

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
November 13, 2012**

**MEMBERS PRESENT**

Mike McCormack, Chairman

Robert Marrapodi  
Paul Thomas  
Eliot Werner

Arlene Campbell, Secretary

**MEMBERS ABSENT**

Art DePasqua  
Gerald Dolan  
Tracie Ruzicka

**ALSO PRESENT**

Dean Michael, Liaison Officer

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

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

**Smyth 2-lot Subdivision** – property owned by Olga Smyth located at 282-311 Sunset Trail, **Tax Grid No. 6467-00-654826.**

The applicant wishes to subdivide a ±117.28 lot into 2 lots. Lot 1 – ±74.64 acres and Lot 2 – ±42.65 acres. The property is in an AR-5 Zoning District.

Mr. Werner motioned to open the public hearing, seconded by Mr. Marrapodi, all Aye, Motion carried, 4-0.

Mr. Graminski briefly explained his project as indicated above. He added that this property is naturally subdivided by Sunset Trail and is listed as one parcel. This property is under Conservation Easement by Dutchess Land Conservancy. He noted that no additional structures are permitted to be constructed per the DLC. Mr. Graminski stated that they are not changing the site plan. They are not adding any structures. Mr. Graminski also indicated the variances that were granted for the existing structures and carport by the Zoning Board of Appeals dated October 25, 2012.

Mr. Graminski indicated the minor changes on the boundary lines of the southern part of the property. He noted that he and Mr. Dalbo, the other property owner's Land Surveyor, were in agreement regarding these changes.

Mr. Graminski discussed the existing driveway on Lot 2 and the recent driveway approval on Lot 1.

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Chairman McCormack opened questions from the board.

Mr. Marrapodi asked if there are any limitations about further subdivision. Mr. Smyth responded, "Yes, there is no further subdivision allowed."

Trevor Franklin, 178 Sunset Trail, asked if all the violations on the property are closed out. Ms. Campbell responded, "Yes." She stated that this application was originally presented to her in November 2011. Due to the number of open permits on this property, Ms. Campbell noted that it took Mr. Smyth a year to close out all the open permits on this property. She noted that the Building Inspector signed off on this property. The applicant cannot be on the agenda if there are open permits or violations on the property.

Mr. Franklin posed a follow-up question. He asked, "Is there a prior site plan approval for all the construction equipment on this property?" He also commented on the number of structures that are on this property.

James Williamson, 244 Sunset Trail, agreed with Mr. Franklin. There is a lot of equipment on this property. He stated that the concern of the neighboring property owners is that the number of equipment will increase once the subdivision is approved.

Douglas Smyth acknowledged that there is a lot of equipment on this property. He stated that this equipment is being used for clearing the property.

Mr. Williamson asked, "Is all this equipment being used to clear the property? It doesn't make sense. It seems that all the equipment is just parked there indefinitely. Is this legal?"

Mr. Smyth responded that the intention is to get rid of the excavator and the other equipment. He noted that the wood processor is for sale.

Gale Schaefer of 233 Sunset Trail commented that there is a lot of wood on one side of the property. There is also machinery on the other side of the property. She asked about the area that is being cleared.

Mr. Smyth pointed out on the map the area where it is currently being cleared.

Paul Feuerman of 253 Sunset Trail asked what kind of business is running on this property. Is it sawmill, firewood, wood chopping, or stump grinding?

Mr. Smyth responded that the wood processor is for firewood purposes.

Mr. Franklin reiterated his earlier query. He stated that their concern is whether there is an approved site plan or special permit for all the activities on this property. If there is none, then there is a violation on this property.

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Mr. Franklin commented about the proposed driveway on this property. He remarked that the sight distance for this driveway is not 200 feet. It seems very narrow—more like 30 feet. Mr. Franklin commented that there is a driveway that was cut on this property before the driveway approval was issued. This is a blind turn. He also commented about the amount of equipment that goes in and out of this driveway.

Mr. Graminski responded that this is an existing driveway with a permit already issued. He noted that he recently asked the Highway Superintendent to take a look at it again. He added that this driveway was previously approved.

Mr. Towle, 290 Sunset Trail, stated that the material that was brought into this driveway came from the individual at the end of Horseshoe Trail.

Mr. Franklin remarked that the concern of the neighboring property owners is about all the buildings that were constructed after the Zoning Law was enacted.

The Chairman noted that there is no violation on this property per the Building and Zoning Department. He stated that the board is going to ask the Zoning Enforcement Officer about all the equipment and structures on this property. The board will also ask Mr. Fennell whether the use of this property is a Contractor's Yard or a farm.

Mr. Williamson stated that the issue is whether there is a wood-processing factory on this property. He added that the neighboring properties do not want another "noise nest" in the neighborhood.

Chairman McCormack edified the public about a working farm. If this property is classified as a working farm, Chairman McCormack stated that working farms are under the jurisdiction of Ag and Markets Law. He noted that there are regulations that are beyond the town's jurisdiction.

