

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
November 15, 2016**

**MEMBERS PRESENT**

Mike McCormack, Chairman

Tracie Ruzicka  
Robert Marrapodi  
Paul Thomas

**MEMBERS ABSENT**

Art DePasqua  
Gerald Dolan

**ALSO PRESENT**

Secretary – Arlene Campbell

Eliot Werner. Liaison Officer

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

**VARIANCE APPLICATION:**

- None

**PUBLIC HEARING:**

**APPLICATIONS:**

**Johnson Lot Line Adjustment** – properties owned by Ruth Johnson & Andrew Johnson located at 175 Rymph Road, **tax grid # 132400-6267-00-948057 (lot 1)**, and adjoining lands owned by Louis B & Barbara G Johnson located at 392 Hollow Road, **tax grid #132400-6267-00-975101 (lot 2)**.

The intent is to merge 3.30 acres of land from Lot 1 into Lot 2 after Lot 2 has parceled off 3.005 acres. The number of parcels remains two.

Mike Dalbo, Land Surveyor, appeared on behalf of the property owners. He explained his proposition as indicated above. He commented that this is a simple lot line adjustment to combine the bigger piece of the parcel to the smaller lot owned by Louis and Barbara Johnson and parcel off the residential lot of Ruth and Andrew Johnson.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi and Mr. Thomas commented that this application is really not simple. It's actually quite confusing.

Mr. Marrapodi opined that this is more of a subdivision application due to sequencing. Unless you subdivide the corner lot from the larger parcel, you cannot combine the

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smaller lot to the other piece. He noted that you cannot combine the two lots without subdividing the bigger lot first. You need to create a subdivision to create a small parcel.

Mr. Dalbo disagreed. There will still be two lots at the end of the day. They are not creating a new lot.

The board had a very lengthy discussion about the above issue.

Mr. Dalbo asked about the definition of lot line adjustment per the zoning regulations. He noted that they are just reversing the lot line. No new lot is being created.

The board reviewed the definitions of lot line adjustment and subdivision per Sec. 206-47 of the Town of Clinton Subdivision Regulations, which state...

Lot Line Adjustment – a modification of parcel boundaries in which a portion of one parcel is combined with an adjoining parcel without increasing the total number of parcels.

Subdivision – The division of any parcel of land into two or more lots, parcels or plats with or without roads, for the purpose, whether immediate or future, of building, development, sale, or transfer of deed or lease. The adjustment of lot lines between neighboring parcels of land shall not be deemed to be a subdivision under this chapter, so long as the adjustment does not create an additional parcel or lot.

Chairman McCormack gave his view about this application. He stated that the action is not carving, it is merely switching. They are not creating a new lot. He opined that the key is the definition of a subdivision, which is creating a new lot. This is a unique situation.

The board agreed that this is not a subdivision.

After a very lengthy discussion, the board passed a resolution, to wit:

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

***BE IT RESOLVED, THAT the*** Town of Clinton Planning Board, in accordance to its Subdivision and Lot Line Adjustment Regulations, grants conditional Lot Line Adjustment Approval of the lands own by **Ruth Johnson & Andrew Johnson** located at 175 Rymph Road, **tax grid # 132400-6267-00-948057(lot 1)**, and adjoining lands owned by Louis B & Barbara G Johnson located at 392 Hollow Road, **tax grid #132400-6267-00-975101 (lot 2)**. The lands in the Town of Clinton are in the AR3A, zoning district.

***WHEREAS;***

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1- The intent of this action is to merge 3.30 acres of land from lot 1, to lot 2 31.706 acres,(totaling 35.006 acres) after Lot 2 (34.714) has parceled off 3.005 acres. As shown on the Lot Line Adjustment drawing provided by Michael A. Dalbo, L.S. #049311, dated October 15, 2016

2-As a result of the transfer of the properties, lands of Louis B & Barbara G Johnson (lot1) merged with lands of Ruth & Andrew Johnson (lot 2) totaling 35.006 acres. Lands of Ruth & Andrew Johnson will decrease to 3.005 acres (Lot 2), transferring 31.706 acres to lot 1 owned by Louis & Barbara Johnson.

3- The Planning Board has declared itself the Lead Agency for the purpose of the SEQRA process and determined this to be a type II action, requiring no other action be taken.

4- All required letters of authorization to represent any or all property owners are on file.

