

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

MEMBERS PRESENT

Art DePasqua

Tracie Ruzicka
Robert Marrapodi
Paul Thomas
Eliot Werner

Arlene Campbell, Secretary

MEMBERS ABSENT

Mike McCormack, Chairman

Gerald Dolan

ALSO PRESENT

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

None

APPLICATION:

Ingber variance – property owned by Craig Ingber and Alison Diamond located at 3 Jamison Hill Rd, **Tax Grid No. 132400-6566-02-565677**. The property is in a Hamlet.

The applicants propose the following area variances in order to construct an addition to an existing two-story frame barn closer to the fronting street than the principal dwelling, to wit:

- a. Sec. 250 Attachment 2 - Front yard setback reduction 24 feet from the required front setback of 50 feet.
- b. Sec. 250 Attachment 2 in Hamlet zone – increase in building coverage from 12% to 14%.

Mr. Ingber and Ms. Diamond both appeared for this application. Mr. Ingber explained that they have a garage/barn that they want to extend closer to the road. The extension of the garage is intended to improve the appearance of the existing structure and will be done in such a way so as to maintain the character of the structure and the neighborhood.

Mr. Ingber indicated the condition on the east side of the garage due to the drainage issue and grading of the property to the east. He noted that without correcting the grading and drainage issues, the easterly side of the garage will continue to sink.

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Mr. Thomas asked about the dimensions of the barn. Mr. Inger responded that the barn is 28 x 18 feet.

Mr. Marrapodi asked the applicants about their intentions for the garage. Mr. Inger responded that the garage will be used as a workshop and storage of personal belongings and equipment (snow blower, cars, etc).

Mr. Marrapodi asked if this is going to be a guesthouse in the future. Mr. Inger responded, "No."

Mr. Thomas asked the applicant if there is a floor plan for the garage. Mr. Inger responded, "Not right now." He contacted Gerry MacDonald of MacDonald Builders to draw the plans. He noted that they want to replicate the house.

The board reviewed the calculation of the square footage of the house and determined that the building coverage is 14% (2,474 plus 504 proposed addition = 2,978/21,100) as opposed to the zoning regulation of 12%.

Mr. Marrapodi stated that the requested variance for the building coverage is not substantial.

Mr. Werner commented that the barn is too close to the road. He indicated his concern about the cars pulling in and backing out of this driveway. There's not much room to navigate around it. Clinton Corners Road and Route 82 are heavily traveled roads.

The board had a lengthy discussion about the above concern. Mr. Inger explained that his measurement was based on an average small-sized car. It's about one car length in terms of distance (14 to 15 feet of space).

Mr. DePasqua suggested putting at least two stakes on the property so that the ZBA members will have an idea about this concern. He also suggested that the applicants consult their contractor to draw a map showing exactly what they're proposing such as a building floor plan, location of the proposed structure, and details of the building. He suggested trying to match the proposed garage/barn to the main house as much as they can. Mr. Marrapodi asked the applicant to also show the proposed parking area on the map. The applicants agreed.

Mr. Marrapodi asked about the requested front yard variance. Mr. Thomas responded that the applicant is requesting a variance from 50 to 34 feet from the center of the road. Mr. Thomas commented that this variance is significant while the building coverage variance is not.

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Mr. Ingber explained that the extension of the garage toward the north (the rear of the property) and to the east (the left side of the property) is impractical due to the grading of the property.

Ms. Ruzicka commented that this property is in a hamlet. It's a challenge!

The board reviewed the zoning regulation about the front yard setback. The issue is the addition coming in front of the house.

Sec. 250.22 A-3 (Accessory Structures) states that "No such structure shall project closer to the fronting street than the principal building on the lot, or the required front yard setback for the district, whichever shall be less restrictive.

Mr. Werner asked the applicant, "How far is the house from Jamison Hill Road?" Mr. Inger responded that the house is 20 feet from the center of the road. Mr. Werner noted that this is less restrictive than 50 feet.

The board agreed to add a third variance to their recommendation to the ZBA according to the above Section. The Zoning Board of Appeals can decide whether this variance is necessary or not.

