and made into a farm worker housing, in his mind, the new proposed ADU will be the only ADU on this property. He believes it’s inapplicable.

Mr. McMahon concurred with Mr. Tompkins.

Mr. Calogero also agreed with Mr. Tompkins. The workers' housing comes along with farming. It’s clear in the section of the Ag and Markets Law that asks farmers to come to apply, under reasonable local restriction, though, it becomes a question, in the end, Ag and Markets will have the final say. Mr. Calogero opined that it seems that they should not be talking much of this proposal as pieces of it. He doesn’t see anything in the pieces of this very different from what the Ag and Markets Law are saying.

Mr. Canham stated that his reading on this regulation means that the building still has to comply with the building and fire codes. The law allows reasonable limits to ensure health and safety. This is a building occupied by people. If the town wants to regulate farm housing, for instance, imposing setbacks’ limits, Mr. Canham thinks that the town attorney might have to talk to the Ag and Markets people to make sure we don’t overrule the State law.

Mr. Canham asked Mr. Werner, who is a Town Board Liaison Officer, about the town board’s view in regulating farm housing as per Sec. 305 of the AML. The section of the AML is clear that farm housing is protected from unreasonable regulations imposed by the local community and it is up to the state to decide what is unreasonable and reasonable.

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Mr. Werner responded that if the board feels that is reasonable to regulate farm housing then he can suggest it to the town board.

Mr. Canham commented that it is not even the decision of the zoning board that farm operations are exempt from the number of accessory structures. He doesn't think that this will be an issue if the town decides to write a law imposing setbacks on farm housing,

The board discussed question number 3 of the interpretation. Mr. Canham commented that farm operations are exempt from this regulation.

Mr. Newman stated that the Ag and Markets Law are specific that farm housings are for farm workers and not for caretakers.

Mr. Newman commented that farm worker housing is not an accessory dwelling. Mr. Canham concurred. He reiterated that the building still needs to comply with the building and fire code to ensure everyone's health and safety.

Mr. Canham expressed his view based on his understanding of Sec. 305 of the Ag and Markets Law. This is not an ADU. Any element of Town's ADU zoning regulations does not apply. If the town wants to impose limits on farm housing, they need to craft a law and make sure that they don't overstep the state law.

Mr. Thomas, Planning Board member, indicated the Planning board's thoughts about the proposal. The property owner is vacating the primary residence to build a new residence. If the proposed dwelling is not for farm workers, then it is an accessory dwelling unit. Does the existing apartment over the garage used for farm workers render Sec. 250-29 B inapplicable?

The board discussed whether the accessory dwelling unit needs a special permit. The apartment over the garage is a farm worker housing. Mr. Canham feels that this is a gray area. This is not an accessory dwelling unit. Does it need a special permit?

Ms. Campbell stated that farm worker's housing does not require a special permit. The Appolonia's ADU in the past did not require a special permit approval.

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After all the deliberations were made, the board agreed that the responses to the above questions are:

- (1) No
- (2) Yes
- (3) No

AREA VARIANCE:

Maloney Area Variance – property owned by Michael and Molly Maloney on property located at 511-521 Schultzville Road, **Tax Grid No. 6567-00-257398.**

The applicants request an area variance to Sec. 250-29 B(6) of the zoning regulations to increase the allowed square footage of the accessory dwelling unit from 1,000 square feet to 2,050 square feet on a horse farm property of 41.4-acre lot.

The Maloneys appeared for their application. Mr. Maloney explained the site plan that he submitted to the board. He identified the structures on the property and pointed out the location of the proposed ADU. There are two sheds that will be removed. No new driveway is being proposed. The road comes up from the house to the barn and to the proposed site.

Mr. Tompkins expressed his comment per his site visit. The applicants propose to construct a 2,050 square feet ADU when the law limits the size to 1,000 square feet or 35% of the habitable space of the main dwelling whichever is more restrictive. He noted that in this case, 1,000 square feet is more restrictive. The pre-existing apartment over the garage will be used for farm workers. The Maloneys will be living in the proposed ADU and are not intended for farm workers.

