

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
April 7, 2015**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**ALSO PRESENT**

Arlene Campbell, Secretary

Dean Michael, Liaison Officer

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

Chairman McCormack joined the meeting at 7:32 pm.

**VARIANCE APPLICATION:**

**Yardley Variance** – property owned by Regina Gonyea-Yardley located at 18 Fifth Avenue, **Tax Grid No. 6469-00-320643.**

The applicant proposes the following area variances to Section 250 Attachment 2 (Area Bulk Regulations) of the Town of Clinton Law in order to place a standby generator and fuel tank(s) on the property.

- a) Front yard setback reduction from 100 feet to 37 feet.
- b) Rear yard setback reduction from 75 feet to 2 feet.
- c) Increase of maximum lot coverage from 7% to 21.4%.

Mike Conway appeared on behalf of the applicant. Mr. Conway explained that they need a variance to install a generator on this property due to the size of the lot. The generator's dimensions are 2 feet wide, 4 feet long, and 32 inches tall and will be located between the house and the shed. The tanks will be behind the neighbor's shed. Mr. Conway noted that they chose this location to minimize the generator's visibility to the neighbors.

Mr. DePasqua suggested that the applicant get a letter from the adjoining property owner regarding this proposal. The applicant agreed.

Mr. Dolan asked how many tanks are going to be installed. Mr. Conway responded that there will be two gas tanks. Mr. Marrapodi asked if the tanks are going to be above-ground tanks. Mr. Conway responded, "Yes."

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Mr. Werner asked if there will be a foundation. Mr. Conway responded, "None." He explained that they will use pressure-treated 4 x 4 lumber to make a frame it (5 feet and 3 feet wide) and the generator will sit above it.

The board passed a recommendation letter to the Zoning Board of Appeals.

Mr. DePasqua 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 **Regina Gonyea-Yardley** from Section 250 Attachment 2 of the Town of Clinton Zoning Law ("District Schedule of Area and Bulk Regulations") for a front yard setback of 37 feet from 100 feet, rear setback of 3 feet from 75 feet and lot coverage of 21.4% from 7% with property lot size .13 acre in the C Zoning District on property located at 18 Fifth Avenue, Tax Grid No. 6469-10-320643. The reason for the variance is to place a standby generator and fuel tank(s) on said property.

***WHEREAS:***

1. The applicants are requesting 3 variances in order to place a standby generator 4 x 2 and 3 feet diameter tanks.
  - d) Sec. 250 Attachment 2 for a front yard setback reduction from 100 feet to 37 feet.
  - e) Sec. 250 Attachment 2 for a rear yard setback reduction from 75 feet to 2 feet.
  - f) Sec. 250 Attachment 2 for an increase of maximum lot coverage from 7% to 21.4%.
2. The lot (.13 acre) is located in the C District (Silver Lake) and not in an Ag District.
3. The lot is a pre-existing sub standard lot. As in the case of majority of lots in the area, variances are required for even the slightest change since these lots were created before zoning.
4. The alleged difficulty is self created.
5. The property is not in the Ridgeline, Scenic and Historic Protection Overlay District.
6. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
7. The variances are substantial.

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8. The issue of coverage is a frequent one since the lots were created pre-zoning and do not allow for expansion to accommodate changing needs.
9. No known violations per ZEO.
10. All fees have been paid.
11. Letter of Authorization is one file.
12. All fees have been paid.

**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 Ms. Ruzicka.

**Discussion.** Mr. Werner asked Mr. Conway to correct the last name of the applicant on the application documents before going to the ZBA meeting. The applicant agreed.

All aye, Motion carried, 7-0.

**Long Pond Campground (Renewal of Annual Permit)** – property owned by Omega Institute, Inc. located at 150 Lake Drive, **Tax Grid No. 6468-00-032842-00.**

The applicant requests a renewal of their Annual Permit.

The board agreed to renew the annual permit for 2015.

Mr. Werner motioned that the Town of Clinton Planning Board approves 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.**

***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 Enforcement Officer has inspected the site and confirms, by memo to the Planning Board dated 4/7/2015, that the applicant has met the conditions outlined in the

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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 10/30/2014 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 2015–2016 is granted.

Seconded by Mr. Dolan.

**Discussion**. None.

All in favor, Aye, Motion carried 7-0.

**PUBLIC HEARING:**

None

**APPLICATION:**

**New Cingular Wireless (At & T)** – property located at 90 Germond Rd, **Tax Grid No. 6567-00-209058.**

The applicant is requesting a Special Permit to construct a tower 100 feet in height disguised as a pine tree (monopine) with a standard equipment shelter and generator surrounded by chain link fence on a 15.58-acre parcel for a wireless telecommunication facility.

Kimberly Nason, lawyer, and Parker Armsby, AT & T’s consultant, both appeared for this application.

Andy Learn from Morris Associates, Town Engineer, was also present for this application.

