

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
October 4, 2011**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan

Robert Marrapodi

Eliot Werner

MEMBERS ABSENT

Tracie Ruzicka

Paul Thomas

ALSO PRESENT

Arlene Campbell, Secretary

Dean Michael, Liaison Officer

Chairman McCormack called the meeting to order at 7:34 p.m.

AREA VARIANCE APPLICATION:

Bruce Cookinham Area Variance Application – property on 130-142 Schultz Hill Road, **Tax Grid No. 6368-00-420610.**

Applicant is seeking an area variance to Sec. 250 Attachment 2 of the Town of Clinton Zoning Law for a reduction of minimum lot width from 400 feet to 365 feet (front building line) in order to proceed with the 3 lot subdivision.

The applicant has a pending subdivision application before the board due to unresolved boundary dispute.

Bruce Cookinham and his son Brad along with their engineer Paul Tirums, all appeared for this application.

Mr. Cookinham stated that they had this property re-surveyed. It still shows that there's an overlay between his property and Tobias Picker's. He quoted that both surveyors claimed that this strip (25 feet) shows on both deeds.

Mr. Tirum explained that since they didn't know how to resolve this issue or when this issue is legally going to be resolved, they are seeking an area variance of 37 feet on the house line so that they can proceed with the subdivision process. He opined that they do not feel that this issue affects the approval of the subdivision process.

Chairman McCormack asked if Mr. Picker's house was built after the zoning regulations. Tobias Picker's property is a land-locked parcel. His access to his house is through the gravel driveway.

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The board reviewed the case. Mr. Marrapodi asked about the location of the Polleys' property. Mr. Tirum pointed out on the map the location of Mr. Polley's house. It was noted that the Polleys' property is also a land-locked parcel and is using the same gravel driveway as the Pickers.

Chairman McCormack asked if the Pickers' property touches the road. Mr. Tirum responded, "No." Mr. Tirum's quoted that Mr. Picker claims that per his surveyor he has a deed over this gravel driveway all the way to his house.

Chairman McCormack asked who owns the property. Mr. Tirum responded that both surveyors claim that the 25-foot strip shows on both deed. This is the dispute between these property owners.

Brad Cookinham indicated that these parcels used to be one piece of land when the Bakers owned this parcel. Somewhere along the line, when the Martins acquired the property, the driveway and that piece in question became two different parcels.

Mr. Tirum noted that they are not trying to take ownership of the gravel driveway. There is another access on the other side of the property. As for Lot 3 of the proposed subdivision, they want to keep this gravel driveway working the way it works. Mr. Tirum opined that the variance of 37 feet will have no adverse impact on Schultz Hill Road.

Mr. Werner asked if granting the variance resolves the issue about the Deed Overlap. Chairman McCormack responded, "No."

Chairman McCormack expressed his opinion about this case. By getting the variance, you're establishing that this is the property line. You are asking a variance for a potential or imaginary/disputed line.

Mr. Marrapodi noted that technically Planning Board cannot even act on this variance until the issue is resolved. The Planning Board has to act on the original subdivision application first.

Mr. DePasqua asked if anybody has seen Mr. Picker's survey or deed. Mr. Tirum responded negatively. However, when Mr. Cookinham's surveyor re-surveyed this property, the surveyor researched both deeds. Mr. Tirum noted that this strip shows up on both properties. Both property owners (Cookinhams and Pickers) claim ownership of this piece of land.

Chairman McCormack advised the applicant to talk to the town attorney and seek legal advice on how to move forward with this issue. The applicant agreed.

Mr. Cookinham noted for the record that the driveway issue with Bruce Duncan has been resolved. Mr. Cookinham submitted a Right of Way Easement and Maintenance Agreement between him and Bruce Duncan, which is on file.

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PUBLIC HEARING:

Lobel 2 lot Subdivision – property on 54 Stonehouse Road, **Tax Grid No. 6369-00-540286.**

The applicant wishes to subdivide a 43.85-acre property into two lots. The property is in the AR5 Zoning District.

Marie Welch of Welch Surveying Company and Kathleen Knight both appeared for this proposition.

Ms. Welch briefly explained what had transpired at the previous meeting dated 9-20-11.

Mr. Werner motioned to open the public hearing, seconded by Mr. DePasqua, all Aye, Motion carried, 5-0.

Hearing no comments from the public, Mr. DePasqua motioned to close the public hearing, seconded by Mr. Marrapodi, All Aye, Motion carried, 5-0.

APPLICATION:

Adrienne Lobel (Sketch Plan Approval) – property on 54 Stonehouse Road, **Tax Grid No. 6369-00-540286.**

The applicant wishes to subdivide a 43.85-acre property into two lots. The property is in the AR5 Zoning District.

Marie Welch, surveyor, and Kathleen Knight were back before the board for the continuation of the application.

Ms. Welch explained the revised map. As requested at the last meeting, the proposed driveway location, shed, and the existing stonewall are all added to the map. Since the survey of this property was originally done by Robert Campbell, Ms. Welch noted that there is no way for her to scale the map. Most of the structures that are showing on the map are within the property lines. There are neither violations nor setback issues on this property.

Ms. Welch discussed the requested waiver dated 10-04-11. She is requesting items on the requirements checklist such as an area map (1" = 800') due to the size of the lot, setbacks of the building envelope, easement, covenants, etc.

