

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
March 1, 2011**

MEMBERS PRESENT

Mike McCormack, Chairman

Tracie Ruzicka
Paul Thomas
Eliot Werner
Robert Marrapodi

Arlene Campbell, Secretary

MEMBERS ABSENT

Art DePasqua
Gerald Dolan

ALSO PRESENT

Michael Dean, Liaison Officer

Chairman McCormack called the meeting to order at 7:30 p.m.

Wowaka 4 lot subdivision (Forever Ivy Acres) – property owned by Stephen and Rhonda Wowaka and is located at East Fallkill Road, **Tax Grid No. 6266-00-935470.**

Applicants proposed to subdivide a ±35.7 acre lot into 4 lots which is in the AR3 and AR5 Zoning District. Lot 1 – ±5.16 acres, Lot 2 – ±8.63 acres, Lot 3 – ±7.41 acres and Lot 4 – ±14.49 acres.

Michelle Zerfas, Joe Berger from Berger Engineering and the Wowakas were all back for continuance of their proposition.

Also present for this case was the town engineer, Pete Setaro. Mr. Wilson, the town planner was not in attendance of this meeting.

Mr. Berger recapped what had transpired at the last meeting (PB meeting dated 2-15-11). He noted that the requested area variances were granted by the Zoning Board of Appeals dated 2-24-11. They are now back before the board to continue the process of the subdivision. Mr. Berger also expressed his hope to get the Preliminary approval so that they can start the process of Board of Health approval.

Chairman McCormack asked the applicant about the deep and perk test of the soil. Mr. Berger responded that all these tests were done on all the proposed lots.

Chairman McCormack opened questions from the board.

Mr. Marrapodi asked the applicants if they are still proposing to do lot adjustment with the Swensons (adjoining property owner). Mr. Berger replied negatively. The 4-lot configuration makes the lot line goes away. The Swenson's driveway stays. Mr. Berger stated that lot line adjustment was necessary before with the 6-lot configuration in order to build a town road.

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Mr. Thomas indicated the Sketch Approval and Declaration of Lead Agency resolutions that the town planner had prepared. Mr. Thomas noted that the subdivision application and Long Form EAF for the new proposed subdivision were not included in the recent submission. He asked the board if they can proceed with these resolutions since the missing documents are necessary for these approvals.

The town engineer concurred with Mr. Thomas. The application form and Long Form EAF need to get modified before the board can act on Sketch approval and start the SEQRA process.

The applicants agreed to submit a new subdivision application and update the Long Form EAF.

The board discussed the SEQRA process. Mr. Thomas stated that the town planner prepared an Unlisted and Coordinated review lead agency declaration for the SEQRA process.

Mr. Berger questioned the need of coordinated review for this process. He remarked that they reduced the number of lots from 6 to 4 with the common driveway. The impact was reduced.

The board discussed whether this is coordinated or uncoordinated review. Mr. Setaro commented that Planning Board can choose to make this review as uncoordinated unless the board thinks that there is a major impact to Health Department and DEC as to whether these agencies want to assume lead agency.

Mr. Werner questioned the determination made by the town planner that this is coordinated review. Mr. Thomas noted that the original resolution that Mr. Wilson had prepared stated “uncoordinated review”.

Mr. Setaro commented that the town planner will probably be okay if the board decides that this review is “uncoordinated”. He opined that the town planner probably meant “uncoordinated review” since the original resolution states “uncoordinated”.

After discussing the above issue, the board agreed that this is unlisted and uncoordinated review for SEQRA process purposes.

The board agreed to grant Sketch Approval, to wit:

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution:

Whereas, the Town of Clinton Planning Board has received an application for Sketch Plan Approval from **Stephen and Rhonda Wowaka** involving the proposed

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subdivision of a ±35.7 acre parcel of land into 4 residential building lots located on East Fallkill Road known as the “Forever Ivy Acres Subdivision” as shown on a proposed sketch plan map prepared by Berger Engineering and Surveying, Professional Engineer license #069634, said map dated March 1, 2010 and bearing a latest revision date of February 11, 2011 consisting of Sheet PR1 entitled “Preliminary Subdivision Plat – North Section and Sheet PR2 entitled “Preliminary Subdivision Plat – South Section”; and

Whereas, the application involves **tax parcel number 6266-00-935470-0000** which parcel is located partially in the AR-3 Low Density Agricultural Residential District and partially in the AR-5 Very Low Density Agricultural Residential District; and

Whereas, the layout of the proposed lots would be such that lots 2, 3, and 4 would be “rear lots” as that term is defined in Article VIII, §250-105 of the Town Code and would have three abutting accessways to each of the new lots in addition to an existing abutting accessway on an adjoining lot identified as the lands of Swenson; and

Whereas, pursuant to Article IV, §250-25(B)(3) no two accessways to rear lots may abut except the Planning Board may waive this requirement and allow up to two abutting accessways to rear lots; and

Whereas, in order to allow the additional two abutting accessways a variance must be granted by the Zoning Board of Appeals; and

Whereas, on February 24, 2011 the Zoning Board of Appeals granted a variance 1) from §250-25(B)(4) of the Town of Clinton Zoning Law requiring an 80 foot separation from an adjacent driveway and 2) from §250-25(B)(3) to allow two additional abutting accessways; and

Whereas, a Long Form EAF Part 1 has been received; and

Whereas, the parcel is located within 500 feet of a working farm in an Agricultural District requiring the submission of an Agricultural Data Statement; and

Whereas, the Planning Board has determined the proposed project is an Unlisted Action and that an uncoordinated review of the action will be undertaken.

