

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 2, 2013**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua

Paul Thomas
Eliot Werner

Arlene Campbell, Secretary

MEMBERS ABSENT

Gerald Dolan
Tracie Ruzicka
Robert Marrapodi

ALSO PRESENT

Dean Michael, Liaison Officer

Chairman McCormack called the meeting to order at 7:45 p.m.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATION:

Nancy Packes Site Plan and Special Permit –property located at 37 StissingView Road, **Tax Grid No. 6469-00-070585.**

The applicant is seeking Special Permits for two accessory dwelling units.

Robert Dupont, Architect, appeared on behalf of the property owner.

Mr. Dupont briefly explained his proposal as indicated above. He indicated the area variances that were granted by the Zoning Board of Appeals dated 2-28-13. He is now back before the board to proceed with the special permits application.

Chairman McCormack asked for questions and comments from the board.

Mr. Werner indicated the items that are missing from the map such as name of the property owners across the street. The label of the site plan should indicate special permits for the two accessory dwelling units, and the physical address of the property should state “Town of Clinton” instead of “Clinton.”

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Mr. Werner asked about the width of the driveway. Chairman McCormack suggested showing the width of the driveway on the map.

Mr. Werner asked about the elevation of the property. Mr. Thomas responded that this concern was already addressed at the previous meeting. This project needs a Short Form EAF.

The board agreed to declare lead agency for SEQRA review.

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

BE IT RESOLVED that the Town of Clinton Planning Board hereby declares its intention to be the lead agency for review of the project pursuant to Sections 617.6(2) and (3) of the NYCRR 617, in the matter of the **Site Plan and Special Permit for the Packes property, tax grid #6469-00-070585**, located at 37 Stissing View Road in the Town of Clinton, for this unlisted uncoordinated action.

BE IT FURTHER RESOLVED that the Planning Board hereby directs that copies of the Site Plan and Special Permit Application, Short Form EAF and Site Plan Map be sent to the interested agencies as shown on Attachment A, together with a notice seeking the consent of these agencies to the Planning Board assuming lead agency status.

Seconded by Mr. Thomas, All Aye. Motion carried, 4-0.

Attachment "A"

INTERESTED AGENCIES

West Clinton Fire District
219 Hollow Road
Staatsburg NY 12580

Dutchess County Department of Planning and
Economic Development
27 High St.
Poughkeepsie NY 12601

Public hearing is set on May 7, 2013.

Stewart's Shop Corporation (Amendment of Approved Site Plan) – property located at 2300 Salt Point Turnpike, **Tax Grid No. 6566-00-331547.**

The applicant wishes to make the following changes on the approved site plan.

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1. Relocating the freezer to the exterior (rear) of the shop.
2. Building addition of 834 square feet.
3. Replace the existing cedar shakes on the building with vinyl shakes.
4. Replace the underground storage tanks.
5. Upgrade all exterior lighting to LED.
6. Remove existing canopy and replace with a 20 x 90 canopy with three gas dispensers.
7. Relocate eastern most curb out.
8. Adding LED light poles.
9. Replace and upgrade landscaping.
10. 714 square feet building addition.

Chuck Marshall, Real Estate Manager, was back before the board and presented a formal application of their proposal.

Mr. Marshall indicated the changes on their project as discussed at the previous meeting dated 2-5-13. He explained the recent revisions on the map. He indicated that the dotted lines on the maps are the existing features and the darker ones are proposed.

Mr. Marshall noted that one thing they didn't do on this revision is screen the freezer with a planter box. This wasn't shown on the map. He stated that he will show this on his next revision. The exterior metal freezer will be moved to the east and the color will be painted gray to match the building. The south elevation of the building will remain unchanged.

Mr. Marshall explained that the Department of Transportation doesn't have an issue with the proposed curb (eastern curb opens up).

Mr. Marshall indicated that they are also proposing another bathroom, which is going to be on the same side of the same bathroom to the east.

Mr. Werner asked about the one-way in and out access as discussed at the previous meeting. Mr. Marshall responded that they think that widening the access is the safest idea to alleviate the concern about the access. He remarked that people will still do whatever they chose to do.

Mr. Werner explained the benefits of having a one-way in and out access. He agreed that some people may not follow the sign, but it will still make a difference. He indicated his preference to have this kind of access. Mr. Marshall stated that he will bring this concern up to the Department of Transportation again.

Mr. DePasqua asked about the location of propane pump. Mr. Marshall responded that it will remain at the same location.

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Mr. Werner asked about the use of the proposed addition. Mr. Marshall responded that this will be used for storage.

Mr. Marshall stated that they're also proposing to change the store hours from the current store hours (6:00 am to 10:00 pm) to 4:00 am to 12:00 midnight. He noted that the current store hours were part of the condition of the original approval.

Chairman McCormack noted that the condition about the store hours was based on the zoning regulations. He stated that the applicant needs to get a variance to address this issue.

The board reviewed the zoning regulations about the classification of the store.

Mr. Werner stated that Stewart's store is classified as a food store and not as a convenience store based on the Zoning Law's "Schedule of Use Regulations."

Chairman McCormack stated that the store is a commercial use in the Hamlet. The food and grocery are the primary use and the gasoline activity is the accessory use.

The Town of Clinton Zoning Law states that the definition of **Convenience Store** – is "A retail store, primarily used to sell food, beverages, and/or household supplies, which has hours of operation outside of those prescribed in Sec. 250-11 and constructed after the effective date of this chapter."

Sec. 250-11 C-5 of the Town of Clinton Zoning Law indicates the hours of operation in the Hamlet.... Hours of operation for commercial uses are limited to between 6:00 am and 10 pm except agriculture...etc.

The panel discussed whether the change in store hours is a use or an area variance. Chairman McCormack advised the applicant to consult the ZEO about this issue.

The board talked about the proposed roof. Mr. Marshall stated that the store management will not go for cedar shakes. He explained the difficulty about the maintenance of cedar shakes. The vinyl roofing is what they prefer. This is more of an investment. Mr. Marshall noted that his superiors will be happy if the board goes for anything but cedar shakes.

Mr. Werner questioned the use of cedar shakes seventeen years ago. He asked, "What were the choices that time?" Chairman McCormack responded that the choices that time were either asphalt or cedar shake.

Chairman McCormack asked the applicant to check the slate products. He stated that he likes the slate over the shake materials. Mr. DePasqua indicated his preference for the architectural slate. [

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The board had a lengthy discussion about the issue.

The applicant stated that he will discuss the above matters with the store management.

No action taken.

APPROVAL OF MINUTES:

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

ADJOURNMENT:

Chairman McCormack motioned to adjourn the meeting at 9: 20 pm, seconded by Mr. DePasqua, All Aye, Motion carried, 4-0.

Respectfully Submitted,



Arlene A. Campbell, Clerk

Planning & Zoning Board of Appeals