After meeting with the Town Consultants and as agreed upon at the initial discussion at the March 18, 2015 Planning Board meeting, the applicants were back before the board to

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start the process of their application. It was noted that the original application called for a monopole instead of a monopine.

Ms. Nason discussed what had transpired at that meeting (see Town Consultant's comments which are on file).

Chairman McCormack asked for comments and questions from the board.

Mr. Werner asked, "How about co-locating on the existing silo?" Ms. Nason responded that it doesn't work for them.

The board discussed the height of the proposed monopine. Mr. Thomas stated that the Town Planner suggested a height of 80 feet. There was a question about the extra height. Mr. Thomas opined that it was probably due to the zoning regulations.

Mr. Learn commented that it depends on the height of the trees in the area. It should show on the survey the average height of the trees in the area.

Mr. Thomas asked the applicant to submit photo simulations of monopines showing the heights of 80 and 100 feet. Ms. Nason agreed.

Ms. Nason indicated that the proposal that was submitted to the board was designed for four additional co-locators. If the height of the monopine is reduced, the number of co-locators might also change. Ms. Nason stated that they will submit a photo simulation showing the heights of 80 and 100 feet and explain details of these proposals.

Mr. Werner asked about the difference if the height of the monopine is reduced to 80 feet in relation to co-locator. Ms. Nason responded that there are more co-locators for a lower monopine. Mr. Thomas commented that it is a trade-off. Ms. Ruzicka opined that she doesn't like co-locators.

Mr. Thomas noted that the board needs an RF Engineer. The board agreed to discuss this matter later.

Ms. Nason discussed the details about the balloon test. The applicant will do the postings in the paper and bear the cost of the ads. Note that this is not a legal ad.

The panel had a lengthy discussion about the balloon test. The board agreed to do the balloon test for four hours on a weekend. It will be posted in three different newspapers and on the Town website.

The board discussed the comments from the Town Planner dated March 30, 2015 (letter on file). Mr. Thomas stated that the Town Planner suggested the locations of the photo simulation such as the intersection of Germond Road and Schultzville Road, hamlet of

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Clinton Corners, west side of the median of the Taconic State Parkway, etc. (see Town Planner's comments).

Ms. Nason asked if the board wants them to prepare a view shed now. The board responded, "Yes."

Mr. Learn discussed the Town Engineer comments per letter dated 3-30-15 (see letter on file). He noted that they need a ballpark estimate for the construction and restoration cost of the facility for bond purposes.

Chairman McCormack asked if the Town Engineer will be the one projecting the cost. Mr. Learn stated that they will estimate the construction cost but the applicant will do estimates for the restoration cost. The Town Engineer will send their recommendation to the Planning Board and Planning Board will recommend to the Town Board.

Mr. Werner asked, "What exactly is a monopine?" Ms. Nason responded that a monopine is a structure that looks like a tree. Mr. Armsby added that it is shaped like a tree and has a certain number of branches. He stated that they will use a photo simulation to show how the structure would look. The photo simulation will give the board a better idea of how a monopine would look. It looks like a pine tree.

Ms. Nason discussed the difference and the benefit of a monopine versus a monopole. She opined that a photo simulation will show that a monopine is a better cell tower option. It blends better with the trees than a monopole structure.

After a lengthy discussion, the board agreed to see the photo simulations of both the monopole and the monopine for comparison purposes.

Mr. Marrapodi asked about the color of the monopine. Mr. Armsby responded that the color is cylinder brown with green branches.

Mr. Marrapodi expressed his concerns about cell tower proposals. He stated that he had more problems with the aesthetics of the equipment. He commented that all the facilities on the ground and everything that are attached to it are pretty ugly. He added that the board spent a lot of time looking at different designs trying to screen this structure and not just fence it using chain link fence/barbed wire.

Ms. Nason responded to Mr. Marrapodi's concern. The area where the facility is going to be located is pretty tucked in from the road. She noted that you also cannot see this from the Taconic Road since it is wooded. Again, she noted that the board can get a better idea from the photo simulation.

Mr. Armby noted that the facility of the other wireless company is in a shopper compound and looks more industrial. He noted that their proposal looks more like a standard shed and the equipment is inside the shed.

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Chairman McCormack suggested if they can make it look more agricultural. The applicant agreed.

Mr. Learn indicated the discussion about the possibility of removing some existing trees since it's too close to the tree line. Mr. Learn commented that this will affect the screening from the Taconic Parkway. Ms. Nason responded that they will address this concern.

Mr Thomas stated that the photo simulations need to be done before acting on the variance recommendation per the Town Planner's recommendation.

The panel discussed the timeline in acting on wireless communication application. It was noted that there was a new ruling from the FCC that the board has to act on the wireless communication application within 150 days from complete submission.

