

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

MEMBERS PRESENT

Mike McCormack, Chairman

Gerald Dolan
Tracie Ruzicka
Robert Marrapodi
Paul Thomas
Eliot Werner

MEMBERS ABSENT

Art DePasqua

ALSO PRESENT

Arlene Campbell, Secretary

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

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

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

Mr. Dupont appeared on behalf of Ms. Packes. He explained his project as indicated above. He noted that one of the accessory dwellings is rental. He indicated the variance that was granted by the Zoning Board of Appeals dated 2-28-13. He noted that there will be no changes to the existing buildings on the property.

Ms. Ruzicka motioned to open the public hearing, seconded by Mr. Thomas, all aye, motion carried, 6-0.

John Oher, 647 Slate Quarry Road, asked about the details of the applicant's project. Mr. Dupont explained the site plan to Mr. Oher.

Hearing no more comments from the public, the board agreed to close the public hearing.

Ms. Ruzicka motioned to close the public hearing, seconded by Mr. Dolan, motion carried, 6-0.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

APPLICATION:

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

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

Mr. Dupont recapped what had transpired at the previous meeting.

Chairman McCormack opened questions and comments from the board.

Mr. Marrapodi indicated his disapproval about the ZBA’s decision about the variance. He stated that since the variance was already approved, he doesn’t have any further comments.

Mr. Thomas shared Mr. Marrapodi’s opinion.

Mr. Werner asked the applicant about the square footage of the proposed structure. Mr. Dupont responded that one dwelling has 960 square feet and the other one has 3,200 square feet with the variance. He noted that this is based on usable square footage.

Mr. Werner questioned the calculations of the accessory dwellings. He asked, “Is this based on habitable or floor space”?

Sec. 250.29 (B-6) of the Town of Clinton Zoning Regulations states that an accessory dwelling unit shall contain no greater than 35% of the total habitable space of the existing principal structure prior to the construction of such accessory apartment or 1,000 square feet of floor space, whichever is more restrictive.

Mr. Marrapodi stated that 1,000 square feet is the maximum square footage (whichever is more restrictive). The size of the proposed structure is 960 square feet. The other dwelling is more than 1,000 square feet but this structure was granted a variance.

Chairman McCormack agreed with Mr. Marrapodi.

The board passed a resolution after the short form EAF was reviewed,

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

BE IT RESOLVED, that the Town of Clinton Planning Board has determined that the **Nancy Packes Site Plan and Special Permit** application on property

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

May 7, 2013

located at 37 Stissing Avenue **tax grid no. 6469-00-070585** will not have a significant impact on the environment; and;

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 Ms. Ruzicka, all Aye except for Mr. Marrapodi who Nay, Motion carried, 5-1.

The board passed another resolution, to wit:

Mr. Werner motioned that the Town of Clinton Planning Board grants approval of a **Site Plan and Special Permit** to **Nancy Packes**, for the purpose of converting the current primary dwelling into a second accessory dwelling unit on a 26.1-acre site located at 37 Stissing View Road, which is in a Conservation Zoning District in the Town of Clinton, **tax grid #132400-6469-00-070585**.

WHEREAS:

- 1) The applicant wishes to convert the current primary dwelling into a second accessory dwelling unit as shown on the Site Plan created by Robert Dupont, Registered Architect, license #025791, dated 3/15/2013 and revised 4/3/2013.
- 2) At its 2/28/2013 meeting, the Zoning Board of Appeals granted the applicant four area variances from the Town of Clinton Zoning Law: from Section 250.98.D.3, to rebuild a preexisting nonconforming building after being demolished; from Section 250.84, to increase the size of the new building beyond the permitted 50 percent; from Section 250.81.B, to change the location of the rebuilt residence; and from Section 250.29.B.6, to increase the size of one of the accessory dwelling units from one thousand to 2400 square feet.
- 3) The Town of Clinton Planning Board declared itself Lead Agency on 4/2/2013 for this unlisted uncoordinated action. Interested agencies are the Dutchess County Department of Planning and the West Clinton Fire District.
- 4) In accordance with Section 250.96.B.3 of the Town of Clinton Zoning Law, a Public Hearing was held on 5/7/2013.
- 5) A SEQRA review of this unlisted uncoordinated action (and the public hearing held on 5/7/2013) has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 5/7/2013.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

