

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 15, 2012**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan

Paul Thomas
Eliot Werner

MEMBERS ABSENT

Tracie Ruzicka
Robert Marrapodi

ALSO PRESENT

Arlene Campbell, Secretary

Chairman McCormack called the meeting to order at 7:32 p.m.

VARIANCE APPLICATION:

Stokesville Inc (Area Variance) – property located at 835 Fiddlers Road, Tax Grid No. 6468-00-382468.

The applicant proposes the following area variances in order to put a 432 square foot addition on a pre-existing, nonconforming dwelling, to wit:

- Sec. 250.81A Enlargement of Nonconforming Use from Not Permitted to Permitted
- Sec. 84 A Expansion of Nonconforming Building from 50% to 100%
- Sec. 250 Attachment 2 - reduce the side yard setback from 50 feet to 14.2 feet

Gary Stokes, President of Stokesville, Inc., appeared and presented his proposal. He wants to increase the size of the existing small building to the west of the store. The unit already has a kitchen, bedroom, and bathroom. He needs a variance for the addition to the little house.

Mr. Stokes presented pictures of the proposed unit.

The Chairman asked for questions or comments from the board.

Mr. Werner asked Mr. Stokes if he is going to double the size of this unit. Mr. Stokes responded, "Yes."

Mr. DePasqua asked if the proposed unit is going to be the third dwelling unit on this property. Mr. Stokes replied, "Yes. The one-bedroom rental unit is on the opposite side of the store (first floor) and the three-bedroom unit is located above the General Store."

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 15, 2012**

Mr. Dolan asked if the proposed addition goes closer to the property line. Looking at the sketch, Mr. Dolan commented that it looks closer to the property line. Mr. Stokes responded that it is two feet closer to the property line.

The panel reviewed the setback of the property lines.

Mr. DePasqua asked if the property owners next door are okay with this proposal. Mr. Stokes responded, "Yes." He has a letter from the Everys (829 Fiddlers Bridge Road) that he will present to the Zoning Board of Appeals.

Mr. DePasqua asked if there will be any changes in the two rental units. Mr. Stokes responded negatively.

Mr. Werner expressed his comments. This is a significant request. The General Store is one of the few businesses that we have in our town. He expressed his concern about the issue down the road. He asked, "What happens after ten or twenty years?" There could be ten apartments on this property with the new property owners in the future. There might be twenty people living in the vicinity twenty years from now.

Mr. Werner asked the board if they can put limits on their recommendation to the ZBA. He stated that there is a possibility that it could happen. How do we prevent this from happening?

The board discussed the above concern. Mr. Thomas asked if the applicant needs to get a Special Permit once the variance is granted. He stated that the board can include this concern as a condition to the Special Permit approval.

Mr. Werner noted that according to the ZEO, this project doesn't need a Special Permit since the accessory dwelling is already there (pre-existing and nonconforming).

Chairman McCormack disagreed. There's a change on the site plan but if that's the ZEO's determination, Chairman McCormack stated that this project doesn't need a Special Permit. It's best to verify this issue with the ZEO.

Mr. Dolan made a follow-up question to Mr. Werner's suggestion about putting a limit on the variance approval. He asked, "How do you tie up a limit to the primary structure when the requested variance is for the addition of the dwelling?"

Mr. Thomas agreed with Mr. Dolan. He stated that Mr. Werner's concern can be addressed through the Special Permit process.

Mr. McCormack stated that the property owner needs to come back before the board for any changes (Site Plan or Use) on the property.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 15, 2012**

Mr. DePasqua agreed. If the property owner decided to change the commercial use (store) of this property into a residential, then the property owner needs to get proper approvals.

Mr. DePasqua asked Mr. Werner if he is concerned about the number of people who would be living in the building that is being expanded. Mr. Werner replied, "Yes." This is his second concern.

Mr. Thomas asked about the ZEO's determination. Is this a Use or an Area Variance? Mr. Werner quoted that this is an Area Variance application per ZEO's determination.

Mr. Werner asked Mr. Stokes how many people are currently living in these units. Mr. Stokes responded that there will be a total of eight people (including two from the proposed unit).

