

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
February 17, 2015**

**MEMBERS PRESENT**

Mike McCormack, Chairman  
Art DePasqua  
Gerald Dolan

Robert Marrapodi

Eliot Werner

**MEMBERS ABSENT**

Tracie Ruzicka

Paul Thomas

**ALSO PRESENT**

Arlene Campbell, Secretary

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

**VARIANCE APPLICATION:**

**Mauer Area Variance Application** – property owned by **Lauren Mauer** located at 449 Ruskey Lane, **tax grid number 132400-6366-00-415662.**

The applicant is seeking an area variance to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulation to reduce the side yard setback from 50 to 26 feet in order to construct a 28' x 14' addition. This property is in the AR3 Zoning District.

Chairman McCormack joined the panel at 7:33 pm.

Ms. Mauer appeared and explained why they needed the proposed addition. This is a two-bedroom and one-bathroom house. They just had twins and need more space. They're proposing to extend the side of the house closer to the property line. She noted that they go out through the side of the garage. They cannot put the addition to the back of the house due to the location of the well (right outside by the door) and appliances (washer and dryer) by the door in the kitchen. She explained the layout of the house. She also submitted a letter from the adjoining neighbor, Adeline Notarino of 465 Ruskey Lane, indicating no objection to this proposal.

Mr. DePasqua asked about the location of the septic. Ms. Mauer responded that the septic is on the other side of the house. Mr. Werner suggested indicating the location of the septic and well on the map prior to appearing before the Zoning Board of Appeals. The applicant agreed.

The board reviewed the map. Mr. Dolan asked if the garage is going to be converted into a living space. Ms. Mauer responded, "Yes, we are going to take the garage out and make this space part of the living room." They were originally going to add a bedroom but

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decided to expand the living room instead. They plan to build a detached garage in the future.

Mr. Marrapodi expressed his concern about this application. He stated that the map on the parcel access shows that the house is a lot closer to the property line as compared to the map submitted by the applicant. Ideally, a survey is needed to determine the setback of the property. He cited an instance that the requested 40 feet might not actually be 40 feet. Mr. Marrapodi stated that the board can make a recommendation to the Zoning Board of Appeals based on the information on hand. He recommended that the applicant find a copy of the survey before the Zoning Board of Appeals meeting to get the exact measurements of the setback. The bank might even have a copy of the survey from when the applicant purchased the property. Mr. Marrapodi opined that maybe there is a survey filed at the County Clerk's Office from the previous owner.

Mr. DePasqua remarked, "Maybe there was a survey done when the house was built!"

The board discussed the alternative to put the addition in back of the house instead of going out to the side of the garage.

Mr. Dolan asked, "Why not put the proposed addition to the back of house?" He stated that this question might come up at the Zoning Board of Appeals meeting. Ms. Mauer responded that the well is sitting right out in the back.

Mr. Marrapodi explained Mr. Dolan's question. One of the variance criteria is about "There is no alternative method in achieving this variance." In this case, there is an alternative location to construct the proposed addition. Mr. Marrapodi stated that the applicant has to prove that the proposed site is the best location or most suitable location for their project. They have to justify why putting the proposed addition to the side of the house is a more feasible site than the alternative location.

The board discussed the application form and items needed on the map. Mr. DePasqua stated that the answer to question #5 of the application form (Is the difficulty self-created?) should be "Yes."

Mr. DePasqua suggested indicating the names of the surrounding property owners on the map. Mr. Werner asked them to also include the addresses to these names on the map. Ms. Mauer agreed.

Mr. Marrapodi opined that the board can issue a positive recommendation to the Zoning Board of Appeals. Mr. Werner opposed and stated, "Why not give neutral due to the outstanding issue about the survey?"

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Mr. Dolan suggested issuing a conditional positive recommendation to the Zoning Board of Appeals. Mr. DePasqua agreed. This will cover the outstanding issue. The board agreed.

Hearing no more comments, the board passed a resolution was passed, to wit:

Mr. Marrapodi motioned the following resolution:

***BE IT RESOLVED*** that the Town of Clinton Planning Board is making a positive conditional 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 26'-0" feet from the required 50 feet for property owned by **Lauren Mauer** located at 449 Ruskey Lane, **tax grid number 132400-6366-00-415662** in the AR3 zoning district.

***WHEREAS;***

1. The applicant wishes to construct a 28'x14' addition to their home in the side yard setback. The applicant is seeking an area variance from Section 250 Attachment 2 the District Schedule of Area and Bulk Regulations Due to the non-conforming property dimensions (min. width of 300' required/190.5' Existing) and a need for additional living space.
2. This is a 4.54 acre site located in the AR3 zoning district.
3. The property is not located within the Ridgeline, Scenic or Historic Preservation Overlay District.
4. The site is not within a CEA.
5. The site is on a designated Scenic or Historic road, that being Ruskey Lane.
6. An area variance does not require an Ag Data Statement.
7. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
8. The site does not contain a NYSDEC wetland.
9. The benefit sought by the applicant cannot be achieved by any other feasible method.
10. The requested variance is not substantial.
11. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
12. The alleged difficulty is self-created.
13. The application fee has been paid.
14. There 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. With the following **conditions**:

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1. Consider alternate plans to be explored for possible addition to the rear of the garage that will not require a variance.
2. Provide a survey map to confirm the location of the property line in question and the existing distance to the house.

Seconded by Mr. Werner.

**Discussion.** Mr. Werner questioned the verbiage about the alternate location. The board agreed to use the verbiage as indicated on condition #1 above.

The panel had a lengthy discussion about the necessity of the survey. The board agreed that a survey of the north property line or property in question is enough. No need to take a full survey of the property.

All Aye, Motion carried, 5-0.

**PUBLIC HEARING:**

None

**APPLICATION:**

None

**OTHER MATTERS: (Board Discussion)**

Mr. Werner gave updates about the Zoning revision process. He solicited inputs from the board members.

Mr. Marrapodi stated that “habitable space” should be defined in the Zoning Regulations. He indicated the ambiguity of this term in relation to floor space. As indicated in one section of the Zoning Regulations, “... 35% of the habitable space ...” Mr. Marrapodi stated that you have to compare apples to apples.

The board also discussed the terms for Site Plan and Special Permit approval process. Mr. Werner suggested that the Special Permit approval should be extended for the same term as the Site Plan approval. These approval expiration dates should coincide rather than having different terms. (It was noted that Site Plan approval can be extended for twelve months while Special Permit approval expires after eighteen months.)

After a lengthy discussion, the board agreed to send a recommendation to the Zoning Revision Committee that both the Site Plan and Special Permit approvals can be extended for twelve months.

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**APPROVAL OF MINUTES:**

Mr. DePasqua motioned to accept the minutes of February 3, 2015 as amended, seconded by Mr. Dolan, all aye, motion carried, 5-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 8:40 pm, seconded by Mr. Marrapodi, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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