Mr. Tompkins underscored that farm operations subject to the Ag and Markets Law should be in the Agricultural District. This property is in the Agricultural District. The property has 41.4 acres and the applicants are receiving farm exemption. This will require a special use permit from the Planning Board.

Mr. Tompkins read the Planning Board’s recommendation dated November 15, 2022 which is neutral.

The board agreed to open the public hearing. Mr. Calogero motioned to open the public hearing, seconded by Mr. Tomkins, all Aye, Motion carried, 5-0.

One email is received from Judah Kraushaar, 689 Shultzville Road expressing concern about visibility and screening of the proposed building. Mr. Kraushaar

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also asked that the driveway access to the new structure will not fall within the proposed 181-foot setback from their property line.

Hearing no comment from the public, Mr. Tompkins motioned to close the public hearing, seconded by Mr. Calogero, all Aye, Motion carried, 5-0.

The board discussed the application on hand.

Mr. Calogero felt that this was not an unreasonable request. The applicants are looking for a 2,000-foot structure. Yes, it is over the limit but he doesn't think that anybody still builds a 1000 square feet house nowadays. He is not encouraging larger structures but 2,000 square feet seems very reasonable.

Mr. McMahon echoed Mr. Calogero's comment. a 2,000 square feet home nowadays is typical.

Mr. Canham indicated that the board routinely granted a variance about the size of the structure in the past. The board feels that this matter merits revision in the zoning code.

Given the proximity of Taconic viewshed to this property, Mr. Canham asked if a single family is exempt from the restrictions. Mr. Newman responded, "Yes".

After all the deliberations were made, the board passed a resolution.

Mr. Tompkins motioned that the Town of Clinton Zoning Board of Appeals grant a variance to Michael and Molly Maloney to build an accessory dwelling measuring approximately 2050 square feet on their property at 511-521 Schultzville Rd, **Tax Grid # 6567-00-257398** which exceeds the allowable size of an accessory dwelling unit of 1000 square feet listed to the Town of Clinton Zoning law section 250-29 (B) (6).

Factors:

1. The proposed accessory dwelling unit is to be constructed on the listed parcel which consists of 41.4 acres.
2. The listed parcel currently has a pre-existing non-conforming accessory dwelling unit that will be changed in its use to a farm worker housing unit, which is governed by New York State Agricultural and Markets law under section 305-a, which states that local governments "shall not unreasonably restrict or regulate farm operations within agricultural districts in contravention of the purposes of this article unless it can be shown that the public health or safety is threatened".

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3. The Planning Board concluded during its meeting of November 15, 2022 that the public health or safety will not be threatened if this variance is granted.
4. The applicant advises that the new Accessory Dwelling unit will be occupied by himself and his wife and will not be used for farm worker housing.
5. The principal dwelling on the parcel will be occupied by family members of the applicants.
6. The parcel is in an AR-5 district, is in an agricultural district, is a working horse farm and receives an agricultural exemption.
7. The parcel contains the required acreage to comply with the parcel size required by the Town of Clinton Zoning Law for an accessory dwelling unit.
8. The parcel is located within the Taconic State Parkway Viewshed, and the Ridgeline, Scenic and Historic Protection Overlay District
9. The applicant will be required to submit a Site Plan and obtain a Special Use Permit prior to constructing the accessory dwelling unit and the Planning Board may impose appropriate conditions or limitations in connection with the issuance of the Special Use Permit.
10. The benefit could also be achieved by a subdivision placing the new dwelling on a separate lot.
11. The proposed accessory dwelling unit will not create an undesirable change in the neighborhood character or be a detriment to nearby properties.
12. The request is substantial by doubling the allowable size of the accessory dwelling unit.
13. The request will not have an adverse physical or environmental effect.
14. The difficulty is self-created but does not preclude the granting of the variance.
15. An area variance is a type II action under SEQRA and requires no further action.
16. The Planning Board issued a "Neutral Recommendation at its November 15, 2022 meeting.

Conditions:

1. All fees are paid.
2. Within 30 days of the issuance of a certificate of occupancy for the new accessory dwelling unit the currently occupied accessory dwelling unit will be vacated and subsequently only occupied by farm workers on the property.
3. If in the future the property ceases to be used for agricultural purposes the farm worker housing unit **must not** be converted back to another accessory dwelling unit and must be altered to prevent habitation.

