

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 19, 2015**

MEMBERS PRESENT

Art DePasqua
Gerald Dolan
Tracie Ruzicka
Robert Marrapodi
Paul Thomas
Eliot Werner

MEMBERS ABSENT

Mike McCormack, Chairman

Arlene Campbell, Secretary

ALSO PRESENT

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Straus Site Plan and Special Permit Application - property on 346 Clinton Ave, **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.

Elisabeth Straus and her land surveyor, Mark Graminski, were back before the board. Mr. Graminski explained their application as indicated above. He indicated the area variance that was granted for the setback dated 3-26-15. He explained the architectural and site plan that he recently submitted to the board.

The board agreed to open the public hearing. Mr. Werner motioned to open the public hearing, seconded by Mr. Dolan, All Aye, Motion carried, 6-0.

Hearing no comments from the public, the board closed the public hearing. Mr. Dolan motioned to close the public hearing, seconded by Mr. Marrapodi, All Aye, Motion carried, 6-0.

Medici Site Plan and Special Permit – property owned by Charles and Diane Medici located at 212 Milan Hollow Road, **Tax Grid No. 6469-00-753971.**

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The applicants are seeking Site Plan and Special Permit to utilize a portion of the existing garage for an accessory dwelling.

Mark Graminski, Land Surveyor, appeared on behalf of the property owners.

Mr. Graminski briefly explained that Medici wants to convert a portion of the detached garage into an accessory dwelling unit.

Mr. Dolan motioned to open the public hearing, seconded by Ms. Ruzicka, all Aye, Motion carried, 6-0.

Hearing no comments from the public, the board agreed to close the public hearing. Mr. Thomas motioned to close the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.

APPLICATIONS:

Straus Site Plan and Special Permit Application (continuance) - property on 346 Clinton Ave, **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.

Ms. Straus and her surveyor Mark Graminski were back before the board for the conclusion of their application. Mr. Graminski briefly explained their application. He recapped what had transpired at the previous meeting.

Acting Chairman DePasqua asked for questions and comments from the board.

Mr. Werner asked the applicants about the missing items on the map. Mr. Graminski responded that all the items that were requested are on the map. The only item that he is asking to waive is the scale of the map.

Mr. Werner asked Mr. Graminski about a construction time schedule. Mr. Graminski responded that he doesn't have the schedule yet.

Mr. Werner suggested including the ZBA conditions to the Special Permit approval resolution about "In the event the property gets sold in the future..." He explained that basically the Special Permit goes away if the variance expires. The board agreed to include the ZBA condition in the Special Permit.

Mr. Werner expressed his comments about this case. He stated that the Site Plan looks good and complete. He commented that this property cannot be subdivided due to the accessory dwelling and acreage regulations. It will need double the acreage.

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Mr. Thomas disagreed. This property is under Ag and Markets Ruling. The board is not acting on the accessory dwelling. The application on hand is about the use of the kennel.

The board exchanged opinion about the issue. Mr. Thomas stated that the accessory dwelling is an Ag and Market and not subject to Special Permit. The board agreed.

Mr. Werner indicated his other concern about the timeline of Site Plan and Special Permit. Site Plan is good for twelve months and can be extended while Special Permit expires in 18 months. Special Permit cannot be extended.

The board reviewed the Short Form EAF and passed a resolution, to wit:

Mr. Werner motioned that the Town of Clinton approves the following:

BE IT RESOLVED the Town of Clinton Planning Board has determined that the **Straus** site plan/special permit, tax grid no. **132400-6366-00-925457**, 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 Ms. Ruzicka, all Aye, Motion carried, 6-0.

After all discussions were made, the board passed another resolution, to wit:

Mr. Werner motioned that the Town of Clinton Planning Board grants approval of a Site Plan and Special Permit to Elisabeth Straus for the purpose of establishing a kennel with a farm caretaker's apartment on a 15.35-acre site located on Clinton Avenue, which is in an AR-5A Zoning District in the Town of Clinton, **tax grid number #132400-6366-00-925457**.

WHEREAS:

1) The applicant wishes to construct a kennel with a farm caretaker's apartment on the property, as shown on the site plan created by Mark R. Graminski, P.E. #66062 and L.S. #49578, dated 4/27/2015 and revised 5/19/15.

2) At its 3/26/2015 meeting, the Zoning Board of Appeals granted the applicant an area variance from Section 250.59.B of the Town of Clinton Zoning Law, reducing the minimum setback for a kennel from 250 feet to 125 feet from the parcel to the west and from 250 feet to 40 feet from the parcel to the south.