Now, Therefore Be It Resolved, the Planning Board hereby waives Article IV, §250-25(B)(3) to allow two abutting accessways; and

Be It Further Resolved, the Planning Board hereby grants Sketch Plan Approval for the Forever Ivy Acres Subdivision; and

Be it Further Resolved, the Planning Board determines that the application for Sketch Plan Approval is sufficient to serve as an application for Preliminary Subdivision

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Approval for purposes of commencing the selection of a Lead Agency pursuant to 6NYCRR 617; and

Be It Further Resolved, the Planning Board hereby declares its intent to be the Lead Agency pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617; and

Be It Further Resolved, the Planning Board hereby directs that the identified involved and interested agencies as noted on Attachment "A" hereto, be notified of the Board's intent to be the Lead Agency, and that a copy of the Part 1 EAF, the application form, and the proposed preliminary plat map be delivered to said agencies seeking their comments; and

Be It Further Resolved, that the Planning Board hereby schedules a public hearing on this application for March 15, 2011 at 7:30 p.m.

Seconded by Mr. Marrapodi.

Discussion. None.

All Aye, Motion carried, 5-0.

**Attachment "A"
Identified Involved & Interested Agencies**

INVOLVED AGENCIES

New York State Department of Environmental Conservation
Region 3 Office
Division of Regulatory Affairs
21 South Putt Corners Road
New Paltz, New York 12561-1696

Dutchess County Health Department
387 Main Street
Poughkeepsie, New York 12601

Highway Department
Town of Clinton
1215 Centre Road
Rhinebeck, New York 12572

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INTERESTED AGENCIES

Dutchess County Department of Planning & Economic Development
27 High Street
Poughkeepsie, New York 12601

Conservation Advisory Commission
Town of Clinton
1215 Centre Road
Rhinebeck, New York 12572

Dutchess County Soil and Water
Farm and Home Center
2715 Route 44
Suite 3
Millbrook, New York 12545

West Clinton Fire District
219 Hollow Road
Staatsburg, NY 12580

Clinton Scenic and Historic Roads Committee
Town of Clinton
1215 Centre Road
Rhinebeck, New York 12572

Since the town engineer's escrow fund for this project is getting low, the board agreed that additional escrow is needed.

Mr. Werner motioned that Forever Ivy Acres Escrow Fund (Morris Associates account) be replenished by \$500.00, seconded by Ms. Ruzicka, all Aye, Motion carried, 5-0.

Leslie Pearl Steep Slopes and Water Law Permit (continuation of Public Hearing) – property located at 350 Schulz Hill Road, **Tax Grid No. 6268-00-960723.**

Applicant wants to demolish the existing dwelling on the property and construct a new 3 bedroom house on a new foundation. The applicant is also requesting a wetland permit to build within 100 feet buffer of the pond. The property is a 3.64 acre lot.

Gary MacDonald of MacDonald Builders was back for his project. Mr. MacDonald presented comment letters from NYSHPO and Department of Health (letters on file). A comment by email dated 3-1-11 was also received from NYSDEC.

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Mr. Setaro asked the applicant if he is still going to move the location of the proposed house closer to the road as discussed at the last meeting. Mr. MacDonald responded negatively. He stated that NYSDEC already looked at the original plan and DEC likes that layout.

Chairman McCormack solicited questions from the board.

Norene Coller of CAC commented that if the board and the town engineer are satisfied and the requirements of the steep slopes regulations are met, then she doesn't have any more concern.

Mr. Werner asked what happened with the discussion last meeting about moving the location of the proposed house closer to the road. Mr. MacDonald responded that after talking with the DEC people, they agreed to stick with the original plan. He added that moving the house closer to the road will push more snow right to the house.

The chairman asked about the possibility of erosion on this property. Mr. Setaro responded that as long as silt fence is up and the applicant maintains it, then it should not be an issue. (It was noted that the town engineer suggested that silt fence should be moved a little closer towards the disturbance and not right up the pond.)

Mr. Marrapodi expressed his concern about the runoff and stormwater going into the pond once the house is constructed. There is no stormwater mitigation. Mr. Marrapodi asked Mr. Setaro, "What happens with the drainage off the driveway and roof? Right now, it's all going through the pond. Mr. Marrapodi noted that this is pretty steep slopes.

Mr. Setaro concurred with Mr. Marrapodi and advised the applicant to pipe in a roof leader into drywell.

Mr. Marrapodi asked the town engineer, "What about the stabilization of slopes?"