Mr. Werner asked the board if they can cap the number of people on this property. Chairman noted that Board of Health limits the number of bedrooms and not by the number of people.

The board discussed the above concern. Mr. Werner stated that it's easy to monitor the number of people on this property if there is a limit since they will be in violation. Chairman McCormack reiterated that you don't cap by the number of people. It should be by the number of bedrooms.

Mr. DePasqua opined that any major changes on any property will be noticed quickly by the neighboring property owners.

Mr. Werner suggested having the style of the proposed addition to be the same as the rest of the building.

Mr. Thomas expressed his comment about this project. It is very important to double-check with the ZEO whether this project needs a Special Permit. With regard to the concern about the number of people, Mr. Thomas thinks that it's up to the ZBA whether they want to include this concern as a condition.

Mr. DePasqua indicated a technical issue (item #5 – Difficulty is self created) on the application form. He stated that the answer should be "Yes."

Mr. Werner commented that the size of the addition on the application form should state 432 instead of 332 square feet.

After all the deliberations were made, the board passed a resolution, to wit:

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 15, 2012**

Mr. Werner made a motion that the Town of Clinton Planning Board provide a **positive conditional recommendation** to the Zoning Board of Appeals on the requested area variances to Section 250.81.A, to enlarge a preexisting, nonconforming use; to Section 250.84.A, to increase the maximum expansion of a preexisting, nonconforming accessory structure; and Section 250 Attachment 2, to reduce the side yard setback, as requested by **Stokesville, Inc.**, on property located at 835 Fiddlers Bridge Road, **tax grid #132400-03-6468-00-382468**, as shown on the provided drawing.

WHEREAS:

- 1) This is a preexisting, nonconforming 0.45-acre lot located in a Hamlet district.
- 2) The applicant is requesting permission to enlarge the nonconforming use of this lot. [Variance to Section 250.81.A.]
- 3) The applicant is requesting permission to double the size of the accessory dwelling from approximately 432 square feet to approximately 864 square feet. The expansion permitted by the Town of Clinton Zoning Law is 50 percent. [Variance to Section 250.84.A.]
- 4) The applicant is requesting permission to reduce the total side yard setbacks from 50 feet to 14.2 feet. [Variance to Section 250 Attachment 2, "District Schedule of Area and Bulk Regulations."]
- 5) The New York State Environmental Quality Review Act has determined that the granting of an area variance for a single-family, two-family, or three-family residence is a Type II action and therefore this action is not subject to further review.
- 6) Since the request is for an area variance, an Agricultural Data Statement is not required.
- 7) An undesirable change will not be produced in the character of the neighborhood, and a detriment to nearby properties will not be created, by granting this area variance.
- 8) The benefit sought by the applicant cannot be achieved by some other method that will be feasible for the applicant to pursue.
- 9) The requested area variance is substantial but this should not preclude its granting.
- 10) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, since the applicant intends to construct the addition in such a manner as to be consistent with the architecture of the hamlet.
- 11) The alleged difficulty is self-created.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 15, 2012**

12) All appropriate fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals if the following conditions are met:

a) The architectural style of the addition is in keeping with the scale and appearance of the hamlet.

b) If the owner wishes to change the existing principal uses of the property, the owner will have to obtain proper approval(s) from the appropriate board.

Seconded by Mr. DePasqua.

Discussion. None.

All Aye. Motion carried, 5-0.

OTHER MATTERS:

1. The board discussed the letter that was received from the Department of Ag and Markets regarding Kross Creek Farm (1403 Center Road) letter dated 5-8-12.
2. Chairman asked the secretary to send a letter to Lynn Miceli. Ms. Miceli needs to send a letter to the ZEO. This is not the Planning Board's purview.

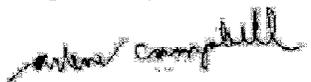
APPROVAL OF MINUTES:

Mr. DePasqua motioned to accept the amended minutes of April 17, 2012, seconded by Mr. Thomas, all Aye, Motion carried, 5-0.

ADJOURNMENT

Mr. Dolan motioned to adjourn the meeting at 8: 35 pm, seconded by Mr. Werner, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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

Cc: Carol Mackin, town clerk