Mr. Franklin asked about the wetlands on the property. Mr. Graminski pointed out the location of the wetlands on the map. He noted that he did not flag these wetlands since this is just a minor subdivision and they are not proposing any disturbance to the wetlands.

Mr. Franklin questioned why the wetlands on this property were not identified on the map. He questioned the board about the hardship that he incurred years ago when he presented a lot line adjustment to the board. He stated that he was required to flag and identify all the wetlands on the map before his application could be put on the agenda. It cost him a lot of money. He asked, "How did this application get before the board?" He stated that there seems to be a double standard.

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Ms. Campbell responded that the board doesn't normally ask the applicant to identify or flag the wetlands on the property, especially if it is a simple lot line adjustment. She asked Mr. Franklin who asked him to identify and flag the wetlands.

Mr. Franklin responded that the board would not look at his application if the wetlands weren't identified on the map.

Mr. Werner agreed with Ms. Campbell. He stated that he doesn't recall ever imposing this requirement on an applicant for a lot line adjustment.

Chairman McCormack asked, "What year did you present the lot line adjustment application?" Mr. Franklin responded that it was 2006. He remarked that he was just doing a simple lot line adjustment.

Again, Mr. Graminski noted that the reason why he did not identify the wetlands on the map is because they are not disturbing any wetlands. The structures are pre-existing and no new structures are being proposed. He didn't want the property owner to incur an extra expense and doesn't think that it is necessary.

Chairman McCormack stated that he will check with the town engineer whether this is a requirement.

Mr. Feurman questioned the driveway permit that was issued over the area that seems to be an obvious wetland. He asked, "How did the town permit this? Gravel was brought in, the site was filled, and then the permit was issued?"

Mr. Towle asked about Board of Health Approval. Mr. Graminski responded that since there is no new facility being proposed, it was agreed that a note on the map will be sufficient before the map could be filed with the Dutchess County Clerk.

Ms. Brady of 178 Sunset Trail stated that they have nothing personal against Mr. Smyth. This is about all the activities that are going on this property.

Mr. Franklin indicated negative comments about this property. He raised his concern about the manure that needs to be moved off the property line. He also talked about the person who lives on this property who is causing all these concerns. There is equipment all over this property.

Mr. Franklin stated that if the structures on this property do not have a building permit, then this property is in violation.

Chairman McCormack noted that an application cannot come before the board if there are any open permits or existing violation on the property. He noted that the Building Inspector signed off on this property.

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Chairman McCormack stated that due to the above concerns that were raised by the public, the board will ask the Zoning Enforcement Officer and the Building Inspector to double-check the above issues.

Mr. Franklin questioned the need for a building permit for every structure. He stated that he even had to obtain a building permit for a running shed.

Mr. Graminski noted that he also submitted supplemental information about the wetlands when he submitted the application packet. He stated that he did not include this on the map but noted the to public that this was submitted and on file.

Mr. Williamson asked whom to call if they have any concern or see violations on any property. Chairman McCormack responded that they have to call Mr. Fennell.

Mr. Feurman noted that this has nothing to do with Mr. Smyth. He is a good neighbor but the neighboring property owners have to live with this. It is the use of this property that the surrounding property owners have to deal with.

Mr. Werner commented that these concerns will not go away if the lot is subdivided. The issues will still be there even the property is subdivided into two lots.

Mr. Feurman responded that it is better if the whole property is just owned by Mr. Smyth.

Mr. Franklin remarked, "Is there any way for the neighboring property owners to express their concern to the board?"

Mr. Thomas opined that since Dutchess Land Conservancy is holding an easement and is the enforcing agency of this property, he suggested raising the above concerns to DLC. He stated that DLC has the right to enforce whatever restrictions.

Mr. Feurman disagreed. He stated that it is the town's obligation to address these concerns and not the third party.

The board discussed whether to close the public hearing or leave it open. After exchanging opinions, the board agreed to leave the public hearing open due to the concerns that were raised.

The board agreed to set up an escrow of \$500.00 for the Town Engineer.

The public hearing is set to be continued on December 4, 2012.

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**OTHER MATTERS (Board Discussion)**

**THE RIDGE SCHOOL** – 86 Allen Road – It was noted that Mr. Kondor is trying to obtain a Certificate of Occupancy for Phase I of the project. Mr. Kondor wishes to move the circular driveway to Phase II and get a C of O for the existing site plan.

After reviewing the plan, the board agreed that the applicant needs to get approval of an Amended Site Plan.

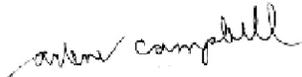
**APPROVAL OF MINUTES:**

Mr. Marrapodi motioned to accept the amended minutes of October 16, 2012 seconded by Mr. Werner, all Aye, Motion carried, 4-0.

**ADJOURNMENT**

Chairman McCormack motioned to adjourn the meeting at 9: 30 pm, seconded by Mr. Thomas, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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

Cc: Carol Mackin, town clerk