

**TOWN OF CLINTON PLANNING BOARD
FINAL MINUTES
March 5, 2013**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua

Robert Marrapodi
Paul Thomas
Eliot Werner

MEMBERS ABSENT

Gerald Dolan
Tracie Ruzicka

ALSO PRESENT

Arlene Campbell, Secretary

Acting Chairman DePasqua called the meeting to order at 7:38 p.m.

VARIANCE APPLICATION:

- None

APPLICATION:

Omega Long Pond Campground Annual Permit Renewal – property located at 150 Lake Drive, **tax grid #132400-6468-00-032842-00.**

The applicant is seeking an annual permit for 2013.

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 1/24/1991. 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 2/27/2013, 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.

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- 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.
- 7) Long Pond Campground has a current Dutchess County Health Department approval to operate the campground, which expires on 4/30/2013.

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 2013–2014 is granted.

Seconded by Mr. DePasqua.

Discussion. None.

All in favor, Aye, Motion carried 4-0.

Chairman McCormack joined the panel at 7:45 pm.

Mr. Marrapodi recused himself for the next application.

PUBLIC HEARING:

Payson and Fasman Special Permit – property owned by **Karin Payson and Michael Fasman** located at 425 Lake Drive **Tax Grid No. 6469-00-106349.**

The applicant is seeking a special use permit for the guest cottage.

Mr. Marrapodi briefly explained his project. He stated that the property owners wish to construct a primary dwelling, a guest cottage, and a barn on a 15-acre lot on Lake Drive. He noted that they want to get all the permits at once.

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

Bill Lenehan, 406 Lake Drive and who lives right across the road, asked if there was a septic system installed. Mr. Marrapodi responded, “Yes.”

Mr. Lenehan asked if they are disturbing the steep slopes on this property. Mr. Marrapodi responded that they are building on top over the platform section of the steep slopes.

Mr. Lenehan then asked if this necessitates a steep slopes permit. Mr. Marrapodi responded negatively.

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Mr. Lenahan indicated his concern about the waste and the septic system. Mr. Marrapodi noted that the Department of Health approved the septic that is designed for three bedrooms. (Two bedrooms for the main dwelling and one bedroom for the guest cottage.) These are all tied up into one septic system. Mr. Marrapodi pointed out the location of the septic and explained the details. He added that the leach field is already raised.

Mr. Lenahan explained that he just wanted to make sure that this is not going to be another Omega project and will not create a problem in the future. He extended his good wishes about the proposal.

Hearing no more comments from the public, Mr. DePasqua motioned to close the public hearing, seconded by Mr. Werner, all Aye, Motion carried, 4-0.

APPLICATION:

Payson and Fasman Special Permit – property owned by **Karin Payson and Michael Fasman** located at 425 Lake Drive **Tax Grid No. 6469-00-106349**.

The applicant is seeking a special use permit for the guest cottage.

The board discussed the application.

Mr. Werner raised the issue about the steep slopes. Mr. Marrapodi noted that these are moderately steep slopes. They are not excavating in these areas and the slope is only 15%.

Chairman McCormack noted that the definition of steep slopes encompasses an area of 10,000 square feet. Mr. Thomas asked Mr. Marrapodi about the area of the steep slopes. Does it cover 10,000 square feet? Mr. Marrapodi responded, “No.”

After reviewing the area of concern, the board agreed that this case doesn't need a Steep Slopes Permit.

The board reviewed the long form EAF. Mr. Werner commented that the property owners' address on the site plan and EAF do not match. Mr. Marrapodi explained that both addresses are correct. One is the home address and the other one is business address. The board agreed to use the residential address on both the site plan and EAF.

The board agreed to issue a Negative Declaration.

Mr. DePasqua motioned the following resolution:

BE IT RESOLVED, that the Town of Clinton Planning Board has determined that the **Payson and Fasman Site Plan and Special Permit** application on property located at 425 Lake Drive **tax grid no. 6469-00-106349** will not have a significant impact on the environment; and;

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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. Thomas, all Aye, Motion carried, 4-0.

Mr. DePasqua stated that there is a shared driveway on this property with easement. Chairman McCormack suggested that this easement should be reviewed by the town attorney.

The board agreed to set up an escrow account for the town attorney. Mr. DePasqua motioned to set up an escrow account of \$1,000.00, seconded by Mr. Thomas, all Aye, Motion carried, 4-0.

After all the discussions were made, the board agreed to pass a resolution, to wit:

Mr. DePasqua motioned that the Town of Clinton Planning Board in accordance with Sec. 250.96 and Sec. 250.97 of the Town of Clinton Zoning Law grants conditional approval of the Site Plan and Special Permit to **Karin Payson and Michael Fasman** for the purpose of construction of a primary residence and accessory dwelling unit on property located at 425 Lake Drive **Tax Grid No. 6469-00-106349** in the C Zoning District.

