

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

**MEMBERS PRESENT**

Mike McCormack, Chairman  
Art DePasqua

Alex Kari

Robert Marrapodi  
Paul Thomas

Secretary – Arlene Campbell

**MEMBERS ABSENT**

Gerald Dolan

Tracie Ruzicka

**ALSO PRESENT**

Eliot Werner, Liaison Officer

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

**VARIANCE APPLICATION:**

**Heintz variance** – property owned by **Christopher and Laura Heintz** located at 1046 Bulls Head Road, **Tax Grid No. 6569-00-039389**.

The applicants are requesting an area variance to Sec. 250-22 (A)-4 to increase the number of accessory structures from three to four in order to construct a pool house.

Theodore Hough, the Heintzs’ engineer, appeared for this application. Mr. Hough explained that they are proposing to construct a 369-square foot pool house. He commented that the proposed pool house is not going to impact any neighboring property because this property is not visible from the road. He itemized the accessory structures that are on the property. He also discussed the proposed expansion/modifications to the existing septic system.

Chairman McCormack asked for questions and comments from the board.

Mr. Thomas explained why this proposal needs an area variance. He also indicated the determination made by the previous Zoning Enforcement Officer that a pool and the pool house are counted as one accessory structure. There was also a determination that a pool house is now allowed to have water and shower but not a kitchen. Mr. Thomas underscored that a pool house cannot be used a dwelling unit.

Mr. Marrapodi asked the applicant if they have plans of heating this structure. Mr. Hough responded, “No.”

Mr. Hough noted that the pool house is not going to become a dwelling unit. The proposed use of this structure will be seasonal. This structure is not insulated.

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The board discussed the number of structures on this property.

Mr. Thomas commented that the covered walk is not considered a structure. The 48-square foot shed also doesn't count as a structure since the size is below the threshold.

After a lengthy discussion about the above issues, the board agreed that there are currently four structures on this property—i.e. garage, tennis court, pool, and the 373-square feet shed. Mr. Thomas stated that the proposed pool house is tied in to the pool thereby making these two structures as one. The board agreed.

Mr. Marrapodi asked about the proposed septic. He questioned the distance of the well and the septic. He opined that it doesn't seem that the separation distance is met per Department of Health regulations.

Mr. Hough stated that they have a pending application before the Department of Health about the proposed septic design. He will check this concern from the Department of Health.

Mr. Thomas indicated the site plan application to increase the septic system that was received from the applicant. He doesn't think that this proposal needs Planning Board approval.

Chairman McCormack stated that Board of Health approval is required if you are increasing the number of bedrooms.

Mr. Hough noted that they are not proposing to increase the number of bedrooms. There will be no change in the number of bedrooms. He noted that the proposal is to tie this system to the existing septic system.

After a lengthy discussion about the above matter, the Board agreed that proposed action to increase the septic system does not require Planning Board approval.

Mr. Thomas asked if this property is located in the Taconic Viewshed. Mr. Kari responded, "No." This property is within a mile from the Taconic Parkway.

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

Mr. Thomas motioned the following resolution:

***BE IT RESOLVED*** that the Town of Clinton Planning Board is making a conditional **positive** recommendation to the Zoning Board of Appeals with respect to the area variance requested by **Christopher and Laura Heintz** from Section 250-22 of the Town of Clinton Zoning Law allowing construction of an additional accessory structure on a

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14.4 acre site located at 1046 Bulls Head Road, **Tax Grid No. 6569-00-039389**, which is located in the AR5 Zoning District in the Town of Clinton.

***WHEREAS:***

1. The applicants request an area variance to allow the construction of a 369 square foot pool house because the parcel contains [four] existing accessory structures and Section 250-22 of the Zoning Law restricts the number of permitted accessory structures to three. The existing structures were built prior to the applicants' recent purchase of the property.
2. The Planning Board notes that the ZEO has previously determined that a pool house and pool should be considered one structure for purposes of calculating the number of permitted structures pursuant to Section 250-22. Accordingly, construction of a pool house appurtenant to the existing pool will not increase the number of accessory structures already on the parcel. Nevertheless, an area variance relating to the pool and pool house will be necessary since the number of existing structures exceeds the maximum allowable number.
3. The Planning Board further notes that, per the ZEO's interpretation dated June 17, 2015, a pool house may be supplied with potable water and may contain a sink, shower and toilet, but "a pool house is not a dwelling unit and cannot have a complete kitchen."
4. The front, side, and rear yard setback requirements are satisfied.
5. The proposed building will not be a detriment to the character of the neighborhood.
6. The property is not in the Ridgeline, Scenic and Historic Protection Overlay district.
7. An area variance does not require an Ag Data Statement.
8. There are no known outstanding zoning violations on the property per the Zoning Enforcement Officer, other than the violation that will be remedied if the requested variance is granted.
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.

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12. The benefit sought by the applicants cannot be achieved by any other method.
13. The alleged difficulty is self created.
14. The application fee has been paid.

***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 an area variance **provided that the following condition is met:**

- A. The proposed pool house may not be used as a dwelling unit nor may it include a complete kitchen.

Seconded by Mr. DePasqua.