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Seconded by Mr. McMahon,

Discussion. The board discussed the conditions. Mr. Tompkins stated that the farm worker housing must be occupied by farm workers or this must be converted back to an ADU.

Mr. Canham noted that the unit can be vacated temporarily per the AML regulation. It does not have to be removed or converted back to a structure immediately unless the use of the dwelling changes.

Mr. Newman agreed. If the use of the property changes, for instance, this structure becomes a short-term rental, then it needs to seek a special permit.

Mr. Canham suggested changing the verbiage to “If the property ceases to get farm worker’s exemption.” This is to ensure that this property is a working farm. Anybody can just say that they grow tomatoes in their yard and they are working on a farm.

Mr. Newman stated that per his conversation with the Ag and Markets in Albany, The law protects “farm operations” as defined by New York State. It does not just relate to farm exemption.

Mr. Canham feels that the \$10,000 loophole creates a strict standard. He needs to check the regulation about this matter.

Mr. Newman suggested using the language, “Unless the Ag and Markets’ standards are met.”

The board had a lengthy discussion about the verbiage of the condition.

Mr. Tompkins suggested using a verbiage, “If the property ceases to meet the requirement of the farm operation, then the farm housing unit must not convert back to another ADU....”

All Aye, Motion carried, 4-0.

Mr. Mustello joined the panel back.

Stylman Variance – property owned by Joshua and Robyn Stylman Trustee on property located at 126-128 Schultz Hill Road, **Tax Grid No. 6368-00-436492.**

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The applicants request an area variance to Sec. 250-22 A-4 of the zoning regulations to increase the number of allowed accessory structures in order to build a carport on a 10.1-acre in the AR5 Zoning District.

Grayson Ball appeared from Sun Common and explained his application. Mr. Ball stated that they are proposing two ground mounted Solar systems and one solar canopy. They are seeking an area variance to the number of structures to construct a carport solar canopy.

Mr. Mustello expressed his comment per his site visit to the property. He was under the impression that the ground mounted solar systems were already in place but they were not. The variance before the board is about the number of structures to construct a solar carport canopy. It's a straightforward application. This property is remote and not visible to the neighbors. The applicants intend to put up screening to the east of the property. He doesn't see any changes in the neighborhood.

Mr. Mustello read the Planning Board's recommendation which was positive.

The board agreed to open the public hearing. Mr. Mustello motioned to open the public hearing, seconded by Mr. Tompkins, all Aye, Motion carried, 5-0.

Hearing none, the board closed the public hearing. Mr. Tompkins motioned to close the public hearing, seconded by Mr. McMahan, all Aye, Motion carried, 5-0.

The board discussed the application.

Mr. Canham indicated his struggle in granting a variance about the number of structures. He asked, "When do we draw a line?" Mr. Canham commented that one of the factors in granting a variance is about the detriment to the community. Mr. Mustello addressed that criteria since this property is remote and invisible.

Mr. Tompkins stated that the ground mounted solar system is not counted as accessory structure per the solar law. Mr. Werner noted that the town board intentionally made the ground mounted solar system not counted as an accessory structure. This is to encourage people to install solar systems.

Mr. Canham stated that he loves to see more people installing solar systems.

Mr. Calogero asked the applicant how much this system is going to produce. Does this provide 90% usage of the electricity? Is this accurate? Mr. Ball responded, "Yes."

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Mr. Calogero asked the applicant if this system provides a positive offset, Will they sell power back to the power company? Mr. Ball responded, "No". The property owner is also installing four backup battery systems.

Mr. Canham commented that they are not eligible for a rebate from the state then since you are not allowed to install a back up battery onsite if you ask for a rebate. Mr. Ball agreed.

Mr. Canham solicited more comments from the board.

Mr. McMahon stated that he doesn't see any outstanding issue about the proposal.

Mr. Tompkins discussed the location of the proposed carport and the ground mounted solar systems and sees no impact.

The board discussed the details of the proposed solar system. Mr. Ball presented a photo sample of the proposed solar canopy.

