

**TOWN OF CLINTON PLANNING BOARD  
FINAL MINUTES  
September 17, 2013**

**MEMBERS PRESENT**

Mike McCormack, Chairman

Gerald Dolan  
Tracie Ruzicka

Paul Thomas  
Eliot Werner

**MEMBERS ABSENT**

Art DePasqua

Robert Marrapodi

**ALSO PRESENT**

Arlene Campbell, Secretary

Dean Michael, Liaison Officer

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

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

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

The applicant is requesting modification of an approved site plan to allow the following changes, to wit:

- Installation of 120-square-foot exterior freezer unit.
- 714-square-foot building addition.
- Replacement of incandescent wall mounted, free standing, and canopy lights with LED -type lighting.
- Replacement of an existing 2-pump gas island and canopy with a new 3-pump gas island and canopy.
- Realignment of the eastern and the western driveways to accommodate a new internal traffic pattern.
- Replacement of an existing planter with a stamped asphalt rap at the store entrance.
- Replacement of underground petroleum storage tanks.

Neil Wilson, Town Planner, and Andy Learn from Morris Associates were present for this application.

Chuck Marshall appeared on behalf of Stewart's Corporation. He briefly explained his proposition as indicated above. He recapped what had transpired at the previous meeting.

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Mr. Dolan motioned to open the public hearing, seconded by Ms. Ruzicka, all Aye, Motion carried, 5-0.

Hearing no comments from the public, Mr. Werner motioned to close the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 5-0.

**APPLICATIONS:**

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

The applicant is requesting modification of an approved site plan.

Mr. Marshall was back before the board for the conclusion of his application. He indicated the recent changes on the site plan. They flipped the Planning Board's original recommendation for the western entrance to be the egress and eastern for the ingress to meet the required sight distances. They also had to modify fuel dispensers to allow for proper circulation within the lot. Mr. Marshall added that the switch will also address the concern raised by the property owner across the street (Michael Hanson) regarding the headlights of the cars that shine through his windows.

Mr. Marshall stated that DPW suggested changing the eastern driveway to a one-way entrance driveway (15 ft. wide) and making the western driveway a two-way driveway (30 ft. wide). He commented that this new configuration will also eliminate the Planning Board's suggestion of one-way in and out driveways.

Mr. Marshall stated that Stewart's Corporation preferred the original configuration (one-way in and out driveways). The governing issue is about gas delivery. The new configuration will affect the pumps. He demonstrated how the truck will deliver gas to the pump that is on the passenger side.

Mr. Thomas asked why DPW suggested two-way on one driveway. Mr. Marshall responded that DPW stated that the new configuration will work better for vehicles entering the site from the west.

Mr. Learn commented that it seems that there is no room to negotiate with DPW.

Mr. Wilson noted that DPW's suggestion will create a circulation issue.

Mr. Werner asked why pumps are angled the other way. Mr. Marshall responded that the pumps were angled the other way since this is a direct angle to the egress. If someone is using the other pump while the gas truck is delivering gas, the other vehicle will have to drive into the parking space to exit.

The panel reviewed the layout. Mr. Wilson explained the DPW's recommendation.

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Mr. Marshall asked the board if they can approve the presented site plan contingent upon the site plan being submitted with the entrance as presented. He noted that they don't want the two-way access since it becomes problematic with the truck routing. He commented that this will also eliminate the circulation of traffic that the board is trying to achieve.

Mr. Marshall expressed his hope that DPW will give in and allow the 30-foot entrance on the eastern side. He noted that he'd rather do the one-way in and out driveways.

Mr. Werner asked Mr. Marshall if he talked to the property owner across the road. Mr. Marshall responded, "Yes." He stated that when Mr. Hanson learned that they switched the driveways, Mr. Hanson indicated no more concerns.

The board reviewed the site plan. Mr. Marshall discussed the fence versus the plantings per discussion from the previous meeting. Ms. Ruzicka commented that she has seen the fence and it looks good.

Mr. Learn explained Morris Associates' comments (letter on file). He noted that there should be a note stating recessed or cut sheet with regards to canopy lights. The applicant also needs to contact the Department of Health about the required separation of the pumps.

