

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

**MEMBERS PRESENT**

Art DePasqua  
Gerald Dolan

Robert Marrapodi  
Paul Thomas  
Eliot Werner

Arlene Campbell, Secretary

**MEMBERS ABSENT**

Mike McCormack, Chairman

Tracie Ruzicka

**ALSO PRESENT**

Dean Michael, Liaison Officer

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

**VARIANCE APPLICATION:**

**Metcalf Area Variance** – property owned by **James and Lisa Metcalfe** located at 359 Nine Partners Road, **Tax Grid No. 6568-00-230824.**

The applicants propose the following area variances to Section 250 Attachment 2 (Area Bulk Regulations) of the Town of Clinton Law for the purpose of constructing a 1,296 square foot garage.

- a) Front yard setback reduction from 100 feet to 75 feet.
- b) Side yard setback reduction from 50 feet to 30 feet.

Kevin Halton appeared on behalf of the applicants. Mr. Halton explained that they are proposing to put up a garage 75 feet from the road. They want to put it in where the old stone foundation is. Historically, the buildings on this neighborhood are closed to the road.

Mr. Halton explained why the proposed site is the most suitable location. He explained that the garage cannot go in any other location without disturbing the existing house, shed, driveway, and picket fence. There is also a circular driveway wherein they can just go right in through the garage. Also, there is a garden shed that was built in 1900 and part of it will be blocked if they put the garage within the setback. Mr. Halton opined that this proposal will improve this property aesthetically.

Mr. DePasqua asked Mr. Halton about the location of the well. Mr. Halton pointed out the location of the well on the map. The septic is behind the house.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

Mr. Thomas asked if the proposed garage will fit into the foundation. Mr. Halton responded that the proposed garage is 36' x 36' but the footprint is roughly 20' x 20.' He noted that it will fit right in there.

The board discussed the application. Mr. Marrapodi discussed the third variance to Section 250.22 A-3 (Accessory structure being in front of the main dwelling). Mr. Thomas agreed with Mr. Marrapodi that the main house is in the setback.

Mr. Halton stated that he doesn't think that Metcalfes will have a problem moving the garage in line with the primary dwelling. Mr. DePasqua stated that moving it in line with the main dwelling will eliminate the need for the third variance.

**Sec. 250.22 A-2 (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. Halton agreed with the board's suggestion. Mr. DePasqua suggested that the applicant revise the map to reflect the new layout.

Mr. Halton asked Mr. Marrapodi if the porch is included with the house in measuring the setback. Mr. Marrapodi responded, "Yes but it can be argued in this case since the house is too close to the setback."

Mr. Halton reiterated that they will have to take part of the picket fence and the cherry tree will have to come down if they put the garage within the setback. This will also block the view of the historical garden that was built in 1900. He commented that 5 feet (75 feet as opposed to 70 feet) makes a difference. He asked the board if he can put the garage in line with the porch of the house.

Mr. Marrapodi responded that he doesn't have a problem putting the garage in line with the porch. Five feet will not make a difference.

Mr. DePasqua concurred with Mr. Marrapodi. Mr. Halton stated that he will revise the map and measure the setback from the property line to the porch.

Mr. Marrapodi asked Mr. Halton if the picture of the barn/garage that he submitted on file is a true picture of their proposal. Mr. Halton responded that the picture that was submitted to the board is close to what they have in mind. They want to paint it red and will have board and batten siding.

Mr. Marrapodi opined that board and batten siding is not in keeping with the main residence on this property. It's a contradiction! If the siding has horizontal boards, then it's okay.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

Mr. Halton noted that the garden shed has board and batten siding. The garage next door was approved by the Town and this is similar to what they're proposing.

Mr. Marrapodi stated that the neighbor's barn was existing and it was rebuilt. Mr. Halton stated that he'll discuss this concern with the property owners.

Mr. DePasqua asked the applicant about the dimension of the proposed garage. Mr. Halton responded that they're proposing 36' x 36' in size and 24' in height.

Mr. DePasqua asked Mr. Halton to put the details of the proposed garage on the map. He also commented that it will help if they ask the neighbor for a letter.

