

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 16, 2013**

MEMBERS PRESENT

Art DePasqua
Gerald Dolan
Tracie Ruzicka
Robert Marrapodi

MEMBERS ABSENT

Mike McCormack, Chairman

Paul Thomas
Eliot Werner

ALSO PRESENT

Arlene Campbell, Secretary

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATION:

Pamela Morgan Area Variance – property located at 8 Fifth Avenue, **Tax Grid No. 6469-10-312617.**

The applicant proposes the following area variances to Sec. 250 Attachment 2 (District Schedule of Area and Bulk Regulations) in order to construct a 14' x 6' ½" deck.

Rear Setback reduction from 75 feet to 47 ½ feet
Side Setback reduction from 50 feet to 27 feet

Ms. Morgan appeared and presented her application. She explained that she wants to put up a small deck to the rear of her cottage. This will not be visible to any of her neighbors. Ms. Morgan stated that the proposed deck will also enable her to access her house without going up and down the steps through the front door. This is a safety issue and will also improve her property. She commented that she doesn't think that this will have a negative impact to the character of the neighborhood.

Acting Chairman DePasqua asked questions from the board.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES**

April 16, 2013

Mr. Dolan asked if there is a door at the back of the house . Ms. Morgan responded, “No, the door is to the side of the house.”

Mr. Marrapodi asked about the height of the proposed deck. Ms. Morgan responded that the proposed deck will be approximately 20 inches off the ground.

Mr. Marrapodi asked about the tree in the back. Ms. Morgan responded that this project will not affect the tree in the back.

Mr. Marrapodi asked about the open permits (deck and pergola) on this property. Ms. Morgan responded that these permits were closed out.

The board discussed the application. Mr. DePasqua indicated that anything that you do on this area will need a variance due to the sizes of the lots. He stated that he doesn't have a problem with this application.

The board agreed to issue a recommendation to the zoning board of appeals.

Mr. Dolan motioned the following resolution:

BE IT RESOLVED, the Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of appeals on the requested area variances to Section 250 Attachment 2 for a side yard setback reduction to 27 feet from the required 50 feet and a rear yard setback reduction to 47.5 feet from the required 75 feet for property owned by **Pamela Morgan** located at 8 Fifth Ave., **tax grid number 132400-6469-10-312617** in the C zone.

WHEREAS;

1. The applicant wishes to construct a 14'x6.5' deck to the rear of the cottage and a 3' wide deck(6.5'long) on the side connecting the rear deck to the side entry and stairs. The rear deck is for recreational use and the side deck provides access without using the stairs which is a safety consideration.
2. This is a 0.36 acre site located in the C zoning district.
3. The property is not located within the Ridgeline, Scenic and Historic Preservation Overlay District.
4. The site is not within a CEA.
5. The lot is not in an Ag District.
6. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
7. The site does not contain a NYSDEC wetland.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested variance is substantial.
10. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 16, 2013**

11. The alleged difficulty is self-created.
12. The application fee has been paid.
13. Per the Zoning Enforcement Officer, that there are no known violations associated with this property.

NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board provides a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals.

Seconded by Ms. Ruzicka.

Discussion. None.

All Aye, Motion carried, 4-0.

Smyth 3 lot Subdivision (extension of Final approval) – property located at 44 Schultzsville Road, **Tax Grid No. 6468-00-460101.**

Applicant is requesting an extension of the final approval that was granted in October 16, 2012.

The applicant wasn't in attendance for this request.

Mr. DePasqua stated that the conditional Final approval that was granted to the applicant in October 16, 2012 expired.

Section 206 of the Town of Clinton Subdivision of Land Regulations states that“Conditional approval of a final plat shall expire 180 days after the date of the resolution granting such approval.....”

The board discussed the above issue. 180 calendar days from October 16, 2012 falls on April 14, 2013.

The board agreed that the applicant needs to re-start the process of the subdivision application per the subdivision regulations.

Forever Ivy Acres 4 lot Subdivision (Extension of final Approval) – property located at East Fallkill Road, **Tax Grid No. 6266-00-935470.**

The applicant is asking a third extension of the final approval that is due to expire on April 13, 2016.

The Wowakas appeared for this application. Ms. Wowaks stated that they are requesting a third 90-day extension in order to complete the conditions of approval.

TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 16, 2013

Ms. Wowaka submitted a letter from their attorney letter dated April 16, 2013 explaining the reason why this case should be granted a third extension of the final approval. Ms. Wowaka stated that the request should be granted based on Section 276 of the Town Law.

Section 206-49 (E) of the Town of Clinton Subdivision Regulations allows two extensions not to exceed additional periods of 90 days each.

Section 276 (7)(c) of the Town Law permits extensions of conditional final plat approval for an unlimited number of 90-day extensions if warranted by the particular circumstances.

The board discussed the above issue.

Mr. Marrapodi indicated the town attorney's comment about the above issue. He quoted that under Section 206-3 of the Town Code when there is a conflict between the Town Law and the Town Code, the more stringent provisions shall govern. Unfortunately, pursuant Town Code Section 206-3, the town code is more stringent provision. Thus the applicant is not entitled to a third 90-day extension.

Mr. DePasqua stated that the applicants lost their approval and need to resubmit the application. The applicant's attorney will contact the town attorney on how to proceed with this case.

No action taken.

APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Acting Chairman DePasqua motioned to adjourn the meeting at 8: 10 pm, seconded by Mr. Dolan, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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