

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
October 6, 2015**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan
Tracie Ruzicka
Robert Marrapodi
Paul Thomas
Eliot Werner

MEMBERS ABSENT

ALSO PRESENT

Secretary – Arlene Campbell

Dean Michael. Liaison Officer

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

VARIANCE APPLICATION:

Hagedorn Variance – property owned by **Aaron Hagedorn and Katarina Maxianova** located at 79 Deer Hill Road, **tax grid number 6469-07-511859** in the C zone.

The applicants propose an area variance to Section 250 Attachment 2 (Area Bulk Regulations) for a side yard setback reduction to 45 feet from the required 50 feet in order to construct an addition to the existing house.

Harvey Cohn, Architect, appeared on behalf of the property owners. He explained that they want to put up a 538-square-foot addition to the rear of the house. There are steep slopes on front and back of the property. It slopes up to the back of the property. Due to the oddly size of the lot, Mr. Cohn noted that there is very little room left for the main dwelling. They are taking advantage of the grade drop-off from front to back by making the addition a “split level.” They want to build the addition within the building envelope except for that small portion that they are requesting.

Mr. Cohn noted that the property owners’ goal is to enlarge and reconfigure the existing house. The existing ground floor will remain in its current configuration with the exception of the main entrance of the house. The current entrance is on the back of the house and there is no entrance on the front. They want to relocate the main entrance to the front of the house. Mr. Cohn opined that the proposed covered entry stoop would be more compliant with setbacks than the existing house.

Mr. Cohn explained why the proposed site is the most feasible location for their proposal. Relocating the addition to the north will block windows in the existing dining/kitchen

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area. The proposed site is also the least visible location to the neighboring property owners.

Chairman McCormack asked for questions and comments from the board.

Mr. Werner asked if the proposed site at the back of the house is where the existing patio is. Mr. Cohn responded, "No." The proposed addition is adjacent to the existing patio.

Mr. Thomas asked if a steep slopes permit is required due to the slopes on the property. Mr. Marrapodi responded, "No." The proposed addition won't touch the slopes. The contour of the slopes where the proposed addition will be don't fall into the category where a steep slopes permit is required.

Mr. Marrapodi asked the applicant if there will be a foundation. Mr. Cohn responded, "None."

Mr. DePasqua expressed his comment about this application. He noted that he passed this property everyday and commented that the steep slopes areas are farther away from the proposed project.

After a lengthy discussion about the contour of the property, the board agreed that a steep slopes permit is not required.

The board agreed to pass a recommendation to the Zoning Board of Appeals.

Mr. Dolan motioned that the Planning Board approve the following resolution:

BE IT RESOLVED, the Planning Board is making a positive 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 45 feet from the required 50 feet for property owned by Aaron Hagedorn and Katarina Maxianova located at 79 Deer Hill Road, tax grid number 6469-07-511859 in the C zone.

WHEREAS;

1. The applicant wishes to enlarge and reconfigure their existing house, as well as upgrade it to meet current energy and building codes. The applicant is seeking a variance from Section 250 Attachment 2 to allow for the addition., with the area of the variance involving only a small corner of the addition.
2. This is a pre-existing non-conforming 0.89 acre site located in the C 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 lot is not in an Ag District.

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6. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
7. The site does not contain a NYSDEC wetland.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested variance is substantial.
10. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
11. The alleged difficulty is self-created.
12. The application fee has been paid.
13. Per the Zoning Enforcement Officer, that 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.

Seconded by Mr. Thomas.

Discussion. Chairman McCormack asked if there is a letter of authorization from the property owner. Ms. Campbell responded, “Yes.”

Mr. Marrapodi suggested that the applicant brings a sample of the exterior material when he goes before the Zoning Board of Appeals. The applicant agreed.

All Aye, Motion carried, 7-0.

Weibrecht Variance – property owned by **George Weibrecht, Jr.** property located at 100 Deer Ridge Drive, **tax grid number 6368-00-286200** in an AR5 District Zone.

The applicant proposes an area variance to Section 250 Attachment 2 (Area Bulk Regulations) for a side yard setback reduction to 1 foot from the required 50 feet in order to allow for the construction of a shed.

Mr. Weibrecht appeared for his application. He stated that he wants to build a 14’ x 14’ shed that will encroach into the side yard setback due to the shape of the lot. The house barely meets the sideyard 50-foot setback criteria. He noted that the shed is from Bayhorse Company.

Mr. Weibrecht explained why he cannot build the shed anywhere else on the property. The backyard is small and is the only backyard or open space that he has. This lot is a very narrow lot. He stated that shed within the side yards is a common scenario on this neighborhood due to the shape of the lots. He also indicated the rock wall behind the house. He noted that there is really no place to put up a shed.

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The panel discussed the application. The shape of the lot is very odd. This is a 7.85-acre lot with a 192-foot lot width. It has plenty of acreage but it is not usable. The subdivision was approved in 1962.

The board discussed the neighboring property owners who are affected by this variance.

Mr. DePasqua asked if the house closest to this property is in foreclosure. Mr. Weibrecht responded, "Yes" but noted that you can't see the shed from that house.