5- A request of waivers letter was submitted for approval by Michael Dalbo, L.S. dated 10.26.16

6- The Town of Clinton does not consider a Lot Line Adjustment as being a Subdivision.

7- The lands involved are in Ag District 20 and within 500 ft. of a farm in an Ag district therefore an Ag data statement is required.

9- The properties involved are not in a CEA and need not conform to the Town of Clinton Town Board resolution of 12/11/02

10- The site of Lot#1 is in the Ridgeline, Scenic and Historic Overlay Protection district and must conform with the requirements of the Clinton Zoning Law.

11- The properties are not in a designated wetland.

12-.The site of Lot #2 is on a Clinton Scenic road, that being Rymph Road.

***NOW THEREFORE, BE IT RESOLVED, THAT the*** Lot Line Alterations are granted approval by the Town of Clinton Planning Board when the following **conditions** are met:

A) All fees are paid

B-) The Survey map be revised as follows: Drawing title shall read "Lot Line Adjustment Plan" and the larger parcel be labeled "Lot #1" and the small parcel be labeled "Lot #2".

Seconded by Ms. Ruzicka, All Aye, Motion carried, 4-0.

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**Netherwood Demolition – 196 Fox Run Road, Tax Grid No. 6467-00-073200.**

The applicant wishes to demolish the cottage to rebuild a new accessory dwelling.

Rich Renna, the applicant's engineer, appeared and explained why they need to demolish the existing building (see letter on file about the engineering report about the condition of the building). He also indicated the Special Permit and variances that were granted to this property. He noted that there will be no changes in the footprint of the proposed building.

Chairman McCormack asked for questions and comments from the board.

Ms. Ruzicka asked if the variances that were granted to the existing building can be carried over to the proposed building. Chairman McCormack responded that the variance was granted to the property and not to the owners or buildings.

Mr. Thomas asked if the special permit goes with the property too. Chairman McCormack responded, "Yes."

Mr. Marrapodi asked if there was a special permit granted to the accessory dwelling. Mr. Renna responded, "Yes." This was approved on March 1, 2016.

The board reviewed the application on hand.

Ms. Ruzicka expressed her comments. Based on her review, she agreed that the existing building should come down.

Ms. Ruzicka asked the applicant to provide a new letter of authorization from the property owner in presenting this proposal. Mr. Renna agreed.

The board passed a resolution.

Ms. Ruzicka motioned the following:

***BE IT RESOLVED***, the Town of Clinton Planning Board recommends a Demolition Permit to **Netherwood Farm LLC** for removal of pre-1900 Carriage house deemed in too much disrepair for refurbishment, on a 144.76-acre site located at 196 Fox Run Road, **Tax Grid No. 6467-00-073200.**

***Whereas:***

1. The applicant has a letter from the property owners to act on his behalf.

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2. A thorough engineering report has been provided, documenting the many issues and the structural unsoundness of this dwelling.
3. A Short Form Environmental Assessment has been provided.
4. The demolition will not harm the character of the surrounding area and buildings.
5. The applicant has stated plans for a new residence to replace the demolished building.

***NOW THEREFORE, BE IT RESOLVED***, that the requested Demolition Plan Approval to the Building Inspector is issued by the Town of Clinton Planning Board.

Seconded by Mr. Marrapodi.

**Discussion.** None.

All Aye, Motion carried, 4-0.

**Hart Site Plan for the Ground Mounted Solar Panel** – property located at 188 Schultz Hill Road, **Tax Grid No. 6368-00-285540.**

The applicant wishes to install a 16.2 kW Ground Mount Solar PV system.

Michael Hart and his contractor, Kevin Hall from Apex Solar System, appeared for this application.

Mr. Hart explained that he wants to install a Ground Mounted Solar System at the back end of one of his three properties. He noted that this energy system will service two of his properties (188 and 192 Schultz Hill Road). The proposed array would be located on the other parcel. He noted that he ultimately wants to do a lot line adjustment for parcels 188 and 192 Schultz Hill Road.

Mr. Thomas asked if three parcels will be serviced by the proposed ground mounted solar system. Mr. Hart responded that the plan right now is to service the parcel at 188 Schultz Hill Road. This solar system will eventually service three parcels.

