

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
May 3, 2016**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua

Tracie Ruzicka
Robert Marrapodi
Paul Thomas

Secretary – Arlene Campbell

MEMBERS ABSENT

Gerald Dolan

ALSO PRESENT

Eliot Werner. Liaison Officer

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

VARIANCE APPLICATION:

Berardi and Grogan Area Variance - property owned by **Thomas Matthew Grogan and Alexander Berardi** located at 109 Rymph Road **Tax Grid No. 6266-00-989906** in the AR3 Zoning District.

The applicants are seeking an area variance to reduce the side yard setback from 50 feet to 37.25 feet for the addition of three-season enclosed porch.

Michael Sloan appeared for this application. Mr. Sloan explained that the property owners wish to build a screened porch at the back of the house. They are proposing a three-season room with fireplace. This is a small traditional farmhouse. They want to better utilize the area for more time throughout the year. Mr. Sloan stated that the property owners want to use up the space since the foundation is already in place.

Mr. Sloan noted that the existing house is already in the setback. He commented that this project will improve the visual aspect of the house.

Chairman McCormack asked for questions and comments from the board. Ms. Ruzicka asked if this property is in the Ag District. The applicant responded, “Yes.”

The board discussed the letter of authorization on file. Ms. Ruzicka asked if the Berardis and Grogans are the property owners. Mr. Marrapodi stated that the tax records indicate that this property is under Rymph Properties LLC. Mr. Sloan stated that Mr. Berardi and Mr. Grogan are partners of the LLC.

Ms. Ruzicka indicated that a letter of authorization on file is from Mr. Berardi and Mr. Grogan. The board agreed that a letter of consent is required from Rymph Properties LLC. Chairman McCormack stated that this concern can be a condition of the variance recommendation.

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Ms. Ruzicka gave her comments based on her site visit to the property. This is a “no brainer.” The proposed action will improve the property and will not impact the neighboring properties.

Mr. DePasqua stated that this is already a pre-existing and nonconforming building. The house is already in the setback. He wanted to make sure that the issue about the ownership is addressed before the variance is granted.

Mr. Marrapodi added that the proposal is not making it more nonconforming.

After all the discussions were made, the board agreed to pass a resolution.

Ms. Ruzicka motioned the following resolution:

BE IT RESOLVED, the Planning Board is making a conditional positive recommendation for approval to the Town of Clinton Zoning Board of appeals on the requested area variances to Section 250 Attachment 2 for a side yard setback reduction from 50 feet to 37.25 feet for the addition of a three season enclosed porch as requested by Alexander Berardi on property located at 109 Rymph Road, **Tax Grid No. 6266-00-989906** in an AR 3 Zoning District.

WHEREAS;

1. The applicant is requesting a reduction in the side yard setback from 50 feet to 37.25 feet for the addition of a three season Enclosed Porch. The applicant is proposing to place proposed Porch in the setback area for proximity to the kitchen and best architectural design. The house, which is set close to the edge of the lot and is also nonconforming on its setbacks was pre-existing zoning.
2. The property is in an Ag District.
3. The property is not within the Ridgeline, Scenic and Historic Protection Overlay District.
4. The property is not in a CEA (Critical Environmental Area).
5. The variance requested is substantial, placing the Porch in a different location would allow the setback requirements to be taken into consideration, however, positioning the porch near the kitchen as requested will allow for the best use for the applicant and the best design for the house.
6. An undesirable change in the neighborhood will not occur, as this Porch will not be visible from the road.
7. The alleged difficulty is self created, as the applicant wish to build the Porch in

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the setback area by 12.75 feet.

8. No adverse effects will be created by the building of this structure except during construction.
9. There is a letter of authorization on file for Sloan Architects to act on behalf of the owner, Alexander Berardi.

NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board provides a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals when the following conditions are met.

- A letter of consent of authorization to act from Rymph Properties LLC.
- Correct the name of the property owners on the application.

Seconded by Mr. Thomas.

Discussion. The board discussed the verbiage of the conditions. Ms. Ruzicka stated that the application should also be revised to reflect the correct name of the property owners.

All Aye, Motion carried, 6-0.

PUBLIC HEARING:

Smith Site Plan Review for a Ground-Mounted Solar Energy System – property owned by Morgan Smith located at 162 Browns Pond Road, tax grid #132400-6267-00-774909.

The applicant wishes to install a ground-mounted solar energy system in the rear yard.

Morgan Smith and Carlos Newcomb from Hudson Solar appeared for this application. Mr. Newcomb briefly explained their proposal as indicated above.

