

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
January 7, 2014**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan

Robert Marrapodi

Eliot Werner

Arlene Campbell, Secretary

MEMBERS ABSENT

Tracie Ruzicka

Paul Thomas

ALSO PRESENT

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

None –

PUBLIC HEARING:

Packes 2-lot subdivision - property owned by Nancy Packes located at 27–37 Stissing View Road, **Tax Grid No. 6469-00-070585.**

The applicant wishes to subdivide a 26.1 acre lot into 2 lots. Lot 1 – 16.1 acres
Lot 2 - 10 acres.

John Andrews, Engineer from Rohde, Soyka and Andrews Consulting Engineers, appeared on behalf of the property owner. He explained that Ms. Packes is proposing to subdivide a 26.1-acre parcel into two lots. The existing parcel has a primary residence, secondary residence, and several accessory structures including a barn and tennis court. The lots to be created are configured such that the primary and secondary residences will be on one lot and the barn and tennis court on the other lot. The barn on Lot 2 is proposed to be enlarged to become the primary residence. Mr. Andrews noted that they are also proposing to use the existing driveway as a shared driveway. A possible driveway location is shown on Lot 2 per zoning requirement.

Mr. Andrews indicated the variances granted on this property. He opined that the subdivision will bring this property into compliance. After taking comments from the Planning Board and the Zoning Board of Appeals from the original variance application, Ms. Packes decided to subdivide this property.

Mr. DePasqua motioned to open the public hearing, seconded by Mr. Werner, all Aye, Motion carried, 4-0.

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David Pearson of 688 Slate Quarry Road asked if the proposed driveway on the second lot will be built. Mr. Andrews responded that Ms. Packes doesn't intend to construct this driveway. These lots will be served by a shared driveway, which is the existing driveway from Stissing View Drive.

Donald O'Haire, 647 Slate Quarry Road, questioned the recommendation of the town regarding subdividing this property. Mr. Andrews responded that there are several structures on this property and Ms. Packes already reached the maximum number of structures. He noted that the feasible solution to this issue is to subdivide the property.

Mr. Werner noted that subdivision will bring this property into compliance to the number of structures.

David Pearson, 688 Slate Quarry Road, asked if the house that Ms. Packes is currently in is on the main lot (Lot 1). Mr. Andrews responded, "Yes."

Mr. O'Hare asked if further subdivision is allowed on these lots once the property is subdivided. Mr. Andrews responded, "No because of the double the acreage requirement in the zoning regulation." He also indicated the issue about the driveway on the other lot.

Mr. Pearson remarked that Ms. Packes can still subdivide Lot 1 in the future. Mr. Andrews responded that there will be a problem putting another driveway on this lot due to the sight line issue.

Mr. Werner noted that the zoning law requires that each lot has a feasible access. Lot 1 has an access but not Lot 2.

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

Mr. Marrapodi motioned to close the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 4-0.

APPLICATIONS:

Omega Institute for Hollistic Studies (Amendment of Approved Site Plan) – property located at 150 Lake Dr, **Tax Grid #132400-6368-00-938723-**

The applicant proposes modification to approved site plan for the purpose of adding a deck to an existing dormitory and relocating an existing bathhouse to a new location.

Robert (Skip) Backus appeared for this application. He explained that the proposal is to take down the building (bathhouse) that is within 45 feet of the road and then rebuild it

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183 feet off the road. The structure is a single story building, 12 feet tall and 12 x 24 feet in size.

Mr. Backus stated that this is nonconforming building and moving it to the proposed new site will bring this structure into compliance. Instead of renovating a nonconforming bathhouse, Mr. Backus stated that they decided to demolish this building and construct a new one on a different site instead where the building will be in compliance with the law. Mr. Backus also discussed his other project about adding a front porch to an existing dormitory. He asked if the public hearing can be waived.

Mr. DePasqua commented that moving this bathhouse will make this structure in compliance with the law.

Mr. Marrapodi asked about the septic system. Mr. Backus responded that they will be using the same septic system.

The board discussed whether to waive the public hearing or not.

Mr. DePasqua asked the board how they feel about waiving the public hearing. Mr. Marrapodi responded that the board can waive the public hearing since this is just an amendment to an approved site plan.

Mr. Dolan shared the same opinion with Mr. Marrapodi. Mr. Werner and Mr. DePasqua stated that they do not have a problem waiving the public hearing for this application.

The board passed a resolution. Mr. Dolan motioned that the Town of Clinton Planning Board waives the public hearing, seconded by Mr. Marrapodi, all Aye, Motion carried, 4-0.

Chairman McCormack joined the panel at 8:02 pm.

The board declared itself lead agency for SEQR purposes.

Mr. Werner motioned that the Town of Clinton Planning Board grants approval of the following resolution, to wit:

WHEREAS, the Town of Clinton Planning Board has received an application from Omega Institute for Holistic Studies for property located at 150 Lake Drive known as the Omega Amended Site Plan Application.

WHEREAS, the application involves Tax Grid #132400-6368-00-938723-00 located in a Conservation Agricultural Residential Zoning District, and

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WHEREAS, the Planning Board has reviewed the application for the special permit, site plan, Short Form Environmental Assessment Form (EAF), and other information provided by the applicant for the Omega application, and

WHEREAS, the Planning Board has determined that the proposed Omega application is an unlisted, uncoordinated action,

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.

