

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
February 7, 2017**

**MEMBERS PRESENT**

Mike McCormack, Chairman  
Art DePasqua  
Gerald Dolan  
Alexander Kari

Robert Marrapodi

Secretary – Arlene Campbell

**MEMBERS ABSENT**

Tracie Ruzicka

Paul Thomas

**ALSO PRESENT**

Eliot Werner, Liaison Officer

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

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Hicks Water law permit** – property owned by Shawn Hicks and Kimberlee Manning located at 30 Talleur Lane, **Tax Grid No. 6566-01-415812.**

Applicants wish to replace and extend a 25' x 10-5' screened porch with a proposed 25' x 12' kitchen addition with poured foundation in an existing house that is 37'-9" of the stream.

Mr. and Mrs. Hicks appeared for this application. Mr. Hicks explained that they are looking to extend the kitchen in the house. They have an enclosed back porch that is only supported by a lally column. They wanted to put a foundation and extend the structure by two feet towards the stream to get more rooms and cabinet spaces.

Mr. Hicks presented photos of his proposal. The existing structure is 10'-6" x 25' and the proposed structure is 12'-6" x 25'.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi asked the applicant if there is flooding in the area. Mr. Hicks replied,

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“No, they don’t have flooding issue in this area.” Mr. Hicks noted that the only time that there was flooding in the area was during the time when the storm Irene struck the area.

Mr. Marrapodi explained the rationale of his question. Putting a foundation in floodplain areas could be problematic. He commented that if the applicant feels secure that the piers will be safe, then he doesn’t have any more concerns about this application.

The panel reviewed the map.

Mr. Dolan raised his concern about the house intruding into the side yard setback. He thinks that the application will also need an area variance.

Mr. DePasqua stated that the house is pre-existing and the proposed action is not making the structure more nonconforming. The proposal is only to extend the structure by two feet.

Mr. Marrapodi concurred with Mr. DePasqua. The proposed action is not making the structure more nonconforming. The extension to the kitchen doesn’t affect the side yard. The board agreed that this application doesn’t need a variance.

The board had a lengthy discussion about the application on hand. Mr. Kari asked if the proposed concrete foundation is going to affect the septic system. Mr. Hicks responded, “No.” He pointed out on the map the location of the well and the septic. The pipes runs out farther.

Mr. Kari asked about the heating system. Mr. Hicks responded that the heating system is oil. Mr. Kari asked if the oil tank is buried under the ground. The applicant replied negatively. The oil tank is in the basement.

The board reviewed the Short Form EAF and passed a resolution.

Mr. Dolan motioned the following resolution, to wit:

***BE IT RESOLVED***, the Town of Clinton Planning Board has determined that the Hicks Wetlands Law Permit Application from **Shawn Hicks and Kimberlee Manning** to replace and extend a 25’ x 10-5’ screened porch with a proposed 25’ x 12’ kitchen addition with poured foundation in an existing house that is 37’-9” of from the stream, on property at 56 Talleur Lane, **tax grid #132400-03-6566-01-415812**

***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.

Seconded by Mr. Thomas.

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**Discussion.** None.

All Aye, Motion carried 5-0.

The board passed another resolution, to wit:

Mr. Dolan motioned that the Town of Clinton Planning Board grants approval of a Water Law Permit to **Shawn Hicks and Kimberlee Manning** for the purpose of replacing and extending an existing enclosed porch by 2 feet at the back with a poured foundation within 100 feet of a stream on a 1.6-acre site located at 56 Talleur Lane, which is in an H Zoning District in the Town of Clinton, **tax grid #132400-03-6566-01-415812.**

***WHEREAS:***

1. The applicants applied to obtain Water Law Permit to replace and extend a 25' x 10-5' screened porch with a proposed 25' x 12' kitchen addition with poured foundation in an existing house that is 37'-9" from the stream.
2. Section 250.78 of the Town of Clinton Zoning Law prohibits construction within 100 feet of a stream unless a Permit is issued by the Planning Board.
3. The Town of Clinton Planning Board declared itself Lead Agency on 2-07-17 for this unlisted, uncoordinated action. A SEQRA review was coordinated and resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on 2-07-17.
4. There are no known violations per the ZEO.
5. All appropriate fees have been paid.

***NOW, THEREFORE, BE IT RESOLVED,*** the Town of Clinton Planning Board grants approval of the requested Permit when the following **condition** is met:

- a) There should be a protection barrier of hay bales or silt fencing against hazardous runoff.

Seconded by Mr. Marrapodi.

**Discussion.**

Mr. Marrapodi discussed his concern about potential hazardous runoff to the stream. The board agreed to include a condition about this concern.

All in favor, Aye, Motion carried 5-0.

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**OTHER MATTERS:**

BOARD DISCUSSION:

Mr. Werner joined the panel for discussion. Mr. Werner gave updates about the proposed Mass Gatherings Law. He stated that the Town Board is scheduled to adopt the stated law at the next Town Board Meeting. Mr. Werner also discussed updates about proposed zoning revision and mass gatherings.

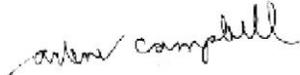
**APPROVAL OF MINUTES:**

Mr. DePasqua motioned to accept the amended minutes of 1-17-17, seconded by Mr. Kari, All Aye, Motion carried, 5-0.

**ADJOURNMENT:**

Chairman McCormack motioned to adjourn the meeting at 8:25 pm, seconded by Mr. Kari, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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