Mr. Marrapodi asked about the power (wattage) of the proposed solar panel. He noted that 20 kW is the limit for the residential buildings per the Town Zoning Regulations. The board had a very lengthy discussion about the application. Chairman McCormack cited that if one of the lots is sold, then the source of energy will be lost. He commented that these lots might need an easement for the use of the solar energy system from the other parcel otherwise these lots should be combined.

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The panel exchanged opinions about the issue. Mr. Hart stated that he will submit a lot line adjustment application for next meeting. Mr. Thomas stated that the sketch map could be the same for both the proposition (Lot Line Adjustment and Site Plan Application). Ms. Campbell noted that the contents of the map can be the same but there should be two maps labeled differently. One labeled Hart Lot Line Adjustment and the other map is Site Plan Approval for Installation of Ground Mounted Solar Energy System.

Mr. Thomas suggested putting screening where the Hues' property is.

The board reviewed the site plan. Mr. Thomas indicated the technical items that are missing on the map (i.e., names and address of the surrounding property owners, signature block, and vicinity map). He also asked the applicant to indicate the proposed array on the lot line map.

The board declared lead agency for SEQR purposes.

Mr. Thomas motioned that that Town of Clinton Planning Board declared itself lead agency for the Hart Site Plan Approval for the Ground Mounted Solar Energy System for this unlisted and uncoordinated action, seconded by Ms. Ruzicka, all Aye, Motion carried, 4-0.

Mr. Thomas motioned to set the public hearing on December 6, 2016, seconded by Mr. Marrapodi, all Aye, Motion carried, 4-0.

No other action taken.

**Drago and Olson Lot Line Adjustment** (Amendment) – properties located at 238 and 254 Hollow Road, **Tax Grid Nos. 6267-00-703319 & 680210.**

The applicants wish to amend the lot line that was approved on October 18, 2016 due to some technicality in the amount of the acreages.

The board agreed to revise the resolution, to wit:

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

***BE IT RESOLVED, THAT*** the Town of Clinton Planning Board grants approval for a Lot Line Adjustment of the lands owned by Joseph T. and Nancy M. Drago, Trustees, located at 238 Hollow Rd, Staatsburg, **tax grid #6267-00-703319** (Parcel A), and lands owned by Ann E Olson, Trustee, located at 254 Hollow Rd, Staatsburg, **tax grid #6267-00-680210** (Parcel B),

***WHEREAS:***

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- 1) The intent of this action is to transfer land among the two properties as a result of a land sale as shown on the Lot Line Adjustment plat created by John H. Decker, L.S. 050572 dated April 05, 2016
- 2) As a result of the transfer of  $\pm 0.408$  acres from Parcel B to Parcel A, the lands of tax grid # 6267-00-703319 (Drago) will increase to  $\pm 1.701$  acres; the lands of tax grid #6468-00-692838 (Olson) will decrease to  $\pm 12.784$  acres.
- 3) Since a lot line adjustment is a Type II action under SEQRA, no further SEQRA review is required.
- 4) The proposed lot line adjustment does not create a substandard lot or render any lot more substandard than it may already be.
- 5) The properties are not located in the Ridgeline, Scenic, and Historic Protection Overlay district.
- 6) The applicants' Lot Line Adjustment plat has met all the requirements of the Town of Clinton's Subdivision and Lot Line Adjustment Regulations.
- 7) All required letters of authorization to represent any or all property owners are on file.
- 8) The lands involved are not in an Ag District or within 500 ft of a farm in an Ag district therefore an Ag data statement not required.
- 9) The properties are not in a designated wetland.
- 10) The site is on a Clinton Scenic/Historic road, that being Hollow Road and therefore must conform to Local Law # 3 of 2001
- 11) All appropriate fees have been paid.

***NOW THEREFORE, BE IT RESOLVED***, that the Lot Line Alterations are granted approval by the Town of Clinton Planning Board.

Seconded by Ms. Ruzicka.

**Discussion.** None.

All Aye, Motion carried, 4-0.

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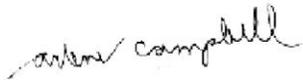
**APPROVAL OF MINUTES:**

Mr. Thomas motioned to approve the minutes of November 1, 2016 as amended, seconded by Ms. Ruzicka all Aye, Motion carried, 4-0.

**ADJOURNMENT:**

Ms. Ruzicka motioned to adjourn the meeting at 9:25 pm, seconded by Mr. Marrapodi, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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