

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
January 20, 2015**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua

Robert Marrapodi
Paul Thomas
Eliot Werner

Arlene Campbell, Secretary

MEMBERS ABSENT

Gerald Dolan
Tracie Ruzicka

ALSO PRESENT

Dean Michael, Liaison Officer

Chairman McCormack called the meeting to order at 7:38 p.m.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATION:

Perseley Water Law Permit – property owned by Jack and Nancy Persely located at 18 Schoolhouse Rd., **Tax Grid No. 6467-03-066342.**

The applicants are requesting Water Law Permit for a 12' x 24' deck that was constructed in 1997.

Mr. and Mrs. Persely were back before the board. Mr. Persely recapped what had transpired at the previous meeting dated December 16, 2014.

Chairman McCormack asked for comments and questions from the board.

Mr. DePasqua asked about the status regarding the concern about a DEC permit. It was noted from the previous meeting that the board asked the applicant to request a sign-off from DEC regarding the deck that is in the buffer of the stream.

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Mr. Persely stated that according to DEC, a work permit is only issued for work that needs to get done. DEC does not have any forms or anything for work that was already done. Mr. Persely submitted a copy of the email that he received from the DEC regarding his request.

Mr. Werner remarked, "That is not right! Why should they get rewarded for not doing what they should have done before the deck was built?"

Mr. Marrapodi asked, "What necessitates the DEC permit? Is this a Federal Regulated wetland?" Chairman McCormack responded, "Yes."

Mr. Marrapodi shared an instance wherein DEC conditioned the DEC permit based on the variance approval from the Town. DEC determined that if the Town approves the variance and since there was no significant impact on the wetlands, then DEC didn't have a problem with the application.

Mr. Werner stated that based on what Mr. Marrapodi stated, the likelihood will be slim that DEC will be uncooperative. Mr. Werner asked, "If the application had gone into DEC when it should have, would they have responded differently?"

Mr. Marrapodi responded that DEC wouldn't have stopped the applicant from building the deck. There would be standards to follow to construct it in a restricted area. He indicated his experience wherein one of his clients built an addition by the buffer of the wetlands. He noted that DEC still approved the application. They had to do certain things such as the buffer, sedimentation area, etc. There are procedures to follow. He noted that DEC did not stop them from building in the restricted area.

Mr. Werner agreed and shared his experience when he applied for a DEC permit. He noted that one still has to fill out an application form, pay the filing fees, etc. It's still a process.

Mr. Marrapodi concurred. There are steps and procedures to follow.

Mr. Werner suggested that maybe the board can check the DEC permit again once the variance is granted.

Chairman McCormack opined that DEC may or may not require the work permit. DEC has jurisdiction on this wetland.

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Mr. Peresely asked the board if he should check with the Bureau of Habitat to start with. Chairman McCormack responded that he doesn't know what DEC will require him to do. Mr. Marrapodi suggested starting with the Habitat process since one of the normal concerns of the DEC is about Habitats.

Mr. Thomas asked Ms. Campbell if this application was circulated to DEC. Ms. Campbell responded, "Yes, but there was no feedback received."

After a lengthy discussion over the concern, the board agreed to get a letter or sign-off from the DEC. This is DEC's jurisdiction; they need to weigh in.

Mr. Werner indicated CAC's comments per letter dated 1-20-15 expressing no concern. Mr. Thomas read Morris Associates' comments letter dated 1-19-15 (see letter on file).

The board exchanged opinions about the application. Chairman McCormack asked if there was a deck there before. Mr. Persely responded that there was an existing foundation. The dirt, grass, and landing were there. He built the deck on top of the retaining wall.

The board reviewed the Water Law Regulations.

Mr. Marrapodi asked about the details of the construction of the deck. Mr. Persely noted that the deck is not attached to the house. It is a free standing structure. It is about four to five feet further out than the existing retainer wall.

Mr. Marrapodi asked, "Is the retaining wall in the buffer area?" Mr. Persely responded negatively. He illustrated on the map the location of the retaining wall. He noted that he put the post in front of the retaining wall.

Mr. Marrapodi stated that based on what the applicant describes, it seems that there was an existing foundation.

Chairman McCormack opined that the deck seems like a replacement. Mr. DePasqua suggested checking with the ZEO and the Building Inspector whether the deck needs a Water Law Permit.

After a lengthy discussion about this application, the board agreed to table the application

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Mr. DePasqua motioned to table the application until the ZEO and the Building Inspector give their determination about the deck, seconded by Mr. Marrapodi.

Discussion. Mr. Werner reiterated his concern about the DEC permit. Mr. Thomas asked the applicant if they can visit the site again. Mr. Persely responded, “Yes.”

All Aye, Motion carried, 5-0.

Interlake RV Park, Inc. (Annual Permit Renewal) – property located at 428 Lake Drive, tax grid #132400-6469-00-218434-00.

The applicant is seeking annual permit renewal for 2015.

It was noted that there was no changes on the application. The board agreed to renew the permit.

Mr. Werner motioned that the Town of Clinton Planning Board approves 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 #132400-6469-00-218434-00.

WHEREAS:

- 1) The applicant has stated, in a letter dated 12/30/2014, 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 1/7/2015, 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 3/31/2015.

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 2015 is granted.

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Seconded by Mr. DePasqua.

Discussion. None.

All Aye, Motion carried 5-0.

OTHER MATTERS:

1. Lot Line Adjustment Local Law Amendment (Board Discussion) – The board discussed the Resolution that was drafted by the Town Attorney.

Mr. Werner discussed his concerns about properties that have multiple dwellings. Combining the lots might make the number of structures on the property exceed the threshold. Chairman McCormack stated that this concern is addressed in the proposed amendment.

The board agreed to pass a resolution to the Town Board, to wit:

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

WHEREAS:

1) The Town of Clinton Planning Board has recommended to the Clinton Town Board that the procedure for lot line adjustments be simplified in cases where a property owner would like to do a simple removal of a lot line and combine adjoining lots.

2) The Town Board has responded to this recommendation by proposing to enact a new local law that would amend Sections 206.13.B.7 and 250.89.H of the Code of the Town of Clinton pertaining to the procedures for lot line adjustments.

3) The Planning Board feels that the enactment of this local law will be beneficial to the Town in terms of reducing the overall number of building lots.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board recommends that the Town Board adopt proposed Local Law No. 1 of 2015 entitled “A Local Law Amending Chapters 206 and 250 of the Town Code Regarding the Approval of Certain Lot Line Adjustments.”

Seconded by Mr. DePasqua.

Discussion. None.

All Aye, Motion carried, 5-0.

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2. Solar Panels – the board discussed the proposed moratorium on solar panel applications in the Town.

3. Central Hudson Utility Easement - Chairman McCormack asked the clerk to make sure that applications on properties that have utility easements are sent to Central Hudson for review.

APPROVAL OF MINUTES:

1. Mr. DePasqua motioned to accept the minutes of 11-18-14 as amended, seconded by Mr. Marrapodi, all aye, motion carried, 5-0.
2. Mr. DePasqua motioned to accept the amended minutes of 12-16-14, seconded by Mr. Werner, all Aye, motion carried, 5-0.

ADJOURNMENT:

Mr. Werner motioned to adjourn the meeting at 9:05 pm, seconded by Mr. Thomas, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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