

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
January 26, 2023**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham

Russel Tompkins

MEMBERS ABSENT

Norma Dolan
Ron Mustello

Frank McMahon

ALSO PRESENT

Arlene Campbell, Secretary

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

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

Chairman Malcarne welcomed everyone and asked his colleagues to introduce themselves.

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

AREA VARIANCE:

Pressner Area Variance – property owned by Margaret Anne Gerrity and Stan Pressner located at 72 Bowmans Glen Lane, **Tax Grid No. 6568-00-169564.**

The applicants are requesting an area variance to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations for a front yard setback reduction from 100 feet to 87 feet in order to construct a 389 square feet addition to an existing garage on a 15.02-acre property in the AR5 Zoning District.

Mr. Pressner appeared and explained that he currently has a three-car garage. Two of them have cars and the third one has wood. He wants to extend one bay of his garage 24' forward to create an insulated workshop space for woodworking that can be economically heated. He added that he needed a space to store tools, supplies and wood.

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
January 26, 2023**

Mr. Pressner explained why the proposed action is the only feasible method to achieve his goal given the steep slope and the shape of the lot that is a flag lot.

Mr. Pressner stated that the neighbors who will be affected by the variance are the Diesings who were the original property owners when the lot was subdivided (Diesing 4 lot subdivision). He added that the Diesings will also be doing the construction of the proposed addition.

Chairman Malcarne asked for questions and comments from the board.

Mr. Calogero read the Planning Board's recommendation dated December 6, 2022 which is positive.

Mr. Calogero expressed his comments. The proposed location of the garage addition has less impact on the property. This property is quite remote and not visible from the road. He understands the sacrifice of a portion of the driveway instead of disturbing the property that would require fill given the drop off.

Mr. Canham indicated the 15 feet variance that he sought years ago to build his garage. He understands the benefit of the garage. He had the same situation with this application where his property has a massive drop off that would require fill to stay out of the setback. He echoed Mr. Calogero's comment that this minimizes disturbance to the site.

Mr. Tompkins reverberated the above comments. This seems to be the most practical solution. He doesn't have a problem with the proposal.

The board agreed to open the public hearing.

Chairman Malcarne motioned to open the public hearing, seconded by Mr. Canham, all Aye, Motion carried, 4-0.

Hearing no comments, Chairman Malcarne motioned to close the public hearing, seconded by Mr. Calogero, all Aye, Motion carried, 4-0.

The board passed a resolution, to wit:

Mr. Calogero motioned that the Town of Clinton Zoning Board of Appeals grants the requested area variance to Section 250 Attachment 2, from the required 100 ft front yard setback to 87 ft, for the construction of a 389 sq ft addition to the garage, on property owned by **Margaret Anne Gerrity and Stan Pressner**, located at 72 Bowmans Glen Lane, Clinton Corners, NY, **tax Grid # 132400-6568-00-169564** in an AR5A zone.

Factors:

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
January 26, 2023**

1. The applicants wish to expand their garage with a 389 sq ft addition for use as a workshop.
2. Bowmans Glen La. consists of several rear lots. Previously it was determined that the lot line which most closely parallels the main roadway is considered to be the front lot line.
3. Given item 2, any further development on that part of the structure will require a variance despite this being a large parcel.
4. Due to the nature of the terrain, far less disturbance to the lot will be required in the desired location. The applicants are sacrificing part of their driveway rather than create that disturbance.
5. The parcel is heavily wooded and naturally screened and the proposed addition will not have a significant impact on the parcel or the only neighbor visible from the proposed location.
6. The site does not contain a NYSDEC wetland.
7. The site is not in an AG District or a CEA, but is on a Scenic/Historic Road and must conform to Local Law #3 of 2001.
8. The requested variance is self-created and substantial.
9. The benefit sought can be achieved by other means but with more impact on the property.
10. The Planning Board has unanimously recommended approval of the variance.
11. Per the ZEO, there are no known violations with this property.
12. An area variance is a Type II action under SEQRA and requires no further action.

Seconded by Mr. Canham,

Discussion. Mr. Canham commented that item #3 of the resolution should read "Given item#2 instead of item #1.

Chairman Malcarne suggested including a statement stating "This is a type II action and requires no further action under SEQRA."

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
January 26, 2023**

The board exchanged opinions whether to include a condition regarding downlighting and agreed not to include any conditions. The house is secluded.

All Aye, motion carried, 4-0.

APPROVAL OF MINUTES:

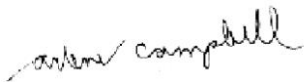
Chairman Malcarne motioned to accept the minutes of October 27, 2022 as amended, seconded by Mr. Tompkins, All Aye, Motion carried 4-0.

Chairman Malcarne motioned to accept the minutes of December 1, 2022 as amended, seconded by Mr. Calogero, All Aye, Motion carried 4-0.

ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 8:15 pm, seconded by Mr. Tompkins, All Aye Motion carried, 4-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk