

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
December 15, 2015**

MEMBERS PRESENT

Mike McCormack, Chairman

Gerald Dolan
Tracie Ruzicka

Paul Thomas
Eliot Werner

Secretary – Arlene Campbell

MEMBERS ABSENT

Art DePasqua

Robert Marrapodi

ALSO PRESENT

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

Sadri Area Variance – property owned by Kass Sadri located at 30 Bartles Landing, Tax Grid No. 6369-00-393630 in the C Zoning District.

The applicant is seeking the following area variances to Section 250 Attachment 2 of the Zoning Regulations in order to construct an inground pool (18' x 36'), to wit:

- Rear yard setback reduction from 75' to 60' - pool
- Rear yard setback reduction from 75' to 50' – patio & walkway

Thomas Cummings, applicant's engineer, appeared and explained the application. The Sadris wish to install an in-ground swimming pool in the rear yard behind the house. Due to the layout of the house, the property owner wants to utilize an area where it is easy to access the pool area. Mr. Cummings explained that the proposed area will be partially in the existing septic system. The existing septic system requires relocation to the originally approved 100% reserve area with minor modification. A new 100% reserve area must be designated and approved by the Board of Health.

Mr. Cummings stated that when the house was originally built, the house and septic system were rotated relative to the approved site plan layout. Due to this orientation, it forces the pool to be rotated as well, causing the intrusion into the setback. The corner of the pool projects into the rear yard setback. Mr. Cummings opined that if the house had been built parallel to the property line, then the pool wouldn't need a variance.

Mr. Cummings stated that according to the Board of Health, the applicant needs to rebuild the septic system in the original reserve area. They designated a future reserve

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area at the back corner of the property. This is grassy lawn and a little wooded. They did the test hole, perc test, etc., and the test results were satisfactory and reviewed by the Board of Health. A septic system modification plan has been prepared and will be submitted to the county for approval.

Mr. Cummings explained that the proposed swimming pool will not be visible from any of the neighboring properties. It's wooded and the nearest neighbor is approximately 400 to 500 feet away. He noted that the applicant doesn't want to put the swimming pool in the front yard.

The board exchanged opinion about the application. Mr. Cummings stated that he wasn't sure whether the board considers a patio as a structure or landscaping. Emerson Burger, appointed Acting Zoning Enforcement Officer, suggested to include this setback in his application in case it is required.

Ms. Ruzicka concurred with Mr. Cummings that this property is not visible from any of the neighboring properties. She asked about the dimension of the swimming pool. Mr. Cummings responded that the pool is 18 x 36 feet.

The board agreed to issue a recommendation.

Ms. Ruzicka motioned that the Town of Clinton Planning Board approves the following resolution:

Be it Resolved that the Clinton Planning board makes a positive recommendation to the Zoning Board of Appeals on the requested area variances to Sec. 250 Attachment 2 reducing the rear yard setback from 75 feet to 60 feet for the installation of an inground pool (18' x 36') and a rear yard setback from 75 feet to 50 feet for the patio and walkway for the pool as requested by Kass Sadri on property located at 30 Bartles Landing, Rhinebeck , NY , **Tax Grid No. 6369-00-393630** in the C Zoning District.

WHEREAS:

1. The applicant is requesting a reduction of the rear yard setback from 75 feet to 60 feet for the installation of an inground pool and a rear yard setback from 75 feet to 50 feet for the patio and walkway for the pool on a 3.58 acre lot.
2. The applicant is proposing to place the pool in the setback area for proximity to the house, which is set close to the edge of the lot.
3. The property is not in an Ag District.
4. The property is in the Ridgeline, Scenic, and Historic Protection Overlay District
5. The property is not in a CEA (Critical Environmental Area)
6. The variance requested is substantial because placing the pool within the setbacks would allow the setback requirements to be taken into consideration, however

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- positioning the pool near the house as requested will be an economic hardship on the applicant because septic SDS would be required.
7. An undesirable change in the neighborhood will not occur, as this lot is a thickly wooded site and the pool will not be visible to neighboring homes.
 8. The alleged difficulty is self-created, as the applicant wishes to build the pool in the setback area.
 9. No adverse effects will be created by the building of this structure, except during construction.

NOW THEREFORE, BE IT RESOLVED, the Planning Board is making a positive recommendation for approval to the Town on Clinton Zoning Board of Appeals.

Seconded by Mr. Thomas.

Discussion. Mr. Werner noted that this property is in the Ridgeline due to the contour (500 feet) of the property. Mr. Thomas asked, “Does it matter?” Chairman McCormack responded that the elevation doesn’t really matter in this case. Mr. Werner noted that he was just correcting the statement.

Mr. Werner asked the board if they need to include the variance to the patio. Chairman McCormack responded that he doesn’t think so. Patio is not a structure.

Chairman McCormack stated that this is really a Zoning Enforcement’s decision. The board agreed to include it.

All Aye, Motion carried 5-0.

PUBLIC HEARING:

Blackburn Site Plan Review for a Ground-Mounted Solar Energy System – property owned by Jeffrey and Dawn Blackburn located at 285 Clinton Corners Road, **Tax Grid No. 6566-00-500317.**

The applicants wish to add six more arrays to the already existing Two-pole mounted arrays (5 kw) totaling 20 kw.