After a lengthy discussion, the board passed a resolution, to wit:

Mr. Thomas motioned the following resolution:

BE IT RESOLVED that the Town of Clinton Planning Board is making a **positive** recommendation to the Zoning Board of Appeals with respect to the area variances requested by Craig Ingber and Alison Diamond from Section 250 Attachment 2 of the Town of Clinton Zoning Law ("District Schedule of Area and Bulk Regulations") and from Section 250-22(3) of the Zoning Law for the purpose of constructing a garage addition to a two story frame barn on an approximately .436 acre parcel located at 3 Jameson Hill Road, **Tax Grid No. 132400-6566-02-565677**, which is in the Hamlet (H) District in the Town of Clinton.

WHEREAS:

1. The applicants propose to construct an approximately 500 square foot garage addition on the south side of an existing 600 square foot, two story frame barn on a .436 acre pre-existing nonconforming corner parcel located in the H Zoning District.
2. Section 250 Attachment 2 of the Town of Clinton Zoning Law requires a minimum front parking setback of 50 feet from the centerline of the road and a maximum building coverage of 12% for parcels in the H Zoning District. Section 250-22(3) of the Zoning Law states that no accessory structure shall be closer to

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the fronting street than the principal building on the lot, or the required front yard setback for the district, whichever is less restrictive.

3. The proposed garage addition will be within the required minimum 50 foot front parking setback, in excess of the maximum permitted building coverage equivalent to 12% of lot size and will be closer to the fronting street than the principal building on the lot. Consequently, the applicants seek a variance reducing the required front setback from 50 feet to approximately 24 feet, a variance expanding the permitted building coverage from 12% to approximately 14 % and a variance from the requirements of Section 250-22(3).
4. There are no known outstanding zoning violations on the property per the Zoning Enforcement Officer.
5. The property is in a CEA.
6. An area variance is a Type II action under SEQRA and requires no further action.
7. The requested area variances are substantial.
8. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
9. The alleged difficulty is self-created.
10. The application fee has been paid.

NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board is making a positive recommendation to the Zoning Board of Appeals with respect to the applicants' request for the referenced area variances.

Seconded by Ms. Ruzicka.

Discussion.

Ms. Ruzicka expressed her understanding about the concern regarding the front yard variance. She noted that this is a hamlet. It is very tough in this area.

Mr. Marrapodi disagreed. He noted that there is an alternative to the variance. The applicant can build in the back.

Ms. Ruzicka asked, "Don't you think that's more destructive due to the piping on the ground?" Mr. Marrapodi responded that it is still more doable. It is more intrusive to have a large mass of the garage taking up almost 30 feet of the front yard.

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Ms. Ruzicka stated that these old houses were always built right by the road. Mr. Marrapodi responded that he understands that this structure was built prior to zoning but noted that there is a zoning regulation in place now.

Mr. Ingber asked, "If we put the addition in the back, will we still need a variance?" Mr. Thomas responded, "Yes, the proposed project will still need a variance for the building coverage."

Mr. Marrapodi stated that the applicant needs to show the elevation of what the proposed addition is going to look like. It is hard to make a recommendation on something that he hasn't seen or knows what it's going to look like.

Mr. Ingber asked what the board needs. Mr. Marrapodi responded that it's nice to see something that will give a detail of the proposal.

Mr. DePasqua advised the applicant to get a letter from the neighboring property owners.

Mr. Thomas expressed his understanding about all the above concerns. He noted that it is still the Zoning Board of Appeals who has the final decision.

All Aye except for Mr. Marrapodi who Nay, Motion carried 4-1.

Elisabeth Straus variance– property owned by Elisabeth Straus located on Clinton Avenue, **Tax Grid No. 6366-00-925457.**

The applicant is requesting area variances to Sec. 250.59 B of the Town of Clinton Zoning Regulations in order to build a ten-run kennel with a one-bedroom caretaker's apartment on the second story.

Sec. 250. 59 B (Kennels) states that "No building or other quarters shall be permitted within 250 feet of any property line."

Ms. Straus and her partner, Dan Lussen appeared for this application. Ms. Straus explained her proposition. She wants to build a 12' x 40' building to be used as a dog kennel. The proposed structure will have ten interior kennels and ten covered outdoor runs adjacent to the building. The building will sit on a concrete slab and will be constructed of metal and masonry.

Ms. Straus stated that the proposed use of the structure is for boarding up to 16 dogs. It will have an additional fenced- in exercise area attached to the runs that are approximately 40' x 20.' The proposed site will be near the existing electric and water on the site and will look like the horse shed on the property. The building site is fairly level and little excavation will be necessary.

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Mr. DePasqua stated that this application will also need Site Plan and Special Permit approvals.