- 6) This application conforms with the provisions of Section 250.96 of the Town of Clinton Zoning Law pertaining to "Site Plans."
- 7) At its 5/7/2013 meeting, the Planning Board agreed to waive the items from the Site Plan requested by Robert Dupont in his letter dated 4/4/2013.
- 8) With the granting of the area variance by the Zoning Board of Appeals, this application conforms with the provisions of Section 250.29 of the Town of Clinton Zoning Law pertaining to "Accessory Dwelling Units."
- 9) The applicant confirms that the architectural design and appearance of the addition will blend with the existing structure and that the scale of the addition will be commensurate with that of neighboring structures.
- 10) The applicant has been advised that per Section 250.96.B.3.i of the Town of Clinton Zoning Law, approval of the Site Plan will expire within 18 months unless extended by the Planning Board.
- 11) The applicant has also been advised that per Section 250.97.A.9 of the Town of Clinton Zoning Law, the Special Permit will expire if the use is not commenced within 12 months of approval.
- 12) With the granting of this Special Permit, there will be three accessory structures on the property. The applicant has been advised that no further accessory structures are permitted without prior approval of the Planning Board and the Zoning Board of Appeals.
- 13) The applicant has further been advised that any changes in the existing principal use of the property will require approvals from the appropriate boards.
- 14) There is a pre-existing accessory dwelling units on the property prior to this application with an occupancy permit so that there are two accessory dwelling units on this property in addition to the primary residence.
- 15) All appropriate fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants approval of the requested Site Plan and Special Permit.

Seconded by Mr. Thomas.

Discussion. None.

All Aye except for Mr. Marrapodi and Mr. Thomas who Nay, Motion carried, 4-2. [

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

Smyth 3 -lot subdivision (Sketch Re-approval) – property located at 44 Schultzville Road, **tax grid #132400-6468-00-460101**.

The applicant is requesting re-approval of the subdivision process after losing the original approval that was granted on October 16, 2013.

Mark Graminski, land surveyor, appeared on behalf of the property owner.

As noted from the previous meeting, the original approval was lost due to the untimely submission of the request for an extension of approval.

The board agreed to issue re-approval of sketch plan.

Mr. Werner motioned that the Town of Clinton Planning Board grant conditional sketch plan re-approval to **Douglas Smyth** for the purpose of subdividing lands on a 70.52-acre site located at 44 Schultzville Road, which is in an AR-5 Zoning District in the Town of Clinton, **tax grid #132400-6468-00-460101**.

WHEREAS:

- 1) The applicant is requesting a three (3) lot subdivision as shown on the plat created by Mark R. Graminski, L.S., license #49578, dated 4/4/2013.
- 2) The acreage after the subdivision will be 7.83 acres for Lot 1, 12.25 acres for Lot 2, and 50.44 acres for Lot 3.
- 3) A Long Form EAF is on file.
- 4) For purposes of SEQRA review, the Town of Clinton Planning Board declared itself lead agency on 9/24/2012 for this Type I action and issued a Negative Declaration of environmental significance on 10/16/2012.
- 5) All appropriate fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants sketch plan approval for the requested subdivision of lands.

Seconded by Ms. Ruzicka.

Discussion. None.

All Aye, Motion carried, 6-0.

Public hearing is set on May 21, 2013.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

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

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

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 easternmost curb cut.
8. Adding LED light poles.
9. Replace and upgrade landscaping.

Chuck Marshall appeared for continuance of Stewart's Inc.'s proposal. He presented samples of the roof materials, which are vinyl slate. He also indicated that they are proposing to extend the roof.