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3) The variance stipulates that “in the event of the sale of any one of the lots, in keeping with the Town’s desired goal of eliminating non-conforming conditions, the variance will end. If all three parcels are sold to one person, the variance will continue.”

4) The property is located in an Ag District containing a working farm operation. An Agricultural Data Statement has been submitted in accordance with the Ag and Markets Law.

5) The Town of Clinton Planning Board declared itself Lead Agency on 5/5/2015 for this unlisted uncoordinated action. Interested agencies are the West Clinton Fire District, Dutchess County Department of Planning, and Dutchess County Board of Health.

6) In accordance with Section 250.96.B.3 of the Town of Clinton Zoning Law, a Public Hearing was held on 5/19/2015.

7) A SEQRA review of this unlisted uncoordinated action (and the public hearing held on 5/19/2015) has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 5/19/2015.

8) At its 5/19/2015 meeting, the Planning Board agreed to waive the items from the site plan: the scale of the map from 1 inch = 50 feet to 1 inch = 80 feet.

9) With the granting of the above waiver, this application conforms with the provisions of Section 250.96 of the Town of Clinton Zoning Law pertaining to site plans.

10) With the granting of the area variance by the Zoning Board of Appeals, the application conforms with the provisions of Section 250.59.B of the Town of Clinton Zoning Law pertaining to kennels.

11) 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.

12) The applicant has also been advised that per Section 250.97.A.9 of the Town of Clinton Zoning Law, the Special Permit will expire if the use is not commenced within 12 months of approval.

13) All appropriate fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants approval of the requested Site Plan and Special Permit.

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Seconded by Ms. Ruzicka.

Discussion. Mr. Thomas suggested using the verbiage “farm caretaker’s apartment instead of accessory dwelling. The board agreed.

All aye, motion carried, 6-0.

Medici Site Plan and Special Permit – property owned by Charles and Diane Medici located at 212 Milan Hollow Road, **Tax Grid No. 6469-00-753971.**

The applicant proposes to utilize a portion of their existing garage for an accessory dwelling.

Mr. Graminski was back before the board for the conclusion of his application. The Medici constructed a house. There is a garage and a bonus room on the second floor of the structure. They want to construct a bathroom in the bonus room. He noted that the Medicis want to utilize the second story of the garage as an accessory dwelling.

Mr. Graminski indicated the square footage of the habitable spaces of both dwellings. The garage is 584 square feet and the primary dwelling is under 2,800 square feet.

Mr. Graminski indicated the approvals that they received from the County. DPW approved the access to Milan Hollow Road. Department of Health gave approval for the new sewer for the main house and the accessory dwelling.

Mr. Marrapodi asked if SAN 34 was issued. Mr. Graminski responded, “Yes. It was signed off.” He has the “as built” certification.

The board agreed to review the Short Form EAF. Mr. Werner asked about item #13 (water body on the property). The board agreed that this project has no impact on Little Wappingers Creek.

The board passed a resolution.

Mr. Marrapodi motioned that the Town of Clinton Planning Board grants the following resolution:

Whereas, the Town of Clinton Planning Board has received an application from Charles and Diane Medici for approval of a accessory use dwelling unit located on Milan Hollow Road in the Town of Clinton known as the Medici Site Plan & Special Use Permit, and

Whereas, the site is identified as tax parcel number 6469-00-75391, and

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Whereas, the Planning Board has reviewed the Site Plan/Special Use Permit Approval application, the proposed site plan, the Short Form Environmental Assessment Form (EAF), and other information provided by the applicant for the Special Use Permit, and

Whereas, the Planning Board has determined the proposed application is an Unlisted Action under Article 8 of the Environmental Conservation Law, and

Whereas, the Planning Board has compared the action with the “Criteria for Determining Significance” in 6 NYCRR 617.7, and has determined that no significant adverse impacts associated with the project have been identified.

Therefore Be It Resolved, the Planning Board has determined that the Medici's Special Use Permit will not have a significant impact on the environment, and

Be It Further Resolved, the 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.

Motion: Robert Marrapodi

Second: Tracie Ruzicka

Michael McCormack, Chairman

Absent

Arthur De Pasqua

Aye

Tracie Ruzicka

Aye

Eliot Werner

Aye

Paul Thomas

Aye

Robert Marrapodi

Aye

Gerald Dolan

Aye

Now, therefore, be it resolved, the Town of Clinton Planning Board grants approval of the requested Site Plan/Special Use Permit.

Seconded by Mr. Dolan.

Discussion. None.

All Aye, Motion carried 6-0

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Mr. Werner asked the applicant if there is a waiver request. Mr. Marrapodi responded that he is only waiving one item (scale of the map from 1 inch to 100 feet).

