

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

MEMBERS PRESENT

Mike McCormack, Chairman

Robert Marrapodi
Paul Thomas
Eliot Werner

Arlene Campbell, Secretary

MEMBERS ABSENT

Art DePasqua
Gerald Dolan
Tracie Ruzicka

ALSO PRESENT

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Smith 3 lot Subdivision (Board Discussion) – property located at 278 Clinton Hollow Road with Tax Grid No. 6466-03-200341.

The property wishes to subdivide an 85 -acre lot into 3 residential lots which is in the AR5 Zoning District.

Kevin Halton, contractor, Lynda Femenella and Martha Mashburn, property owners all appeared to get the board’s opinion about the above case.

Mr. Halton explained his proposal. The property was owned by Catherine Smith. After she passed away in March of this year, the heirs Lynda Femenella, Martha Mashburn, and Sharon Corbis want to honor the wish of their mother that her son-in-law Sol Mashburn receives a piece of this property.

Mr. Halton indicated the history of this property. In 1985 the son -in -law, Sol Mashburn, obtained a building permit for Mrs. Smith to construct a barn. Mr. Mashburn built a second dwelling instead of a barn and has lived in the structure ever since. Mr. Halton added that there is also a shed in the back that also doesn’t have a building permit.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES**

July 7, 2014

Mr. Halton stated that the intention of this application is to subdivide the property into 3 lots. One lot will be passed on to the grandson, David Femenella. The other lot is to be sold and the remaining lot will go to Sol Mashburn who still lives on the property.

Due to the zoning issues and violations (violation letter issued in 1999) on this property, Mr. Halton stated that they want to get the board's opinion on how to proceed with this application. The property owners wish to subdivide the 13.67 -acre lot into 3 residential lots.

Chairman McCormack asked for questions and comments from the board.

Mr. Werner asked about the sizes of the dwellings. Mr. Halton responded that the primary dwelling is 1,200 square feet and the pole barn/second dwelling is 1,750 square feet.

The board reviewed the map. The smaller piece of the property is on the other side of the road (Clinton Hollow Road) while the other, larger piece of property is across the road.

Chairman McCormack asked if Clinton Hollow Road is a User Road. He noted that if this is a deeded road, then it bisects the property. If it is a User Road, then they can put two lots on the other parcel and the other lot across the road.

Ms. Femenella asked about the definition of a User Road. Mr. Thomas responded that a user road is basically a right of way and a deeded road is a State or County Road.

The board exchanged opinions about the above issue. Chairman McCormack advised the applicant to check with the Land Surveyor whether Clinton Hollow Road is a user road.

The panel had a lengthy discussion about the proposal. Mr. Marrapodi stated that the applicant needs to verify whether Clinton Hollow Road is a User Road.

Mr. Werner asked the applicant, "What's on the other side of the road?" Mr. Halton responded that it is just an empty lot.

Mr. Marrapodi opined that it is feasible to do a 2 -lot subdivision on this parcel since this property is in a 5-acre zoning district. He asked Mr. Halton, "How do you propose a 3-lot subdivision on a 13.67-acre lot when the Zoning District is AR 5?" Mr. Halton responded that they are hoping that they can get a variance. He opined that Sol Mashburn can get the smallest parcel of the three.

Mr. Thomas asked "How many deed does these parcels have"? The applicant responded that there is only one deed.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES**

July 7, 2014

Mr. Marrapodi stated that these are zoning issues. The 3-lot subdivision will create a substandard lot. This project requires variances. These are not in the Planning Board's purview.

Mr. Werner asked the board if they are legally allowed to create a substandard lot. Mr. Marrapodi responded that Planning Board is not allowed to do that. It's a zoning issue.

Mr. Thomas responded that this issue is addressed through a variance. He opined that an area variance will cure the substandard issue. Mr. Marrapodi agreed. The Planning Board cannot approve a substandard lot. Chairman McCormack concurred. This is in the Zoning Board of Appeals's purview.

Mr. Halton asked about the variances required such as front yard, lot width, size of the accessory dwelling, and the substandard lot. The board responded that he should see the Zoning Enforcement Officer about these variances.

After a very long discussion, the board advised the applicants to talk to the Zoning Enforcement Officer about the required variances. The map also needs to be corrected to identify the proposed parcels. Check with Mike Dalbo if Clinton Hollow Road is a User Road.

No action taken.

BOARD DISCUSSION:

Stewart's Shop Amended Site Plan Approval – Chairman McCormack asked if a Certificate of Compliance has been issued to Stewart's Shop. Ms. Campbell responded negatively. She noted that they are in the process of closing out the permit.

After reviewing the Approved Site Plan, the board agreed that Stewart's Shop needs to come back before the board for an amendment of the Approved Site Plan. The store is using the gas pump already. The building renovation is not done. If the store is using the gas pump now and not ready to complete the original proposal, then there should be Phase I and Phase II projects. The board agreed that the work done is not in accordance with the approved site plan.

APPROVAL OF MINUTES:


Mr. Marrapodi motioned to approve the minutes of May 6, 2014, seconded by Mr. Werner, all aye, Motion carried, 4-0.

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

ADJOURNMENT:

Mr. Werner motioned to adjourn the meeting at 9:30 pm, seconded by Mr. Thomas, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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