

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
February 18, 2014**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan

Robert Marrapodi
Paul Thomas
Eliot Werner

MEMBERS ABSENT

Tracie Ruzicka

ALSO PRESENT

Arlene Campbell, Secretary

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

Kevin and Nancy MacDonald Area Variance (Re-approval) – property located at 110 Sodom Road, **Tax grid number 132400-6366-00-530940.**

The applicants are seeking re-approval of an area variance that was granted on October 2012 in order to construct a 24' x 30' pole barn.

The applicant wasn't present for this application. Mr. Marrapodi stated that the applicants could not make it to the meeting due to a document that wasn't signed and notarized. The board agreed to move forward.

The board agreed to issue a recommendation since nothing is changed in the application. The property owners lost their variance approval per Sec. 250.98 D-3.

Section 250.98D-3 of the Town of Clinton Zoning Law (Expiration) states that "Unless construction or use is diligently commenced within one year from the date of the granting of a variance, such variance shall become null and void without further rehearing or action by the Zoning Board of Appeals."

Mr. Marrapodi motioned the following resolution:

BE IT RESOLVED that the Town of Clinton Planning Board is making a positive conditional recommendation for approval to the Town of Clinton Zoning Board of Appeals on the requested area variance to Section 250 Attachment 2 for a side yard setback reduction to 32'-8" feet from the required 50 feet for property owned by **Kevin and Nancy McDonald** located at 110 Sodom Road, **tax grid number 132400-6366-00-530940** in the AR3A zone.

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WHEREAS;

1. The applicant wishes to construct a 24'x30' storage building in the side yard setback. The applicant is seeking a variance from Section 250 Attachment 2 due to the non-conforming property and need to store personal items that are currently stored outside.
2. This is a 1.04 acre site located in the AR3A 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 site is on a designated Scenic or Historic road, that being Sodom Road
6. An area variance does not require an Ag Data Statement.
7. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
8. The site does not contain a NYSDEC wetland.
9. The benefit sought by the applicant cannot be achieved by any other feasible method.
10. The requested variance is not substantial.
11. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
12. The alleged difficulty is self-created.
13. The application fee has been paid.
14. 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 with the following **conditions:**

1. All known building permits be closed with the Bldg Inspector and documented.
2. All debris and materials in the side yard be cleaned up and or stored in doors.
3. Submit consent form for Nancy McDonald.

Seconded by Mr. Thomas.

Discussion. Mr. Marrapodi noted that everything in this application is the same. He noted that this variance just ran out of time.

All Aye, Motion carried, 6-0.

PUBLIC HEARING:

None

APPLICATIONS:

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Packes 2 lot subdivision (Preliminary and Final Approval) – property owned by Nancy Packes located at 37 Stissing View Road, **Tax Grid No. 6469-00-070585.**

The applicant wishes to subdivide a 26.1 acre parcel into two lots. Lot 1 is 10.02 acres and Lot 2 is 16.08.

John Andrews, the property owner’s engineer, was back before the board for the the subdivision application. He recapped what had transpired at the previous meeting (refer to PB minutes dated 1-7-14). To date, the area variances were granted a 9-month extension from the current expiration date of February 28, 2014 (ZBA meeting dated 1-23-14).

Mr. Andrews noted that the DPW came back with a satisfactory approval. The proposed driveway location on Lot 2 was accepted by DPW with conditions (refer to DPW letter dated 2-14-14). DPW understands that there is no plan to construct this driveway and access will be obtained from Stissing View Dr.

Chairman McCormack asked for questions and comments from the board.

Mr. Werner noted that public hearing was closed dated 1-7-14. He stated that a variance is needed for the size of the accessory structure on Lot 1 once the property is subdivided.

The board reviewed the Long Form EAF for SEQR purposes.

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

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Packes application for a two-lot subdivision at 27–37 Stissing View Drive, **tax grid #132400-6469-00-070585**, will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, 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 Mr. DePasqua.

Discussion. None.

All Aye, Motion carried, 6-0.