Mr. Newman stated that the proposed solar canopy is also a carport and not a garage. Only one private garage is allowed per the zoning law. He suggested that this structure should not be enclosed.

Mr. Canham asked if this is relevant? Is the intention to put a car underneath it? Mr. Newman responded, "Yes, the planning board application states that the intent use is a carport.

Mr. Ball noted that there is no intention at the moment but the property owner intends to put a car charger in this canopy in the future.

After a very lengthy discussion, the board agreed to pass a resolution.

Mr. Mustello motioned that the Town of Clinton Zoning Board of Appeals on the requested area variance to Section 250-22 to allow an increase in the number of accessory structures on the property in order to construct a carport as requested by **Johsua and Robyn Stylman**, trustees of the property located at 126-128 Schultz Hill Rd, Clinton Corners, NY, **tax grid #6368-00-436492** in an AR5 zoning district.

WHEREAS:

1. The applicant is requesting a variance to the maximum number of allowed accessory structures from three to four in order to construct a carport.
2. The property is in a AR5 zoning district

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3. The property is within the Ridgeline, Scenic and Historic Protection Overlay District.
4. The property is not in a Critical Environmental Area or Taconic State Parkway viewshed
5. The requested variance is substantial, however, the proposed site for the carport is surrounded by woods and would not be visible from the road or adjacent properties.
6. An undesirable change will not be produced in the character of the neighborhood or be detrimental to nearby properties.
7. The applicant cannot achieve the same benefit without the requested variance.
8. The proposed variance should not have an adverse effect or impact on the physical and environmental condition of the neighborhood.
9. The alleged difficulty is self-created but should not necessarily preclude the granting of the area variance, considering the limited impact on surrounding conditions.
10. There are no known outstanding zoning violations.
11. It is noted that an area variance is a type II action under SEQRA and requires no further action.

Conditions:

- 1) All fees have been paid
- 2) The structure shall remain as a “carport”, and not be enclosed to be used as a typical garage structure.

Seconded by Mr. Calogero.

Discussion. Mr. Canham stated that there was an open permit on this parcel. Is this permit closed? Ms. Campbell responded, “Yes.”

All Aye, motion carried, 5-0.

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MTS Realty LLC Area Variance (continuance) - property owned by Barry Milea located at 505 Hollow Road, **Tax Grid No. 6366-00-284983**.

The applicant requests the following area variances to Sec. 250 Attachment 2 (Area Bulk and Regulations) in order to do a residential alteration and construct an inground pool.

Front Yard setback reduction from 100' to 17'4" – Covered Front Porch
Rear Yard setback reduction from 75' to 66' – Covered Patio
And 21' – Pool and pool deck
Side Yard Setback reduction from 50' to 47' – Covered Patio
Building coverage from 7% to 11.91%-

Matthew Pecora, architect, appeared on behalf of the property owner. It was noted that this application was before the board on April 28, 2022.

Acting Chairman Canham noted that a public hearing was opened at the previous meeting and remains open. The applicant modified their proposal given the complexity of the original application. He made a recap of what had transpired at the April meeting. This is a .5-acre nonconforming lot in the AR3 Zoning District. The original application called for a very significant increase in the lot coverage. There was also a concern about the driveway that doesn't belong to the property. He noted that the Planning Board gave a neutral recommendation.

Mr. Pecora explained that they initially wanted to expand the existing house. Given the discussion from the previous meeting, Mr. Pecora stated they are no longer proposing an addition to the existing two-story one family dwelling. They revised their request to seek zoning variances to build setbacks and building coverage to construct front and rear porches and inground pool.

Mr. Pecora indicated the discussion from the previous meeting about the possibility of acquiring more lands from the surrounding properties to eliminate some of the variance and address the driveway issue. He noted that they weren't able to purchase more lands but were able to get an easement for access for the existing driveway from the abutting property.

Mr. Pecora discussed the revision of the proposal. They decided not to ask for the addition to the building and are now just asking the board for the pool installation at the rear yard. There is no place in the rear yard to place the pool without requiring a setback variance.

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Mr. Canham stated that the original application dated November 2021 shows the proposed pool closer to the house. He asked the applicant why the revised map shows the new proposed pool pushed back. Mr. Pecora responded that per their discussion with the pool company, this is to allow the use of the space in front of the pool instead of going around to the back of the pool.