The board reviewed the proposed modification about the roof.

Chairman McCormack asked if there is a truss on the roof. Mr. Marshall responded, "Yes."

Mr. Marrapodi asked the applicant why they can't just frame it on the top and extend it by the roof line. He remarked that they are not modifying the truss. They are just modifying the roof framing.

Mr. Marshall responded that the truss company would not sign off on that proposal. Mr. Marrapodi questioned why they need permission from the truss company in order to modify the roof.

Mr. Marshall explained why the truss company won't sign off their project. This is about the truss design. He indicated the other option that they have is to take the entire roof off.

The panel discussed the above issue. Mr. Marshall stated that they will do roof "A" but cannot do roof "B" since the truss company will not sign off on this. Chairman McCormack advised the applicant to talk to their designer.

The board reviewed the revised site plan. Mr. Marshall stated that the diesel pump is going to have a different color for identification purposes. The proposed bathroom will be

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

next to the bathroom that was put in a couple of years ago. The buffer to the road will be smaller to give more room to the traffic.

Mr. Thomas asked about the lighting. Mr. Marshall responded that the lighting will be illuminating the property and pointing toward the ground.

Mr. Marrapodi asked the applicant if they will be using slate on the canopy. Mr. Marshall responded, "Yes."

The board expressed its preferences for the slate material.

Mr. Marshall explained the auto configuration showing the gas delivery to the pump, cars getting gas, vehicles going in and out of the parking lot, etc. He presented different configurations of the ins and outs of the vehicles from the store.

Mr. Werner asked if they are modifying the driveway. Mr. Marshall responded, "Yes." Both driveway openings will be bigger. Chairman McCormack stated that the applicant needs to get a permit for this proposal.

The board agreed to declare lead agency.

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

WHEREAS, the Town of Clinton Planning Board has received an application from Stewarts Shops Corporation, PO Box 435, Saratoga Springs, New York, for property located at 2300 Salt Point Turnpike in the Town of Clinton, known as the Amended Stewarts Site Plan and Special Permit Application;

WHEREAS, the application involves tax grid #132400-6566-331547-00 located in a Hamlet Zoning District and a Critical Environmental Area,

WHEREAS, the Planning Board has reviewed the application for the site plan and special permit, the proposed site plan map, the Long Form Environmental Assessment Form (EAF), and other information provided by the applicant for the Amended Stewarts Site Plan and Special Permit Application, and

WHEREAS, the Planning Board has determined that the proposed Amended Stewarts Site Plan and Special Permit Application is a Type I Action and that a coordinated review of the action will be undertaken,

THEREFORE BE IT RESOLVED, 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 6 NYCRR 617.

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

May 7, 2013

BE IT FURTHER RESOLVED, the Planning Board hereby directs that copies of the Site Plan Application, the Part I EAF, and the Site Plan Map be sent to the following involved and interested agencies, together with a notice seeking the consent of these agencies to the Planning Board assuming lead agency status.

INVOLVED AGENCIES:

Dutchess County Board of Health
Dutchess County Department of Planning
Dutchess County Department of Public Works
NYS Department of Environmental Conservation

INTERESTED

NYS Department of Transportation
East Clinton Fire Department

Seconded by Mr. Marrapodi.

Discussion. Mr. Thomas said that the resolution should state “amendment” since this is an amendment to the approved site plan. The board agreed.

All aye, motion carried, 6-0.

The board agreed that the town planner and the town engineer need to get involved with this case. The board agreed to set up an escrow amounting \$2,000.

Public hearing is scheduled on June 18, 2013. Town consultants need to attend this meeting.

OTHER MATTERS:

The board had discussion about the application approvals and fee schedule. Hudsonia is scheduled to do presentation on May 21, 2013.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 7, 2013**

APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Chairman McCormack motioned to adjourn the meeting at 9: 55 pm, seconded by Mr. Dolan, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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