**Discussion.** Mr. Marrapodi suggested moving the statement about the kitchen in the pool house from the "Whereas" to the "Condition" section. Mr. Marrapodi stated that it is more enforceable.

The board agreed.

All Aye, Motion carried, 5-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Far Corners Farm LLC Site Plan and Special Permit** (Board Discussion) – property located at **43 Field Road, Tax Grid No. 6569-00-019810.**

Applicant wishes to use the property for business conference and seminars as well as other recreational events such as family celebrations and charitable events.

Mr. Robertshaw along with his lawyer, Rebecca, Valk from Mackey, Butts and Wise LLP, Architect Serge Young, and Claudine Bronte who also works for Mr. Robertshaw, all appeared for this proposal.

Ms. Valk explained their proposal as indicated above. This property is consists of approximately 181 acres of land in the AR-5 Zoning District. The current principal use is agricultural. Ms. Valk noted that Mr. Robertshaw lives on a separate lot which is adjacent to this lot. There is a separate driveway for the proposed business use.

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Ms. Valk indicated that their intention is to utilize only a portion of the 181-acre property. Given the existing barn, guesthouse, and pool house on the site, there will be very little work needed on the site to prepare it for the proposed use. The structures that would be included in this use include an Assembly Hall (3,229 square feet), pool house (2,833 square feet) consisting of 4 bedrooms, 5 bathrooms, and a kitchen, and a guesthouse (1,848 square feet) consisting of 5 bedrooms, 2 bathrooms, and a kitchen.

Mr. Robertshaw explained that they live on this property permanently now. They used to be weekenders but he retired. They want to have a Conference Center to sustain and upkeep the 181-acre property.

Chairman McCormack asked for questions and comments from the board.

Mr. Thomas asked if there will be new construction on the site. The applicant responded, "No."

Mr. Marrapodi asked if there will be another driveway. Mr. Robertshaw responded that there are currently two existing driveways on the property. Ms. Valk noted that the proposed subject property will use a separate driveway.

Mr. Marrapodi asked if the applicant is considering separating the use of these properties like putting up a fence, etc. Mr. Marrapodi indicated his strong concern about the residential use (small parcel) that can potentially be used as part of the commercial use. Ms. Valk stated that they can put a temporary barrier between these properties during the events.

The board has a very lengthy discussion about this proposal.

Mr. Marrapodi indicated his concern about the impact on the traffic on Field Road. The entertainment noise, lights, hours of operations, parking, etc., and how this project will impact the neighborhood need to be addressed.

Mr. Robertshaw explained that they are planning to host 125 to 150 people but these guests normally will be in a family car or not travelling alone. Ms. Valk noted that this will not mean that there will be 200 cars out there. Mr. Robertshaw also addressed the concern about the traffic.

Mr. DePasqua expressed his concern about the number of bedrooms. He remarked that nine bedrooms are pretty significant. He indicated his concern about these rooms becoming an AirBnB. He added his concern about the proposed use becoming a rental.

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Mr. Thomas noted that our Zoning Code doesn't allow a Conference Center to have transient guests. Ms. Valk stated that this is not a hotel. There might be some people who will stay overnight.

Mr. DePasqua asked about the food preparation. Ms. Valk responded that food will be catered. Mr. DePasqua indicated his concern about sanitation. The board had a lengthy discussion about sanitation and toilet use.

Mr. Kari asked about the septic system. Mr. Robertshaw responded that there are two fairly new septic systems. Mr. Kari asked if they are concrete. Mr. Robertshaw responded, "I believe so."

Mr. Thomas stated that this proposal will also need Board of Health approval for the food preparation and septic system.

Chairman McCormack asked the applicant if they can commit to a maximum number of guests. Mr. Robertshaw responded, "Maybe 200 people if it is a high end occasion." He noted that there will not be 200 guests each time. This will depend on the occasion. Mr. Robertshaw noted that they're trying to limit the events to 4-6 times a year.

Chairman McCormack asked if there any other restrictions or utility easements on the property. Mr. Robertshaw responded that he is not aware of anything. Chairman McCormack suggested doing a deed search.

After a very long discussion, the board agreed that this application needs Site Plan and Special Permit Application. Chairman McCormack asked the applicant to submit a narrative statement about their proposal and a letter from the Dutchess Land Conservancy regarding permission about the proposed application.

Mr. Thomas motioned to establish a \$5,000 escrow account in the matter of Far Corners LLC Conference Center application, seconded by Mr. Marrapodi, all Aye, Motion carried, 5-0.

No other action taken.

**OTHER MATTERS:**

**BOARD DISCUSSION:**

Mr. Werner joined the panel for discussion. Mr. Werner discussed the recently adopted Mass Gatherings Law. He also discussed the latest updates about the zoning revision.

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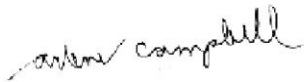
**APPROVAL OF MINUTES:**

Mr. Kari motioned to accept the minutes of 2-14-17 as presented, seconded by Mr. DePasqua, All Aye, Motion carried, 5-0.

**ADJOURNMENT:**

Mr. DePasqua motioned to adjourn the meeting at 9:05 pm, seconded by Mr. Kari, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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