Mr. Canham verified the square footage of the proposed structure on the map in regards to the calculation of the building lot coverage. Patio – 381 square feet, Pool – 480 square feet, Covered Patio – 200 square feet, New Covered Front Porch – 40 square feet and New Rear Porch – 20 square feet, totaling 1,121 square feet. Mr. Canham stated that he came up 20 square feet more than the applicant's number (1,101 square feet). He commented that the 20 square feet new porch looks like a small stoop. He wants to make sure that the actual variance captures what actually needs to be done.

The board discussed the variance and agreed that the proposal increases the building coverage by 1,121 square feet.

Mr. Canham stated that the new application is now within the 50% building expansion per Sec. 250-84 of the zoning regulation. He noted that neither the front porch nor the covered patio increases the building expansion. He added that the board needs to acknowledge in the resolution that the proposed action happens in the setback.

§ 250-84 Alterations permitted to nonconforming buildings. – state that “A building which is nonconforming under the previous zoning ordinance and nonconforming under this chapter shall be permitted to expand to an amount not exceeding 50% of the aggregate building area as it existed on the effective date of the 1974 Zoning Ordinance, established as October 2, 1974,…”

Acting Chairman Canham solicited questions and comments from the board.

Mr. Calogero commented that he likes that the new proposal is scaled back, reducing the stress on the lot itself. They are legitimizing the lot. He tried to focus on the pool. The pool is very desirable to many people and he had a hard time preventing other people's

happiness. Mr. Calogero opined that the fact that this is scaled back and less stressful to the property, then he is happy. It shows good faith.

Mr. Werner asked about the new variances required. Mr. Canham responded and indicated the new variances as indicated above. He noted that they need to bring everything into compliance the way he understands the law.

The board had a lengthy discussion. Mr. Canham stated that the previous lot coverage is over 18% while the new proposed lot coverage is under 12%.

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Mr. Mustello asked about the necessity of the front yard variance. The house was built in the 18th century and predates the zoning.

Mr. Canham responded that all nonconforming buildings need to comply with all the setbacks per the section below. They need to bring everything into compliance.

§ 250-83- A Nonconforming buildings or structures. – states that All alterations or extensions to a nonconforming building or structure shall comply with provisions of this chapter with respect to Article IV, Area and Bulk Regulations.

Mr. Tompkins asked the applicant about the dark line on the map. Is that the property line? Mr. Pecora responded that the dark line represents the property line. The broken line represents the center line of Hollow Road.

Mr. Tompkins asked, “What’s the distance between the property line and Hollow Road? Mr. Pecora did not respond.

The board discussed the front yard setback. Mr. Canham stated that the law requires that front yard setbacks be measured from the centerline of the road.

Mr. Tompkins opined, “It depends whether the right of way is greater than 60 feet.” He indicated his past experience when he was required to measure the setback from the edge of the property line.

§ 250-23-A Measurement and use of yards. – states that “The front yard setback is measured from the nearest point on the centerline of the road or right-of-way. Where the width of the right-of-way is greater than 60 feet, the front yard is measured from the nearest edge of the right-of-way.”

Mr. Werner stated that it depends whether the road is a user road or not. Hollow Road is a county road.

Mr. Canham stated that the map shows a front yard setback of 17 feet from the property line. The distance to the centerline of the road is 41 feet.

After a lengthy discussion, the board agreed that the front yard setback is 17 feet.

The board agreed to close the public hearing.

Mr. McMahon motioned to close the public hearing, seconded by Mr. Calogero, all Aye, Motion carried, 5-0.

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Mr. Mustello asked about the placement of propane tanks to support a pool heater in reference to the setback. Mr. Newman responded that propane tanks are not subject to setbacks. Propane tanks and generators are equipment and not subject to setbacks.

Mr. Canham asked the applicant if they are proposing any heating for the pool. Mr. Pecora responded that he is not aware of anything.

Mr. Canham solicited more comments from the board.

Mr. Tomkins felt that this application is a lot better than the original application. It's asking too much for the size of this property.

