

**TOWN OF CLINTON PLANNING BOARD MEETING
FINAL MINUTES
October 15, 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 7:33 p.m.

AREA VARIANCE:

Timothy and Margaret Sullivan Area Variance - property located at 318 Lake Drive
Tax Grid No. 6469-00-143130.

The applicants propose the following area variances in order to build a 24 x 24 foot garage, to wit:

Sec. 250.22 A3 - Accessory structure location FROM not in front of the principal building TO in front of principal building.

Sec. 250 Attachment 2 - Front yard setback reduction from 100 feet to 28 feet.

Mr. Werner recused himself for this application.

Chairman McCormack explained to the applicant the process for obtaining a variance.

Mr. Sullivan and Ms. Pierpont appeared for this application. Mr. Sullivan explained that they have been on this property for 25 years. There has never been a garage on this property and they have wanted to install one. There is no practical place to site a garage due to the size of the lot and the location of the wetlands. Mr. Sullivan added that the lot is narrow and shallow.

Mr. Sullivan stated that they want to construct a 24 x 24 square foot two-car garage to the south of the house. The building is going to be 14 feet in height. He opined that the proposed site is the least destructive and most economical location.

Mr. Sullivan explained why they cannot put the garage on the other side of the property. He indicated the wetlands on the property. They also do not want to put the garage in this

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site since it will obstruct the view of the pond from the house. He commented that there are more benefits in putting the garage closer to the road than in the other site. This also gives them protection (buffer) from the road due to all the activities on this road. (It was noted that this is also the road where Omega Institute is located.) He noted that any other location on this property may require much more expense to put in a driveway.

Ms. Ruzicka asked the applicant about the location of the leech field. Mr. Sullivan responded that the leech field for the septic is located at the south of the house, in between the woodshed and the proposed garage.

Chairman McCormack asked for questions and comments from the board.

Mr. Thomas asked about the details of the garage. The applicant described the garage and noted that this is not a long garage.

Mr. Marrapodi asked if they are going to maintain two driveways on this property. Mr. Sullivan responded, "Yes, but the other access will only be used as a pull-in." Mr. Sullivan noted that this driveway is pre-existing.

Mr. Thomas asked about the exact location of the proposed garage. He asked, "Is it near the stone wall?" Mr. Sullivan pointed out the location of the proposed garage on the map. There is lot of shrubbery between the proposed garage and the road.

Mr. Dolan asked about the configuration of the garage. Mr. Sullivan responded that the north side of the garage is facing the driveway, which is on the south side of the building.

Mr. Dolan commented that one variance can be eliminated by moving the garage 7 feet to the east. Mr. Marrapodi concurred with Mr. Dolan and added that the location of the house is also grandfathered.

Mr. Sullivan noted that the reason why they do not want to move the garage 7 feet to the east is because the proposed garage will interfere with the view of the pond from the house. He added that the view of the garden enhances the value of the house.

Mr. Marrapodi indicated that one of the criteria of the variance is about "The benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than the variance." He suggested moving the garage 7 feet to the east in order to avoid the variance.

The board reviewed the application on hand. Mr. Marrapodi stated that there is actually one variance needed since the location of the house is pre-existing, nonconforming. The setback variance is not needed.

The board exchanged opinions about the above issue. Ms. Ruzicka stated that she remembered that there was an instance in the past where the house was set as the line since the setback of the house was nonconforming.

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The panel reviewed the map. The house is pre-existing and nonconforming. The road is sloped. Mr. Sullivan stated that if you look at the property, the house looks like it was lined up to the road.

Mr. Marrapodi asked the applicant, "How did you measure the setback?" Mr. Sullivan responded that he measured it with the tape measure from the center of the road.

Mr. Dolan asked the applicants if the only thing stopping them from moving the garage 7 feet east is due to the view from the house. Mr. Sullivan responded, "Yes." Moving the garage 7 feet to the east might also require driveway work that would be significant. Mr. Sullivan pleaded to keep the garage to the south and the east area open if they can.

Mr. Thomas reviewed the zoning regulations about this case. He opined that the house line is less restrictive.

Sec. 250.22 A-3 of the Town of Clinton states that no such structure shall project closer to the fronting street than the principal building on the lot, or the required front yard setback for the district, whichever shall be less restrictive.

After all the reviews and discussions were made, the board agreed to issue a recommendation, to wit:

Mr. Dolan motioned the following resolution:

BE IT RESOLVED, the Planning Board is making a neutral recommendation for approval to the Town of Clinton Zoning Board of appeals on the requested area variance to Section 250-22A(3) that does not permit an accessory structure to project closer to the street than the dwelling for property owned by **Timothy Sullivan and Margaret Pierpont** located at 318 Lake Drive, **tax grid number 132400-6469-00-143130** in the C zone.

WHEREAS;

1. The applicants wish to construct a 24'x24' garage south of the house and closer to the road because the lot is narrow and contains a wetland. And they wish to preserve the view shed to the south; if this information had been conveyed to the to the Planning Board, the recommendation would be positive
2. This is a 3 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 contains a NYSDEC wetland.

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

Now, therefore, be it resolved, the Town of Clinton Planning Board provides a **neutral** recommendation for approval to the Town of Clinton Zoning Board of Appeals.

Seconded by Mr. Thomas.

Discussion.

Mr. Dolan stated that one of the key elements of the variance is that the requested variance cannot be achieved by any other feasible method. He noted that in this case it can be achieved by moving the garage 7 feet to the east side of the property.