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

Mr. DePasqua motioned that the Town of Clinton Planning Board provides a positive recommendation to the Town of Clinton Zoning Board of Appeals on the requested area variances of front yard setback from 100 feet to 75 feet and a side yard setback from 50 to 30 feet on Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations for the purpose of construction of a garage. The property of **James and Lisa Metcalfe** is located at 359 Nine Partners Road in the AR5 Zoning District with **Tax Grid No. 6568-00-230824.**

***Whereas:***

1. The applicants wish to construct a 1,296 square feet garage thereby reducing the front yard setback from 100 feet to 75 feet and side yard setback from 50 to 30 feet (Sec. 250 Attachment 2).
2. House built in 1857 (pre-zoning) exists within the 100 feet front yard setback.
3. Construction of the garage will be similar to adjoining neighbor which is also within the 100 feet setback.
4. Site is not within the Ridgeline and Historic Overlay District.
5. An area variance is a Type II action under SEQRA and requires no further action.
6. The property is not within a CEA.
7. There are no known violations per the Zoning Enforcement Officer.
8. The alleged difficulty is self created.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

9. The requested variance is substantial.
  
10. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
  
11. Letter of authorization is on file.
  
12. All fees have been paid.
  
13. The applicant will make an adjustment on the plan to reflect moving the garage in line with the porch thus reducing the front yard setback to 30 feet.

*Now Therefore*, the Town of Clinton Planning Board makes a positive recommendation to the Town of Clinton Zoning Board of Appeals.

Seconded by Mr. Thomas.

**Discussion.** Mr. Werner questioned the 75 feet setback. He commented that it can be more than 75 feet. Mr. Halton noted that 70 feet was measured from the center of the road. He re-measured it and it was 5 feet back to the porch.

All Aye, Motion carried 4-0.

**Sutter and McCauley Lot Line adjustment** – properties owned by Victor and Diane Sutter and James and Amy McCauley located at First Avenue and Second Avenue, **Tax Grid Nos. 6469-09-232621 6469-09-221605.**

The Sutters wish to transfer ±0.261-acre parcel (First Avenue) and a ±0.228-acre parcel (Second Avenue) to the McCauleys.

The Sutters and Ms. McCauley were back for their application.

Ms. Sutter briefly explained their application. This is a separate strip of land with a total of 1.15 acres. The McCauleys wish to buy a portion of Second Avenue (0.228 acres) and the whole piece of First Avenue (0.261 acres). The McCauleys are already using First Avenue as their driveway and said portion of Second Avenue borders the easterly boundary line of the McCauleys' property.

Ms. Sutter recapped what had transpired at the previous meeting. As requested, Ms. Sutter submitted a title report dated April 14, 2015 (document on file).

Mr. Thomas indicated what was stated on the title report. He noted that there is a recorded Maintenance Agreement attach to this property. The letter also indicated that the Sutters have the right to convey these lands subject to the aforementioned conditions.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

Ms. Sutter responded that the maintenance agreement is for the road that they are currently using. There are no properties back there.

Mr. Thomas expressed his concerns about this application. There are options in addressing the applicant's proposition. They can either do a subdivision application or lot line adjustment. This is already a substandard lot and by cutting two pieces off will make it more substandard. The zoning code doesn't allow the board to make substandard lot more substandard. He opined that it is a question of whether this needs a variance to allow this proposal.

Ms. Sutter remarked that the Chairman of the board advised them at the previous meeting that all they need is a title report and then they can move ahead with their application.

Ms. Campbell noted that this is not a lot. This is a strip of land. There is a definition of "lot" in the zoning regulation.

Town of Clinton Zoning Regulation defines "Lot" as a piece, parcel, tract or plot of land owned in fee, and occupied or designed to be occupied by a principal building or buildings and including the yards and other open spaces required by this chapter."

Ms. Sutter noted that this is a road and not a lot. The tax bill states that this is a roadway. She reiterated that the Chairman of the board asked them to get a title report and they can proceed with what they're trying to do. Ms. Sutter strongly objected to the idea of getting a variance. She remarked that is not what they were asked to do.

Mr. Werner asked Mr. Thomas about the variance needed for this application. Mr. Thomas explained that since this is a substandard lot then it will need variances.

Mr. DePasqua commented that it is a question of whether the board is making this lot more substandard.

Mr. Thomas responded that the other lot is getting less substandard and the other lot is becoming more substandard.

Mr. Thomas suggested getting an Interpretation whether the board is allowed to make a substandard lot more substandard. He noted that he actually drafted a resolution about this application. Is it just a question of whether the board is allowed to approve this application?

Ms. Sutter remarked that this is not a buildable lot. She noted that they are actually making the other lot bigger. Mr. Thomas agreed but commented that they also making the other lot smaller.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

Mr. Thomas opined that he doesn't think the ZBA will have an issue about the variance. This is just procedural.

The Sutters expressed their frustration with the above suggestion. Ms. Sutter remarked, "Then we are back where we started this application." This is not what the Chairman of the board asked them to do at the previous meeting.

The panel had a lengthy discussion about the above issue. Mr. DePasqua explained Mr. Thomas's concerns to both parties (Town and applicants) in order to avoid potential problems. The board wants to make sure that everything is done right. He opined that he doesn't think that the ZBA will deny the variance due to the situation, though he cannot guarantee that the ZBA will approve it.

After reviewing the minutes dated August 5, 2014, the board agreed to proceed with the application.