Mr. Werner added that the other house is farther from this property.

Mr. Thomas expressed his comments. The variance is significant but this is an unusual case. The applicant is literally putting the proposed shed on the rock wall and 1 foot from the property line). The board concurred with Mr. Thomas.

Chairman McCormack stated that this is nonconforming lot due to the lot width.

The board agreed to pass another resolution, to wit:

Mr. Werner questioned the variance. It is 1 foot to the side. Mr. Werner asked how does the homeowner know where the property line is, does he has a survey? Mr. Weibrecht said, "Yes."

Mr. McCormack said that it is a nonconforming lot due to the lot width.

The board passed a resolution.

Mr. Werner motioned that the Planning Board approve the following resolution:

BE IT RESOLVED, the Planning Board is making a positive 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 1 foot from the required 50 feet for property owned by George Weibrecht, Jr., located at 100 Deer Ridge Drive, tax grid number 132400-6368-00-286200-0000 in an AR-5 zone.

WHEREAS:

- 1) The applicant is requesting a reduction in the side yard setback to allow for the construction of a shed.
- 2) This is a pre-existing non-conforming 7.85-acre site located in an AR-5 zoning district.
- 3) The property is not located within the Ridgeline, Scenic, and Historic Preservation Overlay District.

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- 4) The site is not within a CEA.
- 5) The lot is not in an Ag District.
- 6) It is noted that an area variance is a Type II action under SEQRA and requires no further action.
- 7) The site does not contain a NYSDEC wetland.
- 8) The benefit sought by the applicant cannot be achieved by any other feasible method.
- 9) The requested variance is substantial but this should not preclude its granting.
- 10) There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
- 11) The alleged difficulty is self-created.
- 12) The application fee has been paid.
- 13) Per the Zoning Enforcement Officer, there are no known violations associated with this property.
- 14) Given the extraordinary circumstances (including the unusual configuration of the lot, the lack of feasible alternatives to the homeowner, and the absence of any negative impacts on the surrounding properties or neighborhood), the Planning Board is making a positive recommendation to the Zoning Board of Appeals. However, the Planning Board is concerned about the precedential effect of a positive decision on this application and therefore suggests that the Zoning Board of Appeals—if it approves the requested variance—note in its resolution that this decision is unique, based on extraordinary circumstances, and should not be construed as establishing a precedent for any other application.

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.

Seconded by Ms. Ruzicka.

Discussion. Mr. Thomas suggested to indicate in the resolution the rational of the significant amount of the variance which is due to the shape of the lot.

Ms. Ruzicka added this is also due to the rock outcropping. The board agreed.

All Aye, Motion carried 7-0.

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PUBLIC HEARING:

None

APPLICATIONS:

Femenella et al. 2-lot subdivision (Board Discussion) – property on 262–278 Hollow Road, **Tax Grid No. 6466-00-200341.**

The applicants wish to subdivide the property into two lots.

The board discussed whether the Preliminary and Final Approval that was issued in September needs to be amended.

Chairman McCormack stated that these are two separate lots even though it has one parcel number. There are two lots of record. He noted that parcel number doesn't mean anything. He remarked, "You cannot connect a lot over somebody else's lot."

Ms. Ruzicka asked, "So, you can build two houses on these separate lots?" Chairman McCormack responded, "Yes."

After a lengthy discussion, the board agreed that there is no need to amend the resolution. If the lots are separated by intervening property owners, then they are separate lots.

No action taken.

Furman Steep Slopes Permit (Extension of Permit) – property on 196 Long Pond Road, **Tax Grid No. 6468-00-242963.**

Applicant is requesting a one year extension due to health related issues.

The board agreed to extend the permit.

Mr. DePasqua motioned that the Town of Clinton Planning Board grants an extension of the Furman Special Permit on property located at 196 Long Pond Rd, **Tax Parcel No. 6468-00-243963**, for disturbance of Steep Slopes per Section 250.72 of the Town of Clinton Zoning Law in order to construct a driveway from November 18, 2015 to November 18, 2016. All conditions stated in the November 18, 2014 remain in effect.

Discussion. None.

All Aye, Motion carried, 7-0.

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OTHER MATTERS: (Board Discussion)

Solar Energy Moratorium and Zoning Review

Dean Michael, Liaison Officer discussed the latest about the above moratorium. He stated that they're hoping to finalize the proposed regulations in November.

APPROVAL OF MINUTES:

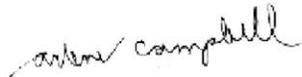
Mr. DePasqua motioned to accept the amended minutes of 8-14-15, seconded by Mr. Marrapodi, All Aye, Motion carried, 7-0.

Mr. DePasqua motioned to accept the amended minutes of 9-1-15, seconded by Mr. Thomas, All Aye, Motion carried, 7-0.

ADJOURNMENT:

Mr. DePasqua motioned to adjourn the meeting at 8:20 pm, seconded by Mr. Dolan, All Aye, Motion carried, 7-0.

Respectfully Submitted,



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