

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

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan
Tracie Ruzicka

Paul Thomas

Arlene Campbell, Secretary

MEMBERS ABSENT

Robert Marrapodi

Eliot Werner

ALSO PRESENT

Dean Michael, Liaison Officer

Acting Chairman DePasqua called the meeting to order at 7:31 p.m.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Long Pond (Omega) Campground (Annual Permit Renewal) – property located at 150 Lake Drive, **tax grid #132400-6468-00-032842-00.**

The applicant is seeking renewal of Annual Permit for 2014.

The board agreed to renew the annual permit.

Mr. DePasqua agreed to read the resolution that was prepared by Mr. Werner.

Mr. DePasqua motioned that the Town of Clinton Planning Board approve the following with regard to the application for annual renewal of a special permit for the operation of **Long Pond Campground**, 150 Lake Drive, **tax grid #132400-6468-00-032842-00.**

WHEREAS:

1) The subject campground is regulated by a Deed Agreement of Covenants and Restrictions and Stipulation of Settlement recorded in the Dutchess County Clerk's office on 1/24/1991. That agreement was between CVH Charter Corp. and the Town of Clinton.

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- 2) All applicable fees have been paid.
- 3) The Zoning Enforcement Officer has inspected the site and confirms, by memo to the Planning Board dated 3/05/2014, that the applicant has met the conditions outlined in the Deed Agreement of Covenants and Stipulation of Settlement and there are no known violations on the property.
- 4) There are 67 campsites at the campground. All camping trailers are duly licensed.
- 5) A current site plan is on file with the Town of Clinton Zoning Office.
- 6) The applicant has installed number identification signs for each site.
- 7) Long Pond Campground has a current Dutchess County Health Department approval to operate the campground, which expires on 4/30/2014.

NOW THEREFORE, BE IT RESOLVED, the Planning Board recommends the issuance of the annual renewal of an operating permit and requests the Town Clerk to issue such renewal permit, provided that Health Department approval for 2014–2015 is granted.

Seconded by Mr. Thomas,

Discussion. None.

All in favor, Aye, Motion carried 4-0.

Brands and Malcarne Lot Line Adjustment – properties on 110 and 89 Rymph Road, Tax Grid Nos. 132400-6266-00-948870 & 6266-00-920931.

The intent of this action is to transfer 17.534 acres of land from Lot A to Lot B for the purpose of a proposed land transfer which culminates a Contract of Sale dated October 17, 2003.

Jim Brands was back before the board. He recapped what had transpired at the previous meeting.

Mr. DePasqua asked if the letter of waiver request is received. Mr. Dolan responded, “Yes.”

Mr. DePasqua asked about item #9 on the checklist requirements. Mr. Brands responded that the only restriction on this property is about the “No subdivision” on Lot B. This restriction was noted on the Deed by Agreement on October 7, 2003.

Mr. DePasqua stated that the restriction on Lot B should be in the resolution and noted on the map. The applicant agreed.

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Mr. DePasqua asked for any more comments or questions from the board. Ms. Ruzicka commented that the revised map looks okay. Everything is on the map.

The board agreed to issue a resolution, to wit:

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

BE IT RESOLVED, the Town of Clinton Planning Board grants approval for a Lot Line Adjustment of the lands owned by **Lori Brands** located on Rymph Road, **tax grid # 132400-6266-00-920931** (parcel A, 116.15 acres) and adjoining lands owned by **Jennifer L. Malcarne** located on Rymph Road, **tax grid #132400-6266-00-948870** (parcel B, 5.8 acres).

WHEREAS;

1. The intent of this action is to transfer 17.534 acres of land from Lot A to Lot B as shown on the Lot Line Adjustment plat dated March 18, 2014 for the purpose of a proposed land transfer which culminates a Contract of Sale dated 17th day October 2003.
2. The October 17, 2003 document prohibits any further subdivisions off Lot B through the deed.
3. The lands under consideration have not been granted a special permit or other permit that would be void as a result of this action.
4. Since a lot line adjustment is a Type II action under SEQRA, no further SEQRA review is required.
5. The property is not located within the Ridgeline, Scenic and Historic Preservation Overlay District
6. The lands involved are not in an Ag District, therefore an Ag data statement has not been completed.
7. The proposed lot line adjustment does not create a substandard lot or render any lot more substandard than it may already be.
8. The properties involved are not in a CEA and need not conform to the Town of Clinton Town Board resolution of 12/11/02.
9. At the Town of Clinton Planning Board Meeting on March 18, 2014, a motion was passed approving waivers to the Town of Clinton Subdivision Regulations as requested in a letter dated 3/12/14 and as specified in the Lot Line Adjustment application dated 2/21/14.
10. All appropriate fees have been paid.

NOW THEREFORE, BE IT RESOLVED, the requested Lot Line Adjustment is granted approval by the Town of Clinton Planning Board.

Seconded by Ms. Ruzicka,

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Discussion. Mr. DePasqua asked Ms. Campbell to attach the list of the names of the surrounding property owners to the resolution. Ms. Campbell agreed.