Mr. McMahan echoed Mr. Tompkins. The amount of construction is not a lot but given the size of the lot – it is a lot but where else can he put it. He asked about the rear yard setback in reference to the pool and safety. Are there any neighbors back there? Mr. Pecora understands the concern and responded, “No, there are no neighbors back there.”

Mr. Newman stated that the front yard setback should be called building line per Sec. 250-105. He suggested using “building line” instead of “front yard” setback.

Mr. Canham noted that according to the definition, they are synonymous. It's all semantics.

Sec. 250-105 (Definition) defines BUILDING LINE, FRONT as A line generally parallel to the street or road beyond which the front of a building may not project into the required front yard as specified for the district in which the lot is located, also called "minimum front setback line." In the case of a corner lot any building line nearest to the street line shall be considered a front building line.

After all the deliberations were made, the board passed a resolution.

Mr. Canham motioned that the Town of Clinton Zoning Board of Appeals grant variances requested by **Barry Milea** (MTS Realty) for property located at 505 Hollow Road, Staatsburg, NY, **Tax Grid #132400-6366-00-284983**. The property is a 0.505 acre lot in an AR3 Zoning District. The applicant requests four variances to Sec. 250 Attachment 2 District Schedule of Area and Bulk Regulations to allow additions to the primary dwelling unit and to construct a pool. Specifically, the Applicant requests:

(1) A variance to allow expansion of the maximum building coverage from the allowed 7% to 11.916%;

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(2) A reduction in the rear yard setback from 75 feet to 66 feet for the addition of a new covered patio and 21 feet for a new pool and pool deck;

(3) A reduction in the side yard setback from 50 feet to 47 feet for the new covered patio; and

(4) A reduction in the front yard setback from 100 feet to 17.4 feet for a new covered front porch.

Factors:

1. The proposed additions to the principal dwelling unit on this pre-existing, non-conforming lot would consist of a 200 sq. ft. covered patio on the rear of the house; a 20 sq. ft. new porch in the rear of the house; and a 40 sq. ft. new covered front porch. Both the rear patio and the front porch would be built within setbacks and require variances.

2. Applicant also wishes to construct a 16' x 30' inground pool surrounded by a 381 sq.ft. pool patio. The pool and patio would be entirely within the rear yard setback.

3. The proposed additions would add 1,121 sq. feet to the lot coverage, expanding lot coverage from 1498.8 sq. ft to 2,619.8 sq. ft., or 11.9% of the lot.

4. The property is a pre-existing nonconforming 0.505 acre lot in an AR3 Zoning District. Portions of the pre-existing house on the lot extend into the front yard setback (17.4 feet) and the side yard setback to the east (47.5 feet). The covered front porch would not further reduce the front yard setback, and the new covered patio would not further reduce the east side yard setback. The covered patio would reduce the rear yard setback from its current 78.5 feet to 66 feet.

5. The lot is surrounded to the west, north, and east by two large parcels, with no residences nearby in those directions. There is a residence diagonally across the street, but the proposed additions would be largely screened by the existing house. Therefore the proposed additions will not change the character of the neighborhood or be a detriment to nearby properties.

6. The proposed variances should not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

7. The property is not in a Critical Environmental Area.

8. The alleged difficulty is self-created but that does not preclude the granting of the area variance. There are no reasonable alternatives to accomplish the proposed additions.

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9. An area variance is a Type II action under SEQRA and does not require further review.

10. The Planning Board has made a positive recommendation with regard to the proposed variances.

Conditions:

1. The property will not be used for short-term rentals.
2. All fees have been paid.

Discussion. Mr. Calogero expressed his appreciation for the scale of the new proposal. The house has been there for a very long time. He commented that it seems that this lot was carved off from the larger lot.

Mr. Canham verified with the applicant about the no short-term rental use of the property. Mr. Pecora confirmed.

Mr. Canham noted that the restriction about the short-term rental use is due to the small size of the lot and the parking issue.

All aye, Motion carried, 5-0.

APPROVAL OF MINUTES:

No Minutes were approved.

ADJOURNMENT:

Mr. Canham motioned to adjourn the meeting at 9:25 pm, seconded by Mr. Mustello, All Aye Motion carried, 5-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk