

**Town Of Gardiner, Zoning Board of Appeals**

**Meeting Minutes**

**April 27, 2023**

**Members Present:** Michael MacElhiney, (Acting Chairperson), Lisa Lindsley, Nicole Wistreich

**Public Hearing**

Bartlett

1537 Old Farm Road, Gardiner, NY SBL: 94.1-1-29

The meeting began at 7:02 pm.

M. MacElhiney explained the conduct and voting procedure for the meeting in accordance with §220-59 H (2) of the municipal code.

Chris Allibone- 1537 Old Farm Road, Gardiner spoke on behalf of the applicant. The project involved placement of a 12' x 24' above ground swimming pool inside of required setback distances. Hillside geography dictated the proposed placement of the pool on the closest-to-level portion of the property. He noted that the sloping portion of the property had buried pipes that served as a dry well.

M. MacElhiney established that the lot was pre-existing / non-conforming in accordance with §220-28. He identified setback requirements in accordance with §220-28 A (1) being less than those required for the district as established in §220-11. The lot is on a corner. In accordance with §220-28 A (1) (c), the side / side setbacks were determined to be 26'. The variance requested by the applicant was for 14' encroachment into both side setbacks.

The board reviewed the *five factors to be considered for an area variance*. The board voted unanimously to approve the area variance to allow placement of the swimming pool 12' from the side / side property lines.

**L. Lindsley motioned to adjourn the meeting. N. Wistreich seconded the motion. The board voted unanimously to approve the motion.**

Prepared by: Michael Makely Date 1 JUN 2023  
Michael Makely  
Zoning Board Clerk

Filed by: Julia Hansen Date 6/1/23  
Julia Hansen  
Town Clerk