

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
January 17, 2017**

MEMBERS PRESENT

Alex Kari
Tracie Ruzicka
Robert Marrapodi
Paul Thomas

Secretary – Arlene Campbell

MEMBERS ABSENT

Mike McCormack, Chairman

Art DePasqua
Gerald Dolan

ALSO PRESENT

Eliot Werner, Liaison Officer

Acting Chairman Marrapodi called the meeting to order at 7:31 pm.

VARIANCE APPLICATION:

Morris and Carole Danon - on property located at 354 Nine Partners Road, Tax Grid No. 6568-00-236717.

The applicants are requesting area variances to Sec. 250 Attachment 2 for a sideyard setback reduction from 50 feet to 20 feet for an existing poolhouse that is less than 80 feet in size, and a reduction in the lot width from 400 feet to 272 feet.

Acting Chairman Marrapodi explained the variance application process to the applicant.

Mr. Hoffman appeared on behalf of the property owner. He indicated the pending application before the Planning Board about the lot line adjustment that triggers these variances. Mr. Hoffmann explained that the Danons' lot is long and narrow. It currently has a lot width of 275 feet. He also indicated the existing poolhouse that is currently in the setback.

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

Mr. Thomas discussed the resolution that he prepared in reference with this application. He noted that this lot is a pre-existing and nonconforming lot.

Ms. Ruzicka commented about the poolhouse that is in the setback. She remarked that there is really no room to put any structure on this lot due to the configuration of the lot.

The board agreed to pass a resolution, to wit:

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Mr. Thomas motioned the following resolution:

BE IT RESOLVED that the Town of Clinton Planning Board is making a **positive** recommendation to the Zoning Board of Appeals with respect to the area variances requested by **Morris and Carole Danon** from Section 250 Attachment 2 of the Town of Clinton Zoning Law (“District Schedule of Area and Bulk Regulations”) with respect to an approximately 9.91 acre parcel located at 354 Nine Partners Road, **Tax Grid No. 132400-6568-00-236717**, which is in the AR5 District in the Town of Clinton, for the purpose of facilitating a lot line adjustment with an adjoining parcel.

WHEREAS:

1. The subject parcel has a lot width of approximately 275 feet, and applicants have applied for a lot line adjustment that will narrow the lot width by approximately three additional feet. In addition, the parcel contains an accessory structure that is located within a side yard setback.
2. Section 250 Attachment 2 of the Town of Clinton Zoning Law requires a minimum lot width of 400 feet at the front building line and a minimum side yard setback of 50 feet in the AR5 Zoning District.
3. The proposed lot line adjustment will narrow the lot width to about 272 feet and an accessory structure is located approximately 20 feet from the property line within a side yard setback. Consequently, the applicants seek area variances reducing the required lot width from 400 feet to approximately 272 feet and reducing the side yard setback from 50 feet to 20 feet.
4. There are no known outstanding zoning violations on the property per the Zoning Enforcement Officer.
5. The property is located within the Taconic Parkway Viewshed overlay.
6. An area variance is a Type II action under SEQRA and requires no further action.
7. The requested area variances are substantial.
8. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The neighborhood includes adjoining parcels of substandard lot width. In addition, the requested side yard setback variance is justifiable in part given the reduced width of the subject parcel.
9. The alleged difficulty is self-created.
10. The application fee has been paid.

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NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board is making a positive recommendation to the Zoning Board of Appeals with respect to the applicants' request for the referenced area variances.

Seconded by Ms. Ruzicka.

Discussion. Ms. Ruzicka commented that this property is in the Taconic Parkway viewshed.

All Aye, Motion carried, 4-0.

PUBLIC HEARING:

None

APPLICATIONS:

Hoffman and Danon Lot Line Adjustment – properties 348 & 354 Nine Partners Road, Tax Grid Nos. 6568-00-255598 and 236717.

Applicants wishes to swap ±.08 acres of their lands.

Michael Hoffman appeared for this application. He indicated what had transpired at the previous meeting.

Acting Chairman Marrapodi stated that the board also agreed at the last meeting to act on the lot line contingent to the variance approval.

The board reviewed the map. Acting Chairman Marrapodi commented that the shed (poolhouse) should be sited on the map. Mr. Hoffmann noted that the shed is only 80 feet in size and it is movable. It is not on a foundation.

Acting Chairman Marrapodi remarked that it is still a structure in the sideyard. Mr. Hoffmann asked if the pool also needs to be added to the map. The board agreed that the pool and the poolhouse should be indicated on the map.

The board agreed to pass a resolution, to wit:

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

Whereas, the Town of Clinton Planning Board has received an Application for Lot Line Adjustment from Michael and Sarah Hoffmann and Morris and Carole Danon

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for the purpose of transferring a ± 0.08 acre parcel located on Nine Partners Road from a ± 21.3 acre parcel denoted as Bowman's Glen Lot 5 (Parcel 1) to be combined with a ± 9.91 acre parcel located at 354 Nine Partners Road (Parcel 2), and for transferring a ± 0.08 acre parcel from Parcel 2 to be combined with Parcel 1, as shown on a Lot Line Adjustment Plat prepared by Berger Engineering and Surveying dated December 16, 2016 (the "Map"); and

Whereas, as a result of the proposed lot line adjustments, the lands of Parcel 1 and Parcel 2 will continue to consist of ± 21.3 acres and ± 9.91 respectively; and

Whereas, Parcel 1 is identified as tax parcel number 132400-6568-00-255598 and Parcel 2 as tax parcel number 132400-6568-00-236717 and both are located in the AR5 Zoning District; and

Whereas, the parcels are 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, the Planning Board has considered and granted the waivers requested by the applicants as set forth in the letter dated December 16, 2016 from Berger Engineering;

Whereas, area variances are required for Parcel 2 with respect to substandard lot width and an accessory structure located in a side yard setback and an application for the required variances has been submitted to the Zoning Board of Appeals (ZBA); 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, provided the necessary area variances are granted by the ZBA; and

Whereas, there are no known zoning violations on the parcels.

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.
2. Granting of the requested area variances by the ZBA.

Seconded by Ms. Ruzicka.

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Discussion. Mr. Hoffmann asked about the subdivision process. He indicated his intent about possible future subdivision and was wondering about the changes in the zoning regulations once the zoning revision is finalized.

The panel had a lengthy discussion about the subdivision process and the proposed zoning revisions.

All Aye, Motion carried, 4-0.

OTHER MATTERS:

BOARD DISCUSSION:

Mr. Werner joined the panel for discussion. The board exchanged thoughts about the proposed zoning revision.

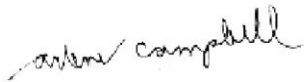
APPROVAL OF MINUTES:

Mr. Thomas motioned to accept the minutes of January 3, 2017 as amended, seconded by Mr. Kari, All Aye, Motion carried, 4-0.

ADJOURNMENT:

Acting Chairman Marrapodi motioned to adjourn the meeting at 8:23 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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