Seconded by Mr. Marrapodi.

Discussion. None.

All Aye, Motion carried, 5-0.

After reviewing the Short Form EAF, the board passed another resolution, to wit:

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

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Omega Amended Site Plan Application, to add a deck to an existing dormitory and relocate an existing bathhouse, **tax grid #132400-6368-00-938723**, 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. Marrapodi, All Aye, Motion carried, 5-0.

After all the reviews were made, the board passed another resolution, to wit:

Mr. Werner motioned that the Town of Clinton Planning Board grants approval of a Site Plan Modification to the Omega Institute for Holistic Studies, for the purpose of adding a deck to an existing dormitory and relocating an existing bathhouse of its not-for-profit educational institution located at 150 Lake Drive, which is in a Conservation Agricultural Residential Zoning District in the Town of Clinton, **tax grid #132400-6368-00-938723-00**.

WHEREAS:

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- 1) The dimensions of the deck will be 12 x 24 feet. It will be located at the front of the existing dormitory, as noted on the Map of Proposed Deck created by Steven Jay Alex, LLS, license #050016, dated 11/18/2013.
- 2) The bathhouse will be moved from its present location 45 feet from the road to a new location 183 feet from the road, as noted on the Map of Proposed Building Relocation created by Steven Jay Alex, LLS, license #050016, dated 11/18/2013.
- 3) The Town of Clinton Planning Board declared itself Lead Agency on 1/7/2014 for this unlisted, uncoordinated action.
- 4) At its 1/7/2014 meeting, the Town of Clinton Planning Board voted to waive a Public Hearing for this application.
- 5) A SEQRA review of this unlisted, uncoordinated action has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 1/7/2014.
- 6) This application conforms with the provisions of Section 250.96 of the Town of Clinton Zoning Law pertaining to "Site Plans."
- 7) All fees have been paid.

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

Seconded by Mr. Dolan.

Discussion. None.

All Aye, Motion carried, 5-0.

Gladstone Special Permit Re-approval – property owned by **Marie-Claire Gladstone** located at 137 Hollow Road, **Tax Grid No. 6267-00-513506.**

The applicant is requesting a renewal of the Special Permit that was granted on January 22, 2013 to convert the barn into an accessory dwelling unit.

Robert and Marie Gladstone appeared for this application. Mr. Gladstone briefly explained his proposition as indicated above.

Mr. DePasqua asked questions and comments from the board.

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Mr. Werner stated that the issue here is about the Special Permit, which is only good for 12 months. He noted that the zoning law doesn't allow special permits to be extended. Site plans can be extended but not special permits.

The board exchanged opinions regarding the above concern. Ms. Campbell noted that the original site plan has not yet been signed. There were conditions on the approval and the applicant never came back with the final map.

The board agreed that the approvals on this project didn't run out since the final map wasn't signed. The clock didn't start ticking. The board advised the Gladstones that conditions of the approval have to be met before the Chairman can sign the map. The only outstanding condition as of to date is about the gross square footage of the main dwelling on the map.

No action taken.

Packes 2-lot subdivision - property owned by Nancy Packes located at 27-37 Stissing View Road, **Tax Grid No. 6469-00-070585**.

The applicant wishes to subdivide a 26.1-acre lot into 2 lots. Lot 1 – 16.1 acres;
Lot 2 – 10 acres.

Mr. Andrews was back and discussed the application. He indicated their concern about the variance that was granted a year ago. This variance is expiring this February. Mr. Andrews stated that he doesn't think that the Department of Public Works will sign off on the outstanding issue in two weeks. He noted that if for some reason that the subdivision fails, Ms. Packes will still want to pursue the original proposal about the variances.

Mr. Andrews noted that Ms. Packes is not trying to have the approvals both ways. Ms. Packes will relinquish the variances once the subdivision is approved by way of a legal and recordable document that is acceptable to the Town and the Town Attorney.

Chairman McCormack asked for questions and comments from the board.

The board discussed the timeline about the variance and the special permit that were granted on this property.

Mr. Andrews discussed the comments that were received from the DPW per letter dated 1-7-14. He stated that they need to demonstrate that a driveway can meet the criteria for a new driveway. A sight distance analysis and Driveway Easement and Maintenance Agreement need to be submitted for review.

After a lengthy discussion about the issue, the board agreed to send a memo to the Zoning Board of Appeals regarding the variance.

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OTHER MATTERS:

Mr. DePasqua discussed the updates about the Monster Power Lines issue.

APPROVAL OF MINUTES:

Mr. DePasqua motioned to approve the minutes of 11-19-13 as amended, seconded by Mr. Werner, all Aye, Motion carried, 5-0.

Mr. DePasqua motioned to accept the minutes of 9-17-13 as amended, seconded by Mr. Marapodi, all Aye, Motion carried, 5-0.

ADJOURNMENT:

Chairman McCormack motioned to adjourn the meeting at 9: 55 pm, seconded by Mr. DePasqua, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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