The board reviewed the definition of "Lot" per the zoning regulations.

Mr. Marrapodi stated that the board has more flexibility if this is not a lot. If the argument is about the nonconforming lot, then the definition of "Lot" in the zoning regulations comes into play. Based on the definition of "lot" in the zoning regulations, this is not a lot. This is a piece of land and not a buildable lot.

Mr. Thomas agreed but asked, "What's the harm in getting a variance?" Ms. Sutter strongly objected and commented that this application already cost them a lot of money. She remarked that this is just a strip of land.

Mr. DePasqua concurred with Mr. Marrapodi. This is just a roadway. He stated that he's comfortable in going forward with this application.

Mr. Thomas expressed his concern about setting a precedent. Mr. Marrapodi doesn't think that this case is setting a precedent. This is a very unique situation and the board is interpreting this application as best as they can based on the zoning law.

After a very long discussion, the board passed a resolution.

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution, to wit:

**Whereas**, the Town of Clinton Planning Board has received an Application for Lot Line Adjustment from Victor and Diane Sutter and James and Amy McCauley for the purpose of transferring a  $\pm$ .261 acre parcel (First Avenue) and a  $\pm$ .228 acre parcel (Second Avenue) located on Slate Quarry Road from a  $\pm$ 1.161 acre parcel denoted on Doc. No. 02 2003 3020, Filed Map No. 232621 (Parcel 1) to be combined with a  $\pm$ 1.33

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES**

**May 6, 2015**

acre parcel denoted on Doc. No. 02 2004 615, Filed Map No. 221605 (Parcel 2), as shown on a Map of Lot Lines Adjustments Between **Victor and Diane Sutter and James and Amy McCauley** prepared by Carney Rhinevault, L.S., N.Y.S. License No. 49097, dated September 22, 2014 (the “Map”); and

**Whereas**, as a result of the proposed lot line adjustment, the lands of Parcel 1 will consist of approximately .672 acres and the lands of Parcel 2 will consist of approximately 1.82 acres; and

**Whereas**, Parcel 1 is identified as **tax parcel number 132400-6469-09-232621 and Parcel 2 as tax parcel number 132400-6469-09-221605** and both are located in the Conservation (C) Zoning District; and

**Whereas**, the property is not located in or within 500 feet of an Agricultural District containing working farms and an Agricultural Data Statement is not required; and

**Whereas**, the applicants have not been granted a special permit, site plan approval, variance or other permit that would be void as a result of this action; and

**Whereas**, the Planning Board has determined that a Lot Line Adjustment is a Type II action under SEQRA and no further SEQRA review is required; and

**Whereas**, a variance is not required because Parcel 1 does not constitute a “Lot” as defined in the Subdivision Regulations in that it is a network of paper streets and is not occupied or designed to be occupied by a principal building or buildings; and

**Whereas**, the Planning Board notes that this decision is unique, based on extraordinary circumstances and should not be construed as establishing a precedent for any other application; and

**Whereas**, after review of the application and the Map, the Planning Board has determined the proposed action is in compliance with the requirements of the Town Zoning Law and the Town Master Plan; and

**Whereas**, there are no known zoning violations on the parcels; and

**Therefore Be It Resolved**, that the Planning Board hereby grants the Application for Lot Line Adjustment, provided the following conditions are met:

1. Payment of all applicable fees.

Seconded by Mr. Marrapodi.

**Discussion.** Mr. Werner suggested putting a notation on the resolution about setting precedence. The board agreed.

All Aye, Motion carried 4-0.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES**

**May 6, 2015**

**Strauss 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. Mr. Graminski briefly explained their application. He recapped what had transpired at the previous meeting. He also explained the architectural and site plan that he recently submitted to the board.

Mr. Graminski stated this project will also require Board of Health approval. He also noted the area variance that was granted for the setback.

Mr. Marrapodi indicated his concern about this project. He asked, "Does the accessory dwelling need a special permit too?"

Ms. Straus noted that this is a working farm. The second-story apartment use is agricultural related. The special permit application before the board is for the kennel.

Mr. DePasqua agreed. The accessory dwelling is for the caretaker of the farm. It's agricultural use. This application needs only special permit needed for this project is for the kennel.

The board discussed the lead agencies for SEQRA circulation.

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

***BE IT RESOLVED*** the Town of Clinton Planning Board hereby declares its intention to be the lead agency for review of the project pursuant to Sections 617.6(2) and (3) of the NYCRR 617, in the matter of the Site Plan and Special Permit for the **Straus property, tax grid #132400-6366-00-925457**, located on Clinton Avenue in the Town of Clinton, for this unlisted uncoordinated action.

