

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES-
April 21, 2015**

MEMBERS PRESENT

Gerald Dolan
Tracie Ruzicka
Robert Marrapodi
Paul Thomas
Eliot Werner

MEMBERS ABSENT

Mike McCormack, Chairman

Art DePasqua

Arlene Campbell, Secretary

ALSO PRESENT

Dean Michael, Liaison Officer

Acting Chairman Thomas called the meeting to order at 7:35 p.m.

VARIANCE APPLICATION:

DeSylva Variance – property owned by Gregory and Nancy DeSylva located at 342 Zipfeldburg Road, **Tax Grid No. 6369-00-331665.**

The applicants propose an area variance to Section 250 Attachment 2 (Area Bulk Regulations) of the Town of Clinton Law to reduce the side yard setback from 50 to 30 feet in order to construct a 23' x 20' addition to the south side of the house.

Mr. and Mrs. DeSylva appeared for this application. Mr. DeSylva explained that they want to put up a small addition to the side of the house. This is a 3.27-acre lot. The proposed site is the only practical place since the other location would require tearing down parts of the existing house.

Mr. DeSylva stated that the proposed addition will be identical in style, siding, and color to the primary dwelling. It will not be visible from the road nor any of the neighboring properties.

Mr. Thomas asked for questions and comments from the board. Mr. Marrapodi asked about the use of the proposed addition. Mr. DeSylva responded that the proposed addition will be used as a family room and game room with a half bathroom.

Mr. Werner expressed his opinion per his site visit. There is really not much choice to locate the addition the way the property drops off steeply. The septic and well are on the other side of the house. Looking from the road, Mr. Werner stated that you actually see the back of the house instead of the front. You won't even see the addition. The house is surrounded by trees.

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Mr. Marrapodi commented about the deck that is shown on the drawing. The deck is sticking out five feet to the side yard. Mr. DeSylva stated that they don't have plans to construct the deck right now. This is more of an open porch with stairs to the ground. The board discussed the above issue. Mr. Marrapodi suggested that if the property owner is planning to build the porch at a later date, why not include this now with the variance application to avoid having to come back in the future.

Mr. Dolan asked about the size of the porch. Mr. DeSylva responded that the porch is 5 feet wide and 20 feet long.

The board agreed to issue a resolution.

Mr. Werner motioned the following resolution:

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 Attachment 2, to reduce the side yard setback, as requested by **Gregory and Nancy De Sylva** on property located at 342 Zipfeldberg Road in the Town of Clinton, tax grid #132400-6369-00-231665, as shown on the provided drawing.

WHEREAS:

- 1) The applicant is requesting a reduction in the setback from the required 50 feet to 30 feet to allow for the construction of a 460 square foot addition, which will include an open porch with stairs to the ground measuring approximately 5 feet by 20 feet.
- 2) This is a preexisting, nonconforming 3.27-acre site in an AR-5 zoning district.
- 3) 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.
- 4) 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 the addition will not be visible from the road.
- 5) The benefit sought by the applicant cannot be achieved by some other method that will be feasible for the applicant to pursue.
- 6) The requested area variance is substantial but this should not preclude its granting.
- 7) The alleged difficulty is self-created.

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8) The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, since the area around the house is wooded and the neighboring houses are a good distance away.

9) 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 Mr. Dolan.

Discussion. None.

All Aye, Motion carried, 5-0.

PUBLIC HEARING:

None

APPLICATION:

Schapp Pond Dam Removal (Discussion) – property on 434 Hibernia Road.

Noreen and Dick Coller appeared before the board for a discussion. Ms. Coller explained why they were before the board. The dam is currently partially breeched but still capable of impounding water. Per DEC dam safety regulations and in the interest of public health and welfare, the property owner was directed by the DEC to either remove the dam or repair it. The property owner chose to remove it. The dam is on the east side of the Wappingers' Creek.

The Collers expressed their concern about the potential damage of the removal of the dam. Ms. Coller noted the extreme steep slopes on this property.

The panel had a lengthy discussion about the above concern. The board was puzzled why they never seen or knew about this proposal. SEQR was never circulated to the board. It was noted that SEQR was done and an uncoordinated Negative Declaration was issued.

Ms. Coller noted that the Zoning Enforcement Officer signed off on this project. According to Wade Silkworth of Silkworth Engineering, he met with the Town Zoning Enforcement on January 23, 2015. Mr. Fennell indicated that he would allow this project to go forward without any further action from the Town. This project would be under the oversight and permitting of the NYSDEC and the ACOE (Army Corps of Engineers). The Town would allow the project to proceed without any objection or additional permitting at the Town level.

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Mr. Coller feels that the Town should be involved with this project. This property is in a CEA. She feels that the neighboring property owners should be notified.

After a very long discussion, the board agreed to send a memo to the Zoning Enforcement Officer and cc the Town Board (memo on file).

No other action taken.

Board Discussion:

New Wireless Cingular Telecommunications (AT & T) (Discussion) – property located at 90 Germond Road.

The board discussed the need of an RF Engineer for wireless telecommunications applications. Mr. Thomas stated that Ron Graff (curriculum vitae is on file) is a good candidate and very familiar with Town procedures according to the Town Planner.

The board agreed to appoint an RF Engineer.

Mr. Thomas motioned to retain Ron Graff as a Radio Frequency Engineer for the Town, seconded by Mr. Marrapodi, all Aye, motion carried, 5-0.

Zoning Revision – Dean Michael, Liaison Officer, discussed the status of the zoning revision including the review of the regulations about Energy Facility and Solar Moratorium.

APPROVAL OF MINUTES:

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

ADJOURNMENT:

Mr. Thomas motioned to adjourn the meeting at 8:57 pm, seconded by Mr. Werner All Aye, Motion carried, 5-0.

Respectfully Submitted,



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