WHEREAS:

1. The applicants wish to construct a primary residence (1956 square feet), an accessory dwelling (508 square feet) and a detached garage (490 square feet) on a 15.69 acre parcel, maps and details provided by Karin Payson, registered Architect, and License #18959 map dated 2/11/13.
2. The property is located in a C District as such a Long Form EAF is needed.
3. The Town of Clinton Planning Board declared itself lead agency on 2/19/13 for this Type II, uncoordinated, unlisted action. Interested agencies are West Clinton Fire Department and Dutchess County Planning Department.
4. Public Hearing was held on 3/5/13 in accordance with Sec, 250.96 B-3 of the Town of Clinton Zoning Law.
5. A SEQRA review resulted in a Negative Declaration on 3/5/13.
6. The application conforms to the provision of Sec. 250.96 of the Town of Clinton Zoning Law pertaining to Site Plan.

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7. Square footage requirement of accessory dwelling conforms to the Town of Clinton Zoning Law.
8. Town of Clinton Planning Board voted to waive items contained in letter from Robert Marrapodi dated 2/11/13 on 3/5/13.
9. There were no violations on the property per the Zoning Enforcement Officer.
10. Letter of consent regarding Robert Marrapodi's representation is on file.

NOW THEREFORE, BE IT RESOLVED, the Planning Board grants approval of Site Plan and Special Permit when the following conditions are met:

1. All fees have been paid.
2. The Town Attorney reviews and approves the Road Agreement.

Seconded by Mr. Werner.

Discussion. Mr. Werner commented that this property is in the Conservation District Zone (C District) and not in the CEA. The board agreed to change the resolution that was read.

All aye, motion carried, 4-0.

The Orchard (discussion) – property owned by Richard Morse and Donald Bartles, located at 2277-2293 Route 9G, **Tax Grid No. 6267-00-248998.**

The applicant wishes to develop this property to an estimated total of 24 units for moderate-income senior citizen housing. This is in MR1-A Zoning District.

Richard Morse along with his lawyer, Stephen Habiague, both appeared to get the board's opinion.

Mr. Morse explained his proposed project. This is a 24-acre lot in Clinton that is zoned for low-income housing. He wishes to put 21 housing units on this property. They will consist of a combination of stand-alone and combined units. They will be clustered in the areas shown on the lot plans. There are currently three houses on this property.

Mr. Morse stated that he doesn't know whether the town has done this before. He asked the board if this is the type of project that the Planning Board will encourage to have in the town. He wants to know how to proceed with this project.

Mr. Morse stated that this housing is allowed in our zoning per the Zoning Enforcement Officer. He indicated his concern about the septic due to the nearby stream. He quoted that Mr. Cummings look at the soil on this property and commented that this soil is great

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for septic systems. Mr. Morse noted that he wants to do this project in three separate phases.

Mr. Morse stated that his other problem is finding a new partner to do this project. The other property owner right now (Donald Bartles) is not interested in doing this project. Mr. Morse stated that Mr. Bartles just wants to sell his half.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi opined that the design of the site plan is going to be a challenge. The number of units might be reduced due to the septic and road.

Mr. Thomas asked if this is going to be a rental. Mr. Morse responded that his thought at this point is that the units will be owned by the tenants and the land will be held in common. He noted that there will be common charges like condominiums. The only difference is that these are manufactured homes. Mr. Morse noted that eventually, when he retired, the land will be sold to the Homeowners Association.

Mr. Morse stated that he doesn't want to do an assisted-living situation. He noted that he wants to have somebody on this property to oversee the tenants.

Mr. Werner asked if the septic system will be able to handle all these units. Mr. Marrapodi responded that there will be an individual septic for each unit.

Mr. Habiague stated that most of the property owners in the Village of Rhinebeck have an acre lot but they are able to manage the septic system. He added that some properties have sewer but a majority of them have septic systems.

Mr. Marrapodi asked about moderate- income senior citizens. How does this unfold? Mr. Morse responded that he doesn't know how this thing works yet.

Chairman McCormack advised the applicant to be careful with the multi-family dwelling unit (three or more) because of the Building Department's ramification. One- and two-family dwellings are fine.

The board exchanged opinion about the proposed project. The board cannot find the section number whether this proposal is allowable or not in the zoning book. According to the Zoning Enforcement Officer, this is feasible.

After a very lengthy discussion, the board advised the applicant to put together a site plan and present it before the board for review. Town consultants also need to get involved and a Long Form EAF is needed.

Mr. Morse stated that he first needs to find a partner who is willing to do this project. He just wanted to know whether his proposal is feasible.

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No action taken.

APPROVAL OF MINUTES:

Mr. DePasqua motioned to accept the amended minutes of February 5, 2013 seconded by Mr. Marrapodi, all aye, motion carried, 4-0.

Mr. DePasqua motioned to accept the minutes of February 19, 2013, seconded by Mr. Thomas, all Aye, Motion carried, 4-0.

ADJOURNMENT:

Chairman McCormack motioned to adjourn the meeting at 9: 45 pm, seconded by Mr. DePasqua, All Aye, Motion carried, 5-0.

Respectfully Submitted,



Arlene A. Campbell, Clerk

Planning & Zoning Board of Appeals