

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
June 2, 2015**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan

Robert Marrapodi

Eliot Werner

Acting Secretary – Eliot Werner

MEMBERS ABSENT

Tracie Ruzicka

Paul Thomas

ALSO PRESENT

Dean Michael, Liaison Officer

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

Chairman McCormack joined the meeting at 7:32 pm.

VARIANCE APPLICATION:

Stanton Area Variance – property owned by Douglas and Deborah Stanton located at 20 West Cookingham Dr. **Tax Grid No. 6267-00-444606.**

The applicants propose an area variance to Section 250 Attachment 2 (Area Bulk Regulations) of the Town of Clinton to reduce the side yard setback from 50 to 10 feet in order to install a generator and propane tanks along the fencing of the carport.

Ms. Stanton appeared for this application. Ms. Stanton briefly explained her proposition as indicated above.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi asked about the exact location of the generator. Ms. Stanton replied that the generator will be outside the fence. The propane is going to be located where the bucket was.

Mr. Marrapodi expressed his comments. He stated that he doesn't have any concern about this application.

Hearing no comments, the board passed a resolution, to wit:

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

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BE IT RESOLVED on this date of June 2, 2015, The Town of Clinton Planning Board provide a **positive** recommendation to the Zoning Board of Appeals on the Douglas & Deborah Stanton requested Area Variance to allow the placement of a **2'x4' Emergency Generator** & associated **Propane Tanks** within 10' of the property side yard, while the requirement is 50' for the side yard (As per Sec. 250 Attachment 2 District Schedule of Area & Bulk Regulations)

The requested variance is on a 1.24-acre site located on 20 West Cookingham Drive, Tax grid # 6267-00-444606 which is located in the AR5 Zoning District in the Town of Clinton.

WHEREAS;

- 1- The applicant requests the variance because the placement of the generator and propane tanks near the existing electrical meter is the most practical location.
- 2- The property is a non conforming 1.24 acres, along with the specified setbacks and location of the electrical meter mounted on the main house makes it difficult to place a generator elsewhere on the site without a variance.
- 3- The property is not in the Ridgeline, Scenic and Historic Protection Overlay District.
- 4- An area variance does not require an Ag Data Statement
- 5- The site is not in a NYS DEC Wetland.
- 6- The site is not on a designated Scenic or Historic road.
- 8- There are no zoning violations.
- 9- The property is not in a CEA district.
- 10- It is noted that an area variance is a type II action under SEQRA and requires no further action.
11. It is our judgment that the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. It is not uncommon for homes in this neighborhood to have emergency generators, the adjacent neighbor that borders the applicant's property has no objection to the placement of the generator, and therefore the impact of the area variance is minimal.
13. The alleged difficulty is self-created.
14. All fees have been paid.

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15. The applicant will submit a consent letter by Douglas Stanton allowing Deborah Stanton to represent both owners of the property on all Planning Board and Zoning board matters.

Now, therefore, be it resolved, the Town of Clinton Planning Board is making a **positive** recommendation for approval to the Clinton Zoning Board of Appeals:

Seconded by Mr. Werner.

Discussion. Mr. Werner asked the applicant to bring a letter of authorization from her husband to speak on his behalf when she go before the Zoning Board of Appeals. Ms. Stanton agreed.

Motion Carried 5-0

APPLICATIONS:

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

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

Mark Graminski and Eddie Frankcadandiero, contractor from Elf Custom, were back before the board.

Mr. Graminski submitted photos of the interior and exterior of the proposed dwelling to be demolished. He also indicated all the approvals that were granted to this property, such as Special Permit and variances. The construction of the pool house is completed and they are now ready to construct the new main dwelling.

Note that part of the condition of the variance states as follows:

- d. If the proposed expansion of the primary dwelling does not occur within three years, the Zoning Board of Appeals supports the Planning Board's proposed restrictions to the Special Use Permit—especially their requirement that it be subject to review and renewal.

Mr. Graminski stated that the property owner wishes to demolish the existing house and construct a new dwelling.

Mr. Graminski explained the demolition plan that he submitted. They want to utilize the materials that are already there right now. Mr. Frankcadandiero added that they will use the existing doors, windows, flooring, and some of the very old materials.

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Mr. Graminski noted that this structure doesn't have any national, state, or historic designation per Historic Resource Survey of the parcel access.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi indicated that the only issue that he has is about the number of accessory structures on this property. If you count pool, pool house, barn, and garage, then the number of accessory structures is more than allowed in the zoning regulations.

Mr. Marrapodi indicated the ZEO's determination that the pool and the pool house are counted as one accessory structure. He stated that, in this case, the pool house is also an accessory dwelling. He asked, "How do we account for a situation like this?" He indicated his concern about setting precedence. Anybody can have a pool house with their pool and the pool house can easily become an accessory dwelling.

The board had a very lengthy discussion about the above concern. Mr. Dolan stated that the Zoning Board of Appeals did not support the ZEO's determination about the pool and the pool house.

Mr. Marrapodi stated that it is a question of "How do we move forward with this application? This pool house is not just a pool house. This is also an accessory dwelling."

Mr. Graminski stated that all the structures on this property have building permits. He noted that the use of this property is a working farm. It has an Ag Exemption.

The board agreed that this property is exempt from the limit on the number of accessory. This is under the jurisdiction of Ag and Market's Ruling.

The board agreed that the ZEO needs to make a determination about the definition of a pool house.

Mr. DePasqua suggested writing a letter to the ZBA about this issue. Mr. Dolan stated that this should be addressed at the Zoning Revision.

The board agreed to pass a resolution, to wit:

Mr. Dolan motioned the following resolution, seconded by Mr. DePasqua:

BE IT RESOLVED, the Town of Clinton Planning Board issues a Demolition Plan Approval to the Building Inspector for the primary residential dwelling structure belonging to Stephen M. Haggerty and Kimberly A. Throm on property located at 92 Sunset Trail, Tax Grid #6467-00-412353 having satisfied the requirements of 250-93C of the Town of Clinton Zoning Law.

Whereas:

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1. The age of the residence is estimated to be in the early 1900's. This structure does not have a national, state, or local designation of significance as per the Historic Resource Survey of 1986 from the Dutchess County Parcel Access.
2. The building is planned for demolition since its current floor plan layout, structural components, and final finishes are not suitable or structurally stable for the current needs of Haggerty and Throm. Components from the existing residence (doors, beams, and flooring) will be recycled and used as part of the new construction.
3. Plans which outline the current structure layout, demolition sequence, and recycling of existing materials labeled 'Demolition Plan – Haggerty Residence – prepared by Crisp Architects' have been reviewed by the Planning Board and provided to the Building Inspector.
4. The use of the property will remain the same as the current use, residential-agricultural.
5. A completed Environmental Assessment Form has been submitted.
6. All appropriate fees have been paid.

Now, therefore, be it resolved, the requested Demolition Plan Approval to the Building Inspector is issued by the Town of Clinton Planning Board; 4 ayes; one nay. Motion carried.

OTHER MATTERS:

Crimson Hill Subdivision Escrow re: Bond Reduction

Mr. DePasqua motioned that the Town of Clinton Planning Board establishes an escrow in the amount of \$8,500.00 in the matter of Crimson Hill Subdivision Bond/Letter of Credit reduction request.

Seconded by Mr. Werner, All Aye, Motion carried, 5-0.

APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Mr. DePasqua motioned to adjourn the meeting at 9:15 pm, seconded by Mr. Dolan, All Aye, Motion carried, 6-0.

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Respectfully Submitted,

A handwritten signature in cursive script that reads "Arlene Campbell".

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