Mr. DePasqua motioned to open the public hearing, seconded by Mr. Marrapodi, all Aye, Motion carried, 6-0.

Hearing no comments from the public, Mr. DePasqua motioned to close the public hearing, seconded by Ms. Ruzicka, all Aye, Motion carried, 6-0.

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APPLICATIONS:

Smith Site Plan Review for a Ground-Mounted Solar Energy System – property owned by Morgan Smith located at 162 Browns Pond Road, tax grid #132400-6267-00-774909

The applicant wishes to install a ground-mounted solar energy system in the rear yard of his property.

Mr. Smith and Mr. Newcomb were back before the board for the conclusion of their project. Mr. Smith indicated the required area variances that were granted by the Zoning Board of Appeals dated April 27, 2016. Two variances from the Planning Board’s recommendation were eliminated. The Zoning Board of Appeals determined that the deck is not an accessory structure since the deck is part of the house. The gazebo was moved to the adjoining lot making the variance for the building coverage not necessary.

Mr. Newcomb explained the revised site plan. Mr. Marrapodi indicated the items that are missing on the map such as names and addresses of the surrounding property owners, property owner signature block, and Zoning District. The board agreed to include these items as conditions of the approval.

Chairman McCormack asked about the height of the solar array. Mr. Newcomb responded that the full length of the array is 11 feet but the height is 9 feet tall.

Mr. Marrapodi asked the board if the letter about the waiver request about the items on the checklist requirements is needed. Chairman McCormack responded, “Yes. This can also be a condition of approval.”

The board reviewed the Short Form EAF and issued a Negative Declaration for SEQR purposes.

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

BE IT RESOLVED the Town of Clinton Planning Board has determined that the Smith Site Plan to install ground mounted solar electric system, **Tax Grid #132400-6567-00-774909** on property located 162 Browns Pond Road 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.

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Seconded by Mr. Dolan, all Aye, Motion carried, 6-0

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

Mr. Marrapodi motioned that the Town of Clinton Planning Board grants conditional approval of a Site Plan to **Morgan Smith** for the purpose of installing a ground-mounted solar electric system array on a 0.97-acre site located at 162 Browns Pond Road, which is in a AR-5 Zoning District in the Town of Clinton, **tax grid #132400-6567-00-774909**.

WHEREAS:

- 1) The applicant wishes to install a ground -mounted solar electric system (SES) with 18-345 Watt module array. Two rows of 9 modules. 6.21 KW Power Rating.
- 2) The location of the array on the property is directly behind the main dwelling unit, out of view from the road. The array will be installed adjacent to the detached metal shed structure, and requires a side yard setback variance. The Zoning Board of Appeals has granted a reduction in the side yard setback from 50' to 42' to allow the placement of the Solar Array (SES). See The ZBA motion dated April 29, 2016 for additional site variances granted this applicant.
- 3) The Town of Clinton Planning Board declared itself Lead Agency on 04/19/16 for this unlisted, uncoordinated action.
- 4) A SEQRA review of this unlisted, uncoordinated action (and the public hearing held on 05/03/16) has resulted in a negative declaration, Declared in accordance with the New York State Environmental Quality Review Act on 05/03/2016.
- 5) The Planning Board has agreed to waive numerous items from the site plan, including but not limited to the following: "Applicant to submit a letter requesting Waivers for the remaining check list items".

- Vicinity map
- Names of adjoining property owners
- Special district boundaries within 500 feet
- Location and uses of structures on adjacent properties within 100 feet

6) 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.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants approval of the requested Site Plan when the following conditions are met.

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a) The following items are included in the site plan:

- Signature block for the property owners.
- Signature block for the chairman of the Planning Board.
- Zoning district in which the property is located.
- Scale of drawing.

b) All fees to be paid

c) Request for "Waivers" letter for the check list items not shown on site plan.

Seconded by Mr. DePasqua.

Discussion. None.

All Aye, Motion carried, 6-0

OTHER MATTERS:

Board Discussion:

1. The board discussed imposing penalties and fines for Cell Towers that are in violation of the zoning regulations. Ms. Ruzicka feels that cell tower companies should be penalized if they have expired special permits and are still in operation. The rest of the board concurred with Ms. Ruzicka. Chairman McCormack stated that this is up to the Town Board.
2. Mr. Werner, Board's Liaison Officer, discussed the progress of the Zoning Revision.

APPROVAL OF MINUTES:

Mr. Thomas motioned to accept the amended minutes of April 5, 2016 seconded by Mr. Marrapodi, All Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. DePasqua motioned to adjourn the meeting at 8:55 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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