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Mr. Werner asked about the Conservation Easement. Since the applicant is requesting a waiver for the setbacks of the building envelope, does Conservation Easement agreement needs to be included as a condition to the approval?

Ms. Welch noted that the easement will take place after the subdivision approval. She opined that she doesn't think it is necessary to indicate the setbacks of the building envelope on the map since there's already a house on Lot 1.

Mr. Werner remarked that somebody can still subdivide this lot in the future if you don't include the easement as a condition. He asked if it would be easier to put the setback of the building envelope on the map instead of including the easement as a condition. Ms. Welch responded that it would be easier to include the setback of the building envelope on the map.

Mr. DePasqua asked the applicant if they are going to require a building envelope. Ms. Welch responded, "Yes, mostly on the front of the property near the road end."

Mr. DePasqua asked if the shed that is too close to the road was built before the zoning regulations. Ms. Knight responded that this shed has been there before the road was even constructed.

Mr. Werner motioned to accept the request for waivers dated 10-04-11, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

After reviewing the short form EAF, the board passed a resolution.

Mr. Werner motioned the following resolution, to wit:

BE IT RESOLVED, that the Town of Clinton Planning Board has determined that the **Lobel 2 lot subdivision** application on property located at 54 Stonehouse Road, **tax grid no. 6369-00-540286** will not have a significant impact on the environment; and;

BE IT FURTHER RESOLVED, that the Town of Clinton Planning Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act 6 NYCRR 617.6 (g) and in accordance with Article 8 of the Environmental Conservation Law.

Seconded by Mr. DePasqua, All Aye, Motion carried, 5-0.

No condition was imposed relating to the conservation easement contemplated by Ms. Lobel, nor did the Planning Board rely on the fact that an easement was being planned.

Hearing no more comments from the board, another resolution was passed.

Mr. Werner motioned that the Town of Clinton Planning Board grant conditional Preliminary and Final Plat approval to **Adrienne Lobel** for the purpose of subdividing

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lands on a 43.85-acre site located at 54 Stonehouse Road, which is in an AR-5 Zoning District in the Town of Clinton, **tax grid #132400-6369-00-540286.**

WHEREAS:

- 1) The applicant is requesting a two (2) lot subdivision as shown on the survey created by Robert S. Campbell, L.S., license #049307, dated 10-15-00, and the drawing by Marie T. Welch, L.S., dated 9-22-11 and revised 10-4-11.
- 2) The acreage after the subdivision will be 22.086 acres for Parcel I (the parcel north of Stonehouse Road) and 21.764 acres for Parcel II (the parcel south of Stonehouse Road).
- 3) A Short Form EAF is on file.
- 4) The Town of Clinton Planning Board granted conditional sketch plan approval on 9-20-11.
- 5) The Town of Clinton Planning Board declared itself lead agency on 9-20-11 for this unlisted, uncoordinated action.
- 6) In accordance with Section 7.9.B.3.d of the Town of Clinton Zoning Law, a Public Hearing was held on 10-4-11.
- 7) A SEQRA review of this unlisted, uncoordinated action (and the Public Hearing held on 10-4-11) has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 10-4-11.
- 8) In addition to the items waived from the sketch plan, at its 9-20-11 meeting the Planning Board agreed to waive specific items from the Preliminary/Final Subdivision plat as follows:

The items requested by Marie Welch in her letter dated 9-15-11, Section II.
- 9) At its 10-4-11 meeting, the Planning Board agreed to waive two additional items from the Preliminary/Final Subdivision Plat: the scale of the Area Map from 1 inch = 400 feet to 1 inch = 800 feet; and the location of the children's playhouse, pool, and small shed on Parcel II.
- 10) All appropriate fees have been paid.

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NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants Preliminary and Final Plat approval for the requested subdivision of lands when the following conditions are met.

- a) The title of the map should be PRELIMINARY/FINAL SUBDIVISION PLAT.
- b) The following item should be shown on the Preliminary/Final subdivision plat:
 - Building envelopes on Parcel II.
- c) The physical address of the property should be changed to 54 Stonehouse Road.
- d) The Permission to File block has been signed by the Dutchess County Department of Health.
- e) The Owner's Consent block should be signed.
- f) Inclusion of a statement on the plat indicating that ownership is to the center of Stonehouse Road, which is a user road.

Seconded by Mr. Dolan.

Discussion. Ms. Campbell noted that Recreational fees need to be paid. This should be included as a condition. Ms. Welch submitted a check in settlement of this fee.

All Aye, Motion carried, 5-0.

OTHER MATTERS: (Board Discussion)

The board was reminded about the deadline of submission of comments for the draft Comprehensive Plan.

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APPROVAL OF MINUTES:

Mr. DePasqua motioned to accept the minutes of 9-20-11 as amended, seconded by Mr. Werner, all Aye, Motion carried, 5-0.

ADJOURNMENT

Mr. DePasqua motioned to adjourn the meeting at 8:50 pm, seconded by Mr. Marrapodi, All Aye, Motion carried, 5-0.

Respectfully Submitted,



Arlene A. Campbell, Clerk
Planning & Zoning Board of Appeals

Cc: Carol Mackin, town clerk