Mr. Marrapodi motioned to accept the requested waiver, seconded by Ms. Ruzicka, all Aye, Motion carried, 6-0.

After all the discussions were made, the board passed another resolution, to wit:

Mr. Marrapodi motioned that the Town of Clinton Planning Board grants approval of a Special Use Permit to **Charles and Diane Medici** for the purpose of establishing an accessory apartment on a 141.37-acre site located at 212 Milan Hollow Road, which is in an AR-5 Zoning District in the Town of Clinton, **tax grid #6469-00-75391**

WHEREAS:

1) The applicant wishes to construct an accessory dwelling unit (584 S.F.) in an detached garage as shown on the site plan created by Mark Graminski P.E. Land Surveyor, New York State Registered Engineer #66062 dated 4/27/15.

2) The property is not located in the Ridgeline, Scenic, and Historic Protection Overlay district. The applicant has completed a Short Form EAF in accordance with Section 3.8 of the Town of Clinton Zoning Law.

3) The property is located within 500 feet of a working farm in an Ag District. The applicant has submitted an Agricultural Data Statement.

4) Existing SDS and water supply will be sufficient to support the addition of an accessory dwelling unit as located on the submitted site plan and approved by the Health Dept.

5) The Town of Clinton Planning Board declared itself Lead Agency on 5/05/15 for this unlisted, uncoordinated action. Appropriate referrals to the interested agencies have been made.

6) In accordance with Section 7.9.B.3 of the Town of Clinton Zoning Law, a Public Hearing was held on 5-19-15.

7) A SEQRA review of this unlisted, uncoordinated action (and the public hearing held on 5-19-15) has resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 5-19-15.

8) This application conforms with the provisions of Section 5.3 of the Town of Clinton Zoning Law pertaining to "Accessory Dwelling Units."

9) Site plan approval was granted by the Planning Board on 9-2-08.

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10) The Planning Board approved the applicants' waiver request on the site plan drawing scale, from 1"=50' to 1"=100'.

11) All appropriate fees have been paid.

Now, therefore, be it resolved, the Town of Clinton Planning Board grants approval of the requested Site Plan/Special Use Permit.

Seconded by Mr. Thomas.

Discussion. None.

All Aye, Motion carried 6-0.

Haggerty and Throm Demolition Permit – property owned by Stephen Haggerty and Kimberly Throm located at 92 Sunset Trail, **Tax Grid No. 6467-00-412353.**

The applicants wish to demolish the existing house in order to construct a new house.

Mark Graminski, Land Surveyor and Eddie Frankcadandiero, contractor from Elf Custom, both appeared for the property owners.

Acting Chairman DePasqua explained that the board doesn't issue the Demolition permit. It's the Building Inspector who issue the Demolition Permit.

Mr. Dolan noted that the code states that the board reviews and approves the demolition plan.

Mr. Graminski presented the interior and exterior photos of the existing house that is proposed to be demolished. He also indicated the proposed and existing footprints of the dwelling on the map.

Acting Chairman DePasqua asked for questions and comments from the board.

Mr. Marrapodi indicated his concern about the number of structures on this property. There is a house, pool, pool house, barn and garage. He opined that the board cannot move forward if there is a violation on the property. The number of accessory structures is more than what is allowed in the Zoning Regulations.

Mr. DePasqua noted that there was a variance granted on this property. The board reviewed the variance and exchanged opinion about the issue. There was a Site Plan and Special Permit granted to this property. The variance did not mention anything about the

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number of accessory structures. The board asked the applicant to talk to the ZEO about the number of accessory structures on this property.

The board discussed the application on hand. Mr. Thomas stated that the Demolition Plan needs to show all the requirements per Sec. 250.93 of the Zoning Law before the board can hear the application.

Mr. Graminski noted that the house proposed to be demolished is not a historical building. The board agreed that the proposed building is not considered historically important.

The applicants need to submit a plan showing all the requirements per Sec. 250.93.

No action taken.

Crimson Hill Subdivision (Board Discussion) – It was noted that the Town Board has asked the Planning Board to approve a resolution about escrow establishment due to the expenses incurred for administrative review.

The board agreed that a letter from the Town Board is needed before they can act on this request.

No action needed.

APPROVAL OF MINUTES:

Mr. Thomas motioned to accept the minutes of 4-7-15 as amended, seconded by Mr. Dolan, all aye, motion carried, 6-0.

ADJOURNMENT:

Mr. DePasqua motioned to adjourn the meeting at 9:55 pm, seconded by Mr. Dolan, All Aye, Motion carried, 65-0.

Respectfully Submitted,



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