Mr. Werner motioned to open the public hearing, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

Hearing no comments from the public, the board agreed to close the public hearing. Mr. Werner motioned to close the public hearing, seconded by Mr. Thomas, all Aye, Motion carried, 5-0.

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APPLICATIONS:

Blackburn Site Plan Review for a Ground-Mounted Solar Energy System – property owned by Jeffrey and Dawn Blackburn located at 285 Clinton Corners Road, **Tax Grid No. 6566-00-500317.**

The applicants wish to add six more arrays to the already existing two-pole mounted arrays (5 kw) totaling 20 kw.

Richard Galbreth from Sol Providers was back before the board for the conclusion of his application. He briefly explained his proposal as indicated above.

Chairman McCormack asked for questions and comments from the board.

Mr. Thomas indicated the letter that was received from one of the adjoining property owners concerning the noise impact of this structure to their property.

The panel had a lengthy discussion about the concern. Mr. Galbreth noted that the inverters that they use don't make any noise. There are models that produce humming sounds. He stated that you won't hear the sound unless you are next to the structure, not when you are 10 feet away.

The board reviewed the zoning regulations about "Noise" per Section 250.98 of the Town of Clinton Zoning Regulations.

The board agreed to include a condition about getting a letter from the manufacturer regarding the noise level of this structure. The applicant agreed.

Mr. Werner stated that the other property owner also needs to sign the letter of authorization. The board agreed to include this as a condition.

Mr. Werner noted that the board agreed at the previous meeting to waive some of the items required on the Site Plan. He commented that the revision date and the signature box need to be on the map. Property owners also need to sign the map.

The board agreed to review the Short Form EAF. After all the reviews were made, the board passed a resolution.

Mr. Werner motioned the following resolution, to wit:

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Site Plan Application from Jeffrey and Dawn Blackburn to install a solar array on property

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located at 285 Clinton Corners Road, Tax Grid No. 132400-6566-00-500317, 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. Dolan, all Aye, Motion carried 5-0.

After a lengthy discussion, the board passed another resolution.

Mr. Werner motioned that the Town of Clinton Planning Board grants conditional approval of a Site Plan to **Jeffrey [and Dawn] Blackburn** for the purpose of expanding an existing ground-mounted solar array on a 2.66-acre site located at 285 Clinton Corners Road, which is in a CR-1 Zoning District in the Town of Clinton, **tax grid #132400-6566-00-500317**.

WHEREAS:

- 1) The existing solar array has two panels. The applicant wishes to add six new panels—two to the west of the existing panels and four in front (i.e., to the south) of the existing panels—no more than 10 x 14 feet in size, resulting in a total of eight panels with a peak power rating of 20 kw.
- 2) There is existing screening to the north and west of the array. The applicant will add screening to the east of the array, consisting of evergreens similar in height and width to the existing trees.
- 3) The Town of Clinton Planning Board declared itself Lead Agency on 12/1/2015 for this unlisted, uncoordinated action.
- 4) A SEQRA review of this unlisted, uncoordinated action (and the public hearing held on 12/15/2015) has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 12/15/2015.
- 5) Since the application is for an expansion of an existing array rather than the installation of a new array, the Planning Board has agreed to waive numerous items from the site plan, including but not limited to the following.

Vicinity map
Scale of site plan
Names of adjoining property owners

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Special district boundaries within 500 feet

Location and uses of structures on adjacent properties within 100 feet

6) The applicant has been advised that per Section 250.96.B.3.i of the Town of Clinton Zoning Law, approval of the site plan will expire within 18 months unless extended by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants approval of the requested Site Plan when the following conditions are met.

a) The following items are included in the site plan:

- Date of final revision.
- Signature block for the property owners.
- Signature block for the chairman of the Planning Board.
- Zoning district in which the property is located.

b) The applicant's representative submits a letter from Dawn Blackburn authorizing him to act on her behalf before the Planning Board.

Seconded by Mr. Thomas.

Discussion. Mr. Thomas suggested including the dimension of the arrays in the resolution. The board agreed about the size of the arrays no more than 10 x 14 feet.

The board discussed the screening. Mr. Galbreth stated that they will add more screening on the western side. The screening will be the same as the existing ones.

All aye, motion carried, 5-0.

Long Pond (Omega) Campground Annual Permit Renewal – 150 Lake Dr, Tax Grid No. 6468-00-0382842.

Applicant wishes to renew their annual permit.

The board agreed to renew the requested annual permit for 2016.

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

BE IT RESOLVED, 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.

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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.
- 2) All applicable fees have been paid.
- 3) The Zoning Administrator has inspected the site and confirms, by memo to the Planning Board dated 12/9/2015, 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 Dutchess County Health Department approval to operate the campground, which expired on 11/1/2015 and is in the process of being renewed.

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 2016–2017 is granted.

Seconded by Mr. Thomas.

Discussion. None.

All in favor, Aye, Motion carried 5-0.

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OTHER MATTERS: (Board Discussion)

APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Mr. Thomas motioned to adjourn the meeting at 9:16 pm, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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