Ms. Ruzicka stated that the applicant can always argue this hardship (i.e., the view) with the Zoning Board of Appeals. She opined that she preferred the garage closer to the road since it looks more old-fashioned that way.

Chairman McCormack asked if any neighboring properties would be affected by the requested variance. Mr. Sullivan responded, "No."

The board discussed whether to give a positive or neutral recommendation. It was also agreed that there was only one variance needed, which is to Sec. 250.22- A-3.

Mr. Marrapodi commented that there is no detriment to the neighborhood or the community. The board agreed that this case is definitely not negative.

Chairman McCormack asked the applicant to demonstrate to the Zoning Board of Appeals how moving the garage 7 feet to the east will affect their view from the house.

Mr. Dolan asked about the elevation of the property. He asked, "Is the house substantially higher than the location of the garage?" Mr. Sullivan responded that the elevation of the house is 6 feet higher. The whole house is oriented towards the south east of the property. There are lots of windows in this room. Standing in the room and looking to the south, you will see the lawn, garden, and landscaping of the property. If you look to the east, you will see the wetlands (pond). Mr. Sullivan stated that they sited the garage to the proposed site to save the view of the lawn, garden, and the wetlands. Moving the garage to the east will block this view.

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The board advised the applicant to take more pictures from the house showing the view. Mr. Marrapodi suggested writing a narrative document explaining their hardship incurs in moving the garage to the east.

All Aye, Motion carried, 5-0.

Mr. Werner rejoined the panel.

PUBLIC HEARING:

None

APPLICATION:

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 that was approved on September 17, 2013.

Chuck Marshall was back before the board. Based on the DPW comments about the proposed driveways, Mr. Marshall stated that DPW prefers a one-way eastern driveway and a two-way western driveway. He is now before the board to amend the approved resolution.

It was noted that Stewart's Shop received Conditional Approval dated 9-17-13 for a building expansion, additional gas pump, and entrance re-alignment. It was also agreed to create a one-way internal circulation for the lot.

Chairman McCormack asked for questions and comments from the board.

Mr. Werner asked if this is the only change on the site plan. Mr. Marshall responded, "Yes."

The board reviewed the changes on the site plan. Mr. Werner stated that ultimately the DPW rules.

Mr. Thomas asked the applicant about the reason why the original proposal was rejected by DPW.

Mr. Marshall stated that using a 30-foot wide one-way entrance does not conform to DPW's policy and would make the one-way circulation difficult to establish or maintain. It's a width issue.

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Mr. Marshall added that there is also a problem with the tanker coming through the lot. The tanker still has to go through the curve. He noted that the tanker could run through the curve due to the width of the driveway.

The panel had a lengthy discussion about the issue. Mr. Marshall noted that each driveway would be no wider than 15 feet and would have mountable curbing with concrete or pavers behind the curbing to accommodate the tankers.

Mr. Werner asked about the signage. The board agreed that the signage for the driveways is DPW's purview.

The board agreed to amend the resolution that was made in September 17, 2013.

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 Stewart's Ice Cream Co Inc. ("Stewart's") for Amended Site Plan Approval to allow the installation of a 120 square foot exterior freezer unit; a 714 square foot building addition; replacement of incandescent wall mounted, free standing, and canopy lights to 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 ramp at the store entrance; and replacement of underground petroleum storage tanks on property located at 2300 Salt Point Turnpike; and

Whereas, the site is identified as tax parcel number 6566-00-331547; and

Whereas, the site is located in the Hamlet District and is also mapped as being within the Ridgeline, Scenic, and Historical Protection Overlay District; and

Whereas, the Planning Board reviewed the site plan application, the site plan map, the Long Form Environmental Assessment Form (EAF), and other supporting materials prepared for the Stewart's project; and

Whereas, the Planning Board convened a public hearing on said application on 9/17/2013 during which no public comment was received; and

Whereas, the Planning Board determined that the Stewart's use will not result in any large and important impact(s), and therefore is one that will not have a significant impact on the environment; and

Whereas, the Planning Board granted Amended Site Plan Approval for the Stewart's project on 9/17/2013; and

Whereas, the Dutchess County Department of Public Works has stipulated that the configuration of the westernmost driveway be changed to allow for both ingress from and egress onto Salt Point Turnpike.

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Therefore Be It Resolved, that the Planning Board approves the Amended Site Plan as indicated in *Sheet S-1 – "Site Plan,"* revision date 10/9/2013, to accommodate the request by the Dutchess County DPW; and

Be It Further Resolved, that all other conditions of the original Amended Site Plan Approval resolution dated 9/17/2013 remain in place.

Motion: Eliot Werner Second: Tracie Ruzicka

Michael McCormack, Chairman	Aye
Arthur De Pasqua	Absent
Eliot Werner	Aye
Tracie Ruzicka	Aye
Paul Thomas	Aye
Robert Marrapodi	Aye
Gerald Dolan	Aye

Motion carried, 6-0.

Seconded by Ms. Ruzicka.

Discussion. None.

All Aye, Motion carried, 6-0.

APPROVAL OF MINUTES:

Mr. Werner motioned to approve the minutes of Sept. 3, 2013 as amended, seconded by Ms. Ruzicka, All Aye, motion carried, 6-0.

ADJOURNMENT:

Chairman McCormack motioned to adjourn the meeting at 9: 45 pm. seconded by Mr. Thomas, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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