Mr. Werner questioned about the angle pump. Mr. Marshall responded that there are going to be two pumps in one tank. Mr. Wilson opined that it looks a little odd but people will get used to it.

Mr. Werner asked about the planters' box. He stated that he wants to make sure that this is not a big concrete structure. Mr. Marshall replied that the planters' box is made of a removal barrel planter, which is half of a whiskey barrel in size with flower plantings.

Chairman McCormack asked the applicant if he changed the roofline. Mr. Marshall responded, "Yes, per the board's suggestion from the previous meeting." He noted that the slate matches the canopy per Mr. Werner's suggestion.

The board exchanged opinions on how to proceed. Mr. Wilson opined that if the board is satisfied with the site plan, then the board can issue a conditional approval. The board can issue a Negative Declaration and he will send the paper trail to follow. He noted that if DPW really wants the two-way and one-way driveway configuration, then the applicant will need to come back before the board.

Mr. Werner asked if there is a downside to this site plan. Mr. Wilson responded, "No."

Chairman McCormack asked the applicant when they are planning to start the construction. Mr. Marshall responded that they are hoping to start the construction after Labor Day.

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Mr. Thomas asked about the landscaping. Mr. Marshall discussed the landscaping. He noted that good trees will remain, there will be some cutting of trees by the right of way but this is not visible. He added that the front yard and the side yard of the property will look the same.

Chairman McCormack stated that the board can proceed and adopt a conditional approval if nobody has a problem with it.

The board agreed to move the case along. The Long Form EAF was reviewed and a resolution was voted.

Mr. Werner motioned that the Town of Clinton Planning Board issues a Negative Declaration declaring the DEIS is not required for the reason set forth in the Negative Declaration that was prepared by the town planner, Neil Wilson, seconded by Mr. Dolan.

**Discussion.** None.

All Aye, Motion carried, 5-0.

Chairman McCormack asked the town planner if the board is also approving the Special Permit on this property. Mr. Wilson responded, "No since the applicant took the change from the other part of the table so the Special Use Permit stays." He noted that this application is just about Amended Site Plan Approval.

The board passed another resolution, to wit:

Mr. Werner motioned that the Town of Clinton Planning Board issues a Conditional Amended Site Plan approval based on the conditions set forth by the Town Consultants (see attached resolution).

Seconded by Mr. Thomas.

**Discussion.** None

All Aye, Motion carried, 5-0.

**James Brands and Jennifer Malcarne Lot Line Adjustment** (Board Discussion) - properties on 110 Rymph Road, **Tax Grid No. 6266-00-920931.**

Mr. Brands is seeking an opinion from the board regarding a lot line realignment.

Mr. Brands appeared and explained that the Malcarnes wish to buy ±17 acres of his property. He noted that he could not transfer the land in 2004 since the land was protected under Section 480 (a) of the Real Property Tax Law (forest tax).

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Mr. Brands stated that the Malcarnes approached him to buy a portion of his property in the past but the property was under easement during that time. He had to wait ten years before he could do anything with this land.

He explained the survey showing the movement of the lot lines.

Chairman McCormack opened questions to the board.

Mr. Werner indicated that this property was before the board in the past. He asked if this is the same application. Mr. Brands responded. "No." He noted that the application in the past was for land located on the other side of the property.

Ms. Ruzicka asked if the original subdivision has "No further subdivision restriction." Mr. Brands responded, "No."

Ms. Ruzicka suggested putting a "No further subdivision" restriction on the proposed lots.

After discussing the matter, the board agreed that this proposal requires a lot line adjustment. Mr. Brands was advised to see the clerk about the lot line adjustment application requirements.

No action taken.

**APPROVAL OF MINUTES:**

Mr. Werner motioned to approve the minutes of August 6, 2013 as amended, seconded by Ms. Ruzicka, All Aye, motion carried, 5-0.

**ADJOURNMENT:**

Chairman McCormack motioned to adjourn the meeting at 10:30 pm, seconded by Mr. Thomas, All Aye, Motion carried 5-0.

Respectfully Submitted,



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