All in favor, Aye, Motion carried 4-0.

Chairman McCormack joined the panel at 8:05 pm.

AT & T Wireless Communications (Board Discussion) – property on 90 Germond Road, **Tax Grid No. 132400-6567-00-209058.**

The applicant proposes a wireless communication facility as described below:

- Install 12'-0" x 11'-5" Equipment shelter with Generator on 8'-0" x 12'-0" patio/pad within 1'-0" x 100'-0" lease area.
- Install (9) panel antennas (3 per sector), (18) RRHs, (6 per sector), (6) A2s, (2 per sector) and (3) DC6 Squids (1 per sector) on proposed 100' Monopole.
- Install (1) GPS Antenna on New Equipment shelter.
- Power and Telco will be routed underground from demarc location to the equipment shelter.

Thomas Punchner and Parker Armsby, ATT's lawyer and consultant, respectively, appeared to get the board's opinion about this project.

Mr. Armsby submitted a Lease Agreement between the property owner and New Cingular Wireless PCS, LLC (ATT).

Mr. Armsby explained that the project consists of a new monopole with multiple antennas. New radio equipment is to be placed in a proposed shelter located within a new campground at the base of the monopole. The proposed facility is not intended for permanent employee occupancy. The occupancy will be limited to periodic inspections by radio technicians (approximately once per month). Potable water, sanitary sewers, and additional site parking are not required. All the structures on the property are exactly the same. Mr. Armsby noted that they want to get the board's opinion about meeting the code standards as well as scenic issues.

Mr. Punchner indicated the telecommunication facility from a different carrier (Nextel) that was approved on this property several years ago.

Ms. Ruzicka asked what happened with that facility after going through the entire process.

Chairman McCormack responded that to his knowledge Nextel went through the approval process and was ready to go but ran out of capital.

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The board discussed the proposal. Chairman McCormack opined that it is feasible to use the same location for this project.

Ms. Ruzicka asked the applicants if they are using the same location. Mr. Punchner responded, "Yes." It makes sense to use the same location that was approved.

Chairman McCormack asked if they are using the same barn as base station equipment storage. Mr. Punchner responded, "Yes."

Ms. Ruzicka asked if they are proposing the same exact project as Nextel's. Mr. Armsby responded, "More or less." They are proposing a higher monopole tower to produce better wireless coverage (4G). Mr. Armsby stated that better coverage requires more equipment the way the technology exists today.

The board had a lengthy discussion about the proposed project. Ms. Ruzicka suggested using brown pole. It should look like a tree.

Mr. Armsby stated that maybe they can go along with the design that Nextel designed years ago. They will discuss these concerns with the ATT board.

Mr. Thomas asked if they are going to do a balloon test. The applicant replied, "Yes." Mr. Thomas asked about the variance needed for this project. Mr. Punchner responded that this project needs a variance for the height of the tower as well as variances for the setback of various structures.

Mr. Thomas asked if there is a permit needed from the Taconic State Parkway regarding this proposal. Chairman McCormack responded that Taconic State Parkway will be an Interested Agency. They are not permitting.

The board discussed the previous wireless applications. Chairman McCormack asked if the Verizon Wireless Special Permit is still good. Ms. Campbell responded that the Verizon Special Permit expired in 2012 but Verizon never came back to renew this permit. Ms. Ruzicka commented that there might be an available silo on this property if Verizon doesn't renew its permit. Chairman McCormack asked Ms. Campbell to check on the status of this permit.

Mr. DePasqua asked the applicant if they can bring or show a model of the proposed tower. He commented that it is better to see how this tower will actually look. Mr. Armsby agreed.

Mr. Punchner asked the board's opinion about the zoning requirement that states "the design of the tower shall be made of natural materials and shall blend with the tree line."

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Ms. Ruzicka responded that the board investigated in the past and found that the laminated wood pole is the best. This blends with the tree line line.

Mr. Thomas asked the applicant about the zoning requirement about a co-locator facility. He asked if the applicant will be able to accommodate this requirement. Mr. Armsby responded, "Yes, there will be room for co-locators." The pole is normally built for three carriers. He noted that this will be designed to have room for co-locators.

Mr. Thomas asked about lighting. Mr. Punchner responded that there will be no site lighting proposed except for the proposed utility work light operated by a manual switch, which will be used for emergency maintenance during hours of darkness.

After a very long discussion, the board agreed that the Town Consultants need to get involved with this application.

Mr. DePasqua motioned to establish \$10,000 escrow for the Town Consultants, seconded by Mr. Thomas, All Aye, Motion carried, 5-0.

The board agreed that the applicants need to meet with the Town Consultants before coming back before the board. The applicant was also advised to review the documentation about the Nextel Wireless Special Permit application that was approved in 2007. This project needs a Variance application and a Site Plan/Special Permit application.

No other action taken.

OTHER MATTERS:

Mr. DePasqua discussed the recent update about the proposed monster power lines in the town.

APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Acting Chairman DePasqua motioned to adjourn the meeting at 9:02 pm, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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