

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 4, 2017**

MEMBERS PRESENT

Mike McCormack, Chairman

Gerald Dolan
Alexander Kari
Tracie Ruzicka

Paul Thomas

Secretary – Arlene Campbell

MEMBERS ABSENT

Art DePasqua

Robert Marrapodi

ALSO PRESENT

Eliot Werner, Liaison Officer

Chairman McCormack called the meeting to order at 7:45 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Hargrove Soil and Erosion & Sediment Control Permit – property on 98 Field Road, Tax Grid No. 6569-00-155975.

- Applicant wishes to construct an 18’ x 36’ In-ground Gunite pool in his backyard.

Mrs. Hargrove appeared for this application. She briefly explained their proposal as indicated above.

Chairman McCormack asked for questions and comments from the board.

Mr. Thomas indicated the Town Engineer’s comment letter dated March 23, 2017. He quoted the recommendation from the Town Engineer about the installation of hay bales until the site is fully stabilized to protect the downstream culvert from any possible soil and sediment deposition.

With regards to the question regarding the necessity of a Wetlands Permit, Mr. Thomas noted that the Town Engineer has determined that the Town Fresh Wetlands and Water

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Law Permit and US Army Corps of Engineers Federal Wetlands Permit are not required due to the size of the pond/wet area. The size is less than 0.10 acre, which does not require a permit from the US Army Corps of Engineers.

The board had a lengthy discussion about the application.

Mr. Thomas asked the applicant about the status of their application before the Town of Stanford Planning Board. Mrs. Hargrove responded that she doesn't know the answer to this question. The board agreed to include this issue as a condition to the approval.

The board discussed the SEQRA review process. Mr. Thomas stated that it was agreed at the last meeting that there is no need to circulate this application to any agencies. The board agreed.

Mr. Thomas motioned the following resolution, to wit:

BE IT RESOLVED the Town of Clinton Planning Board hereby declares its intention to be the lead agency for review of the project pursuant to Sections 617.6(2) and (3) of the NYCRR 617, in the matter of the Hargrove Soil Erosion and Sediment Control Plan, tax grid #132400-6569-00-155975, located at 98 Field Road in the Town of Clinton, for this unlisted uncoordinated action.

Seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

After reviewing the Short Form EAF, the board passed another resolution.

Mr. Thomas motioned the following resolution:

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Hargrove Soil Erosion and Sediment Control Plan Application on property located at 98 Field Road, Tax Grid No. 132400-6569-00-155975, 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.

Seconded by Ms. Ruzicka, All Aye, Motioned carried, 5-0.

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

Mr. Thomas motioned that the Town of Clinton Planning Board motioned that the Town of Clinton Planning Board grants conditional approval of an erosion and sediment control plan pursuant to Section 250-71 of the Town of Clinton Zoning Law to **Michael Hargrove** relating to a five (5) acre site located at 98 Field Road, which is comprised of two parcels, one consisting of +/- 4.31 acres located in the AR5 (Very Low Density Agricultural) District in the Town of Clinton, **Tax Grid No. 132400-6569-00-155975**, and the other consisting of +/-0.70 acres located in the RR (Rural Residential) District in the Town of Stanford, Tax Grid No. 135200-6569-00-172971.

WHEREAS:

- 1) The applicant seeks to fill in an existing +/- 1850 square foot pond and construct an in-ground pool and patio on the site as well as related drainage improvements;
- 2) Section 250-71 of the Town of Clinton Zoning Law provides that an applicant must submit for Planning Board approval an erosion and sediment control plan before undertaking any of the activities listed in Section 250-71(C)(1) and (2), including “[e]xcavation or filling which affects more than 200 cubic yards of material”;
- 3) The applicant has submitted an Application for Soil Erosion and Sediment Control Permit dated October 1, 2016 and a proposed site plan dated August 23, 2016 prepared by Connolly Engineering, PLLC;
- 4) The Town Engineer has advised the Board that an application pursuant to Zoning Law Section 250-78 is not required because the wetland is less than .10 acre in size;
- 5) The site is located within the Ridgeline, Scenic and Historical Protection Overlay District as it is within 3000 feet of the paved surface of the Taconic State Parkway;
- 6) The site and area of proposed disturbance include a federal wetland, however, the Town Engineer has advised the Board that approval for the project from the Army Corps. of Engineers will not be required because the wetland is less than .10 acre in size;
- 7) The site and area of proposed disturbance include a parcel located in the Town of Stanford and, accordingly, an application has also been made to the Town of Stanford Planning Board;
- 8) The Town Engineer has reviewed the application and submissions by the applicant and inspected the site and has determined that they meet the criteria for approval set forth in Section 250-71, including accepted principles, methods and practices as found in the Dutchess County Soil and Water Conservation District’s Soil Erosion and Sedimentation Control Guidebook. The Town Engineer has recommended certain remedial measures set forth in paragraph 2 of the comment letter dated March 23, 2017 that should be taken by the applicant during construction;
- 9) A completed Environmental Assessment Form has been submitted; and

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10) At its April 4, 2017 meeting, the Planning Board declared itself lead agency for this unlisted, uncoordinated action and issued a negative declaration of significance.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board approves the erosion control and sediment control plan submitted by the applicant provided the following conditions are met:

- a) Approval to proceed with construction from the Town of Stanford Planning Board and/or Building Department.

- b) All appropriate fees have been paid, including any additional escrow that may be due.

- c) The applicant shall comply with the recommendations set forth in paragraph 2 of the Town Engineer's comment letter dated March 23, 2017 regarding the installation of hay bales at the riprap outfall until the site is fully stabilized with grass after construction has finished.

Seconded by Ms. Ruzicka.

Discussion. Mr. Dolan questioned item #6 of the resolution. He stated that this item should refer to the Town Engineer's comments that this application doesn't necessitate the Wetlands Permit.

The board had a lengthy discussion about the verbiage of item #6.

All Aye, Motion carried, 5-0.

Snyder 2-Lot Subdivision (Discussion) – properties located at 71 Ruskey Lane, **Tax Grid Nos. 6266-864210** (Town of Clinton) and **6266-04-902046** (Town of Pleasant Valley).

The applicant proposes to subdivide an 84.33-acre property into two lots—Lot 1 consisting of 23.34 acres, Lot 2 consisting of 58.97 acres, and 1.02 acres being dedicated to the Town of Pleasant Valley for highway purposes.

Mr. Franks was back before the board. He explained the Final Approval of the subdivision that they received from the Town of Pleasant Valley. He indicated the previous discussion about the flag lot. There is a note on the map that there will be no house on the pole of the flag lot. The property owner is keeping the flag lot and this will remain a flag lot.

Mr. Franks noted that the property owner is no longer dedicating the 50-foot strip to the Town. The Highway Superintendent didn't want to take the road due to the fences that are within the right of way.

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After a long discussion, the board agreed that there are no changes in the Town of Clinton. The Subdivision application doesn't need an action from the Town of Clinton.

OTHER MATTERS:

BOARD DISCUSSION:

Mr. Werner gave an update about the proposed zoning revision. The panel also discussed the Local Forest Law. Mr. Werner noted that the two-acre threshold pertains to applications that can be handled by the Building Inspector without having to be referred to the Planning Board; it also pertains to clearing of sites for new houses on issuance of a building permit.

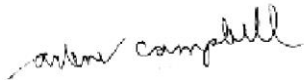
APPROVAL OF MINUTES:

Ms. Ruzicka motioned to accept the minutes of 3-21-17 as amended, seconded by Mr. Dolan , All Aye, Motion carried, 5-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:48 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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