Mr. Thomas asked the applicant if she has an Ag Exemption. Ms. Straus responded, "Yes." Mr. Thomas noted that this property is a farm and has an Ag Exemption.

Mr. Werner noted that the dog boarding is a commercial use per Mr. Fennell.

He suggested that the applicant talks to the Assessor if this application will have an implication or impact on their Ag Exemptions. Mr. DePasqua agreed with Mr. Werner. He suggested talking to the Ag & Markets people since this property is a farm and under Ag and Markets jurisdiction.

Mr. Thomas asked about the type of dogs they're planning to board. Ms. Straus responded that the type of dogs to be boarded are expected mainly to be retrieving breeds in the 25-80 pound range such as English Springer Spaniels, Labrador Retrievers, and Cocker Spaniels.

Mr. Marrapodi stated that the dog boarding use is a commercial use and not agricultural.

The board had a lengthy discussion. Mr. Werner stated that this application is a pretty straightforward. The only issue that he has is whether there is an alternative location for the proposed structure. He noted that this is a 15-acre parcel.

Mr. Lussen explained that the other location of the property is wooded while the other side of the property drops down. They chose the proposed location due to the convenience of water and an electrical box, which are already there. Mr. Lussen added that the proposed location is also not close to any neighboring property owners.

Mr. Thomas expressed his concern about neighboring property owners. Ms. Straus noted that she owns the surrounding parcels. There is nothing out there.

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

Mr. Werner motioned the following resolution, to wit:

BE IT RESOLVED, THAT THE Town of Clinton Planning Board provide a positive recommendation to the Zoning Board of Appeals on the requested area variance to Section 250.59.B, to reduce the setback required for a dog kennel, as requested by Elisabeth Straus on property located on Clinton Avenue in the Town of Clinton, **tax grid #132400-6366-00-925457**, as shown on the provided drawing.

WHEREAS:

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The applicant is requesting a reduction in the setback from the required 250 feet to 125 feet from the parcel to the west (tax grid #869386), and from the required 250 feet to 40 feet from the parcel to the south (tax grid #925400), to allow for the construction of a dog kennel.

- 2) This is 15.35-acre site in an AR-5A zoning district.
- 3) The property is located in or within 500 feet of an Ag District but since the request is for an area variance, an Agricultural Data Statement is not required.
- 4) The New York State Environmental Quality Review Act has determined that the granting of an area variance for a single-family, two-family, or three-family residence is a Type II action and therefore this action is not subject to further review.
- 5) An undesirable change will not be produced in the character of the neighborhood, and a detriment to nearby properties will not be created, by granting this area variance, since all three parcels involved in this application are owned by the applicant.
- 6) The benefit sought by the applicant cannot be achieved by some other method that will be feasible for the applicant to pursue.
- 7) The requested area variance is substantial but this should not preclude its granting.
- 8) The alleged difficulty is self-created.
- 9) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.
- 10) All appropriate fees have been paid.

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

Seconded by Ms. Ruzicka.

Discussion. Mr. DePasqua indicated that the applicant was before the board in the past for a Site Plan approval for a horse-riding arena. The applicant has done a great job with this property. The property owner did what she promised to do.

All Aye, Motion carried, 5-0.

PUBLIC HEARING:

None

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APPLICATION:

Straus Site Plan and Special permit – property owned by Elisabeth Straus located at Clinton Avenue, **Tax Grid No. 6366-00-925457.**

The applicant proposes Site Plan and Special Permit application in order to construct a ten-run dog kennel with a one-bedroom caretaker's apartment on the second story.

The board discussed the above application. The board agreed that this project needs a site plan showing the location and details of the proposed structure. Needs a Short Form EAF and is a Type II action.

No action taken.

BOARD DISCUSSION:

Solar Panel Moratorium - Mr. Werner indicated the moratorium (Energy Facilities and Systems Moratorium) that was recently passed by the Town Board. This includes all solar panel and windmill construction in the town. Mr. Werner noted that the Zoning Committee is working on this issue.

Mr. Michael gave an update about the status per the Town Planner's comments.

APPROVAL OF MINUTES:

Mr. Thomas motioned to accept the minutes of February 17, 2015 as amended, seconded by Ms. Ruzicka, all aye, motion carried, 5-0.

ADJOURNMENT:

Mr. Thomas motioned to adjourn the meeting at 8:58 pm, seconded by Mr. Marrapodi, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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