***BE IT FURTHER RESOLVED*** the Planning Board hereby directs that copies of the Site Plan and Special Permit Application, the Part I EAF, and the Site Plan Map be sent to the following agencies as listed on Attachment "A", together with a notice seeking the consent of these agencies to the Planning Board assuming lead agency status.

Seconded by Mr. Marrapodi.

**Discussion.** None.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

All Aye, Motion carried, 4-0.

**Attachment “A”  
Identified Interested Agencies**

**INTERESTED AGENCIES**

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

West Clinton Fire District  
219 Hollow Road  
Staatsburg, NY 12580

Mr. Graminski asked if Board of Health approval will be conditioned to the approvals. The board agreed to include the Board of Health as an involved agency since it is not a permitting agency to the kennel project. The Board of Health approval is for the accessory dwelling’s increase number of bedroom.

Ag Data Statement needs to be circulated. Public hearing is set on May 19, 2015.

**Medici Site Plan & Special Permit** – property on 212 Milan Hollow Rd, **Tax Grid No. 6469-00-753971.**

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

Mr. Graminski appeared on behalf of the applicant. The Medicis constructed a house. There is a garage and a bonus room on the second floor of the structure. They want to put a bathroom on the bonus room.

Mr. DePasqua asked for questions and comments from the board. Mr. Marrapodi stated that the board needs the square footages of both the dwellings in order to evaluate the proposed accessory dwelling. He noted that there has to be a minimum of 400 square or 1,000 square feet maximum or 35% of the habitable space whichever is more restrictive per Sec. 250.29 B-6 of the Town of Clinton Zoning Regulation. Mr. Graminski agreed and apologized for not including these numbers to the submitted plan. He illustrated the layout of the proposed accessory dwelling.

Mr. Marrapodi asked if there is a kitchen in this dwelling. Mr. Graminski responded, “None.” Mr. Marrapodi remarked, “Then this doesn’t need a special permit.”

Mr. Graminski explained that this property is Board of Health approved for three bedrooms. The main dwelling has three bedrooms and the proposed accessory dwelling

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 6, 2015**

will have one bedroom. They need a Board of Health approval for the fourth bedroom so he decided to design this dwelling to meet the criteria of an accessory dwelling.

The board agreed to declare lead agency.

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

***BE IT RESOLVED*** the Town of Clinton Planning Board hereby declares its intention to be the lead agency for review of the project pursuant to Sections 617.6(2) and (3) of the NYCRR 617, in the matter of the Site Plan and Special Permit for the Medici **property, tax grid #132400-6469-00-753971**, located on 212 Milan Hollow Rd, for this unlisted uncoordinated action.

***BE IT FURTHER RESOLVED*** the Planning Board hereby directs that copies of the Site Plan and Special Permit Application, the Part I EAF, and the Site Plan Map be sent to the following agencies as listed on Attachment “A”, together with a notice seeking the consent of these agencies to the Planning Board assuming lead agency status.

Seconded by Mr. Werner, All Aye. Motion carried, 4-0.

**Attachment “A”  
Identified Interested Agencies**

**INTERESTED AGENCIES**

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

West Clinton Fire District  
219 Hollow Road  
Staatsburg, NY 12580

Ag Data statement needs to be circulated. Public hearing is set to May 19, 2015.

**Dourdis Steep Slopes Permit** – property on Lot 4 Beaver Edge Road, **Tax Grid No. 6469-00-404361.**

The applicant is proposing an excavation and site work to install a driveway and clear property for future construction of a home.

Anthony Scotti from Custom Construction appeared on behalf of the applicant. Mr. Scotti briefly explained his application as indicated above.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES**

**May 6, 2015**

After reviewing the site plan, the board agreed that the Town Engineer needs to get involved with this project. It will also need a revised Site Plan. Mr. Werner will email Mr. Scotti the items that are needed on the map.

Mr. Dolan joined the panel at 8:55 pm.

Mr. Werner motioned to establish \$1,000 escrow in the matter of Dourdis Steep Slopes Permit application, seconded by Mr. Dolan, all Aye, Motion carried, 5-0.

No other action taken.

**Schapp Pond Dam Removal** (Discussion) – property on 434 Hibernia Road, **Tax Grid No. 6469-00-404361.**

Mr. Werner explained that the DEC is requiring the property owner to remove the dam. He explained the concern of the CAC about this issue. This property is in the Critical Environmental Area. There are steep slopes on the areas where the temporary access road is proposed to allow heavy machinery into the dam site.

After a lengthy discussion, the board agreed that this project needs to come before the board for a Steep Slopes Permit application.

**APPROVAL OF MINUTES:**

Mr. DePasqua Thomas motioned to accept the minutes of 4-21-15 as amended, seconded by Mr. Dolan, all aye, motion carried, 5-0.

**ADJOURNMENT:**

Mr. DePasqua motioned to adjourn the meeting at 9:55 pm, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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