After all the reviews and comments were made, the board agreed to pass another resolution, to wit:

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Mr. Werner motioned that the Town of Clinton Planning Board grants conditional Preliminary and Final Plat approval to **Nancy J. Packes** for the purpose of subdividing lands on a 26.1-acre site located at 27–37 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 is requesting a two (2) lot subdivision as shown on the plat created by Rohde, Soyka & Andrews, Consulting Engineers, 40 Garden Street, Poughkeepsie, New York, dated 7/29/2013 and revised 2/11/2014.
- 2) The acreage after the subdivision will be 10.02 acres for Lot 1 and 16.08 acres for Lot
- 3) The property is located in the Ridgeline, Scenic, and Historic Protection Overlay District. The applicant has submitted a Long Form EAF.
- 4) The Town of Clinton Planning Board granted conditional sketch plan approval on 11/19/2013.
- 5) The Town of Clinton Planning Board declared itself lead agency on 11/19/2013 for this unlisted coordinated action. Involved agencies are Dutchess County Board of Health and Dutchess County Department of Public Works. Interested agencies are Dutchess County Department of Planning, Town of Clinton Scenic and Historic Roads Committee, and West Clinton Fire Department.
- 6) In accordance with Section 250.95.C.1 of the Town of Clinton Zoning Law, a Public Hearing was held on 1/7/2014.
- 7) A SEQRA review of this unlisted, coordinated action (and the Public Hearing held on 1/7/2014) has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 2/18/2014.
- 8) The Dutchess County Department of Public Works has issued approval for the placement of a potential new driveway on Lot 2.
- 9) The applicant has been advised that the accessory dwelling unit on Lot 1 will require a variance for the square footage.
- 10) The applicant has been further advised that per Section 206.49.E of the Town of Clinton Subdivision Regulations, approval of the subdivision expires on 8/17/2014 unless extended by the Planning Board.
- 11) The applicant has agreed to relinquish the 2007 and 2013 zoning variances issued by the Town of Clinton Zoning Board of Appeals.

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NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants Preliminary and Final Plat approval for the requested subdivision of lands when the following **conditions** are met.

a) The following item should be included on the Preliminary and Final Subdivision Plat:

- Location of the sewage disposal system on Lot 1.

b) Copies of both sides of the property record card filed in the Town Assessor's office.

c) Inclusion of the following note on the subdivision plat:

"The applicant will obtain a driveway permit from Dutchess County DPW, a steep slopes permit, and other necessary permits that may be required in order to construct the driveway on Lot 2."

d) Execution of the shared driveway easement and maintenance agreement approved by the Town Attorney and Dutchess County Department of Public Works.

e) Execution of the relinquishment of 2007 and 2013 zoning variances agreement approved by the Town Attorney.

f) Per decision by the Zoning Enforcement Officer, the applicant obtains an area variance for the square footage of the accessory dwelling unit on Lot 1.

g) The Permission to File block has been signed by the Dutchess County Department of Health.

h) Payment of all appropriate fees, including recreation fees.

Seconded by Thomas.

Discussion. The board discussed the variance needed for the accessory structure on Lot 1.

The board also discussed the legal documents that the Town Attorney needs to sign off as conditions of the approval.

All Aye, Motion carried, 6-0.

Interlake RV Park Inc. (Annual Permit Renewal) – property located at 428 Lake Dr.
Tax Grid No. 6469-00-218434-00.

The applicant wishes to renew the Annual Permit for 2014.

The board agreed to renew the requested renewal.

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Mr. Werner motioned that the Town of Clinton Planning Board approve the annual renewal of a special permit for the operation of **Interlake RV Park, Inc.** (Steven R. Dumais, President) located at 428 Lake Drive, **tax grid #132400-**.

WHEREAS:

- 1) The applicant has stated, in a letter dated 1/8/2014, that there are no changes in the operation of the park since the previous renewal.
- 2) The Zoning Enforcement Officer has inspected the site and confirms, by memo to the Planning Board dated 1/13/2014, that (a) the number of sites remains at 159; (b) there are 80 trailers being “wintered over”; and (c) the site is “clean and well maintained.”
- 3) The Zoning Enforcement Officer further confirms that there are no known zoning violations on the property.
- 4) A site plan of the campground is on file with the Town of Clinton Zoning Office.
- 5) Interlake RV Park, Inc., has a current Dutchess County Health Department approval to operate the campground, which expires on 3/31/2014.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board recommends the approval of the annual renewal of a special permit to the Town Clerk with the following condition:

- Health Department approval for 2014 is granted.

Seconded by Mr. Dolan.

Discussion. The board discussed the renewal term of permits for Campground and RVs. Maybe permits can be renewed for longer than a year but there is also a question about Board of Health approval, which is for a year. No action taken.

All Aye, Motion carried 6-0.

OTHER MATTERS:

Mr. DePasqua discussed the latest about the power lines issue in the town. Dean Michael, Liaison Officer, also joined the board discussion.

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ADJOURNMENT:

Chairman McCormack motioned to adjourn the meeting at 9: 30 pm, seconded by Mr. DePasqua, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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