Mr. Setaro responded that usually Certificate of Occupancy is not issued 'till this area is seeded though he's not sure about the process of the Building Department in this town.

Chairman McCormack asked the town engineer for his opinion about the magnitude of this steep slope. Is this tough? What's the impact?

Mr. Setaro responded that this is a tough site. There's a house on this property and driveway was already there. It's hard to quantify the impact of the application to this property. Of course, there is an impact to the steep slopes on the property. There was a septic system with the existing house that was very old and probably not even functioning at all. With the proposed project, there's going to be a new septic system that meets the Board of Health requirements. Mr. Setaro noted that this new septic system will protect the pond. The only trade off is – there is going to be disturbance of the slopes which can

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be mitigated by seeded rye, mulch, etc. Mr. Setaro indicated his concern on how the building department is going to follow up on this issue.

Chairman McCormack asked Mr. MacDonald on how he will protect the pond if let's say after opening the site, something happens and stabilization is not complete. Mr. McCormack asked, "How will you stabilize the situation?"

Mr. Setaro suggested establishing an Erosion Control Bond. He stated that this is how other towns take care of this issue. Mr. MacDonald remarked that they're willing to establish that bond if that would address the issue.

Mr. Setaro also suggested including in the site plan a note stating "the roof leaders should be piped in the drywell" in order to enforce this condition. The board agreed.

Mr. Marrapodi asked Mr. Setaro if specification of drywell should also be included in the map. Mr. Setaro responded positively. He advised the applicant to include this on the map.

Hearing no more comments from the public, Mr. Werner motioned to close the public hearing, seconded by Ms. Ruzicka, All Aye, Motion carried, 5-0.

Mr. Werner advised the applicant to include the following items on the map, to wit:

1. Vicinity map
2. Name of property owners to the east of the parcel.
3. A notation that the property is in Ag District.
4. Scale of the map.
5. Soil Erosion and sediment control plan.

Mr. Werner asked Mr. MacDonald about the floor plan of the proposed house. The applicant responded that he doesn't have any floor plans yet since they want to make sure that they can get the permit first from NYSDEC before proceeding further.

The applicant needs to submit a Waiver Request about the Floor Plan (see checklist requirement).

Mr. Setaro suggested including a \$2,000.00 erosion control bond in the resolution which is to be filed during the building permit process and before the issuance of CO.

The applicant is scheduled to be back before the board next meeting.

Omega Long Pond Campground (Renewal of Annual Permit) – property located at 150 Lake Drive, Tax Grid #132400-6468-00-032842-00.

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The applicant requests to renew the annual permit that is due to expire on April, 2011.

The board discussed the application. Mr. Werner stated that nothing is changed in this application and there is no known violation per ZEO.

The board agreed to approve the renewal of annual permit.

Mr. Werner motioned that the Town of Clinton Planning Board approve the following with regard to the application for annual renewal of a special permit for the operation of **Long Pond Campground**, 150 Lake Drive, **tax grid #132400-6468-00-032842-00**.

WHEREAS:

- 1) The subject campground is regulated by a Deed Agreement of Covenants and Restrictions and Stipulation of Settlement recorded in the Dutchess County Clerk's office on 1-24-91. That agreement was between CVH Charter Corp. and the Town of Clinton.
- 2) All applicable fees have been paid.
- 3) The Zoning Enforcement Officer has inspected the site and confirms, by memo to the Planning Board dated 2-16-11, that the applicant has met the conditions outlined in the Deed Agreement of Covenants and Stipulation of Settlement and there are no known violations on the property.
- 4) There are 67 campsites at the campground. All camping trailers are duly licensed.
- 5) A current site plan is on file with the Town of Clinton Zoning Office.
- 6) The applicant has installed number identification signs for each site.
- 5) Long Pond Campground has a current Dutchess County Health Department approval to operate the campground, which expires on 4-30-11.

NOW THEREFORE, BE IT RESOLVED, the Planning Board recommends the issuance of the annual renewal of an operating permit and requests the Town Clerk to issue such renewal permit, provided that Health Department approval for 2011 is granted.

Seconded by Mr. Thomas.

Discussion. None.

All in favor, Aye, Motion carried 5-0.

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OTHER MATTERS:

Jorge Avila – property located at 2497 Salt Point Turnpike.

After combining 2 parcels of land illegally thru the Assessor's Office in 1997, the applicant wishes to uncombine these lots and re-establish prior property lines.

The applicant is seeking an opinion on how to proceed. Based on the town attorney's opinion (comment dated 1-23-11), there are 2 options (a) Seek an Interpretation from ZBA (b) proceed to Planning Board for approval of the re-subdivision.

The board exchanged opinion about this matter. Chairman McCormack advised Ms. Campbell to ask the town attorney to give him a call about this case. Ms. Campbell agreed.

APPROVAL OF MINUTES:

Mr. Werner motioned to accept the minutes of February 15, 2011, seconded by Mr. Marrapodi, all aye, Motion carried, 5-0.

ADJOURNMENT

Mr. Thomas motioned to adjourn the meeting at 9:40 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