Ms. Nason noted that the clock is not running yet right now since they need to complete their submission to the board. Chairman McCormack agreed. He noted that the board needs more info about this application.

The board discussed how a tower is going to collapse if it falls. Ms. Nason demonstrated how a tower will fall on its own. It's a collapsible design. It is designed from top to bottom so if it collapses, it will fall on its own.

The board discussed the balloon test's details. Mr. Parker asked if they can do the balloon test before the trees start to get leaves. He indicated his concern about the leaf condition. They want to start taking care of the notice on the papers.

After a long discussion, the panel agreed to do the balloon test on the 25<sup>th</sup> of April.

The board agreed to pass a resolution after the discussion about the agencies involved and interested.

Mr. Thomas motioned that the Town of Clinton Planning Board approves to accept the following resolution as drafted by the Town Planner, Neil Wilson.

**Town of Clinton Planning Board  
Lead Agency Declaration**

**Matter of New Cingular Wireless (AT&T) Special Permit Application**

**Whereas**, the Town of Clinton Planning Board has received an application from New Cingular Wireless ("New Cingular") for Special Permit Approval to allow the

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installation of a 100 foot freestanding monopine for a wireless telecommunication facility on a site located at 90 Germond Road in the Town of Clinton; and

**Whereas**, the application involves tax parcel -6567-00-209058 located in the AR-5 District and the Ridgeline, Scenic and Historic Protection District; and

**Whereas**, due to the location of the proposed site within the Ridgeline, Scenic and Historic Protection District the application is automatically deemed a Type I Action pursuant to §250-15(D)(1) of the Town Code therefore requiring designation of a lead agency; and

**Whereas**, the Planning Board has reviewed the application for Special Permit Approval, the proposed site plan map, the Long Form Environmental Assessment Form (EAF), and other information provided by the applicant for the New Cingular application and has determined that it has the greatest capability for providing the most thorough environmental assessment of the proposed action and therefore should serve as the lead agency;

**Therefore Be It Resolved**, the Planning Board hereby declares its intent to be the lead agency for review of the project pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617.

**Be It Further Resolved**, the Planning Board hereby directs that copies of the Special Permit Application, the Part 1 EAF as amended per the comments of Neil A. Wilson in his memorandum dated March 20, 2015, and the Site Plan Map be sent to the identified involved and interested agencies as noted on Attachment "A" hereto, together with a notice seeking the consent of the involved agencies to the Planning Board assuming Lead Agency status.

Seconded by: Mr. Dolan.

**Discussion.** None.

All Aye, Motion carried, 7-0.

***Vote:***

**Motioned:** Paul Thomas

**Second:** Gerald Dolan

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Michael McCormack, Chairman	Aye
Arthur De Pasqua	Aye
Tracie Ruzicka	Aye
Eliot Werner	Aye
Paul Thomas	Aye
Robert Marrapodi	Aye
Gerald Dolan	Aye

**Attachment "A"  
Identified Involved & Interested Agencies**

**INVOLVED AGENCIES**

Zoning Board of Appeals  
Town of Clinton  
1215 Centre Road  
Rhinebeck, New York 12572

Highway Department  
Town of Clinton  
1215 Centre Road  
Rhinebeck, New York 12572

**INTERESTED AGENCIES**

New York State Department of Environmental Conservation  
Region 3 Office  
Division of Regulatory Affairs  
21 South Putt Corners Road  
New Paltz, New York 12561-1696

Dutchess County Department of Planning & Economic Development  
27 High Street  
Poughkeepsie, New York 12601

Conservation Advisory Council  
Town of Clinton  
1215 Centre Road  
Rhinebeck, New York 12572

Dutchess County Soil and Water  
Farm and Home Center  
2715 Route 44  
Suite 3  
Millbrook, New York 12545

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East Clinton Fire District  
219 Hollow Road  
Staatsburg, NY 12580

Clinton Scenic and Historic Roads Committee  
Town of Clinton  
1215 Centre Road  
Rhinebeck, New York 12572

New York State Department of Transportation (Region 8)  
4 Burnett Blvd  
Poughkeepsie NY 12601

**Interested Party:**

Central Hudson Gas & Electric Corporation  
284 South Avenue  
Poughkeepsie NY 12601

**OTHER MATTERS:**

1. Chairman McCormack motioned to appoint Mr. Thomas in charge with the RF Engineer's appointment, seconded by Mr. Dolan, all Aye, Motion carried, 7-0.
2. The panel had a lengthy discussion about Harper variance.

**APPROVAL OF MINUTES:**

Mr. Thomas motioned to accept the minutes of February 17, 2015 as amended, seconded by Mr. Dolan, all aye, motion carried, 7-0.

**ADJOURNMENT:**

Mr. Marrapodi motioned to adjourn the meeting at 9:50 pm, seconded by Mr. Thomas, All Aye, Motion carried, 7-0.

Respectfully Submitted,



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