

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 18, 2017**

MEMBERS PRESENT

Mike McCormack, Chairman

Gerald Dolan
Alexander Kari
Tracie Ruzicka
Robert Marrapodi
Paul Thomas

MEMBERS ABSENT

Art DePasqua

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer

Acting Chairman Thomas called the meeting to order at 7:35 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Gregory Soil Erosion and Sediment Control – property owned by Stephen Gregory located at 245 Clinton Corners Road, Tax Grid No. 6566-00-49186.

Applicant wishes to import and grade 2,500 cubic yards of fill to the rear of the house to establish a more level terrain behind the residence.

Mr. Gregory was back before the board for the conclusion of his application. He recapped what had transpired at the previous meeting.

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

Mr. Kari indicated the Town Engineer's comments per letter dated April 6, 2017. He stated that all the bases are covered and comments from the Town Engineer are addressed. He also indicated the revised Short Form EAF that was recently submitted by the applicant.

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Mr. Marrapodi asked the applicant about the details of the grading. Mr. Gregory responded that there is a slope behind the house that he wants to level out. He will be bringing the grade to the lowest level and as gradual as possible.

Chairman McCormack joined the panel at 7:39 pm.

Mr. Kari indicated the distance of the house to the creek, which is 460 feet away.

Ms. Ruzicka stated that this property is in the CEA.

The board had a lengthy discussion about the application. Mr. Kari stated that the only item missing from this application is about the requirement of a schedule for grading and silt fencing maintenance, since the proposed project is to be done over the course of six months. Mr. Kari suggested waiving this requirement. He included a statement in the resolution about installation and maintenance of silt fencing for the duration of the project. This cannot be removed until the soil is stabilized. The board agreed.

Mr. Kari discussed the board's concern from the previous meeting about the potential washout to the creek. He concurred with the Town Engineer about having no concern about the impact of the proposed project to the creek. Although the Wappinger Creek and associated flood plains are located at the back of the project site, the proposed project is not close to the creek.

Ms. Ruzicka agreed. She said that she initially thought that the creek was closer to the proposed site.

Mr. Marrapodi asked why the applicant is not proposing a retaining wall when he's increasing the grade by 8 feet. Mr. Kari responded that the applicant is proposing to do silt fencing instead of a retaining wall.

The board discussed silt fencing and stabilization. Mr. Kari stated that once the soil is bumped down the hill, it will naturally come down and grade. It will progress and stabilize. He noted that the only requirement in the code is about silt fencing.

Mr. Kari asked the applicant if there will be a big pile of dirt on the property. Mr. Gregory responded, "No." He noted that there will be a bulldozer on the site.

Ms. Ruzicka asked about the requirement of a site plan. Chairman McCormack responded that the board can waive this requirement.

Mr. Thomas asked about the temporary access to bring dirt to this property. Mr. Gregory responded that the DPW official is scheduled to visit the site the following week. The board agreed to include this item in the resolution.

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After reviewing the Short Form EAF, the board passed a resolution, to wit:

Mr. Kari motioned the following resolution, to wit:

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Gregory Soil Erosion and Sediment Control Plan Application for an approximately 2,145 square foot fill site on property at 245 Clinton Corners Road, **tax grid #132400-6566-00-496186-0000** 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, Motion carried 6-0.

After all the discussions and reviews were made, the board passed another resolution.

Mr. Kari made a motion that the Town of Clinton Planning Board grant conditional approval of an **Application for Soil Erosion and Sediment Control Permit to Stephen J. Gregory** for an approximately 2,145 square foot fill site located on Clinton Corners Road, which is in an CR1 Zoning District in the Town of Clinton, **tax grid #132400-6566-00-496186-0000**.

WHEREAS:

- 1) The applicant is requesting a Soil Erosion and Sediment Control Permit for the addition of up to 2,500 cubic yards of fill to the rear of the residence. 1000 cubic yards will be added initially with the intention of completing the terrain improvement project, but the applicant has requested approval for an additional 1,500 cubic yards if needed.
- 2) The applicant will be receiving fill material from a Central Hudson Gas and Electric trenching project located in Poughkeepsie, NY. The location of the borrow site is not known to have any contaminants. As the project occurs, the applicants contractor will be delivering material to the applicant's site on a as time permits basis.
- 3) The Town Engineer has reviewed the application and supporting materials and has issued a comment letter dated April 6, 2017.

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4) A Short Form EAF was submitted with the application. The EAF has been amended to reflect the recommendations set forth in the Town Engineer's comment letter, specifically relating to questions 7 and 16.

5) The project site will be located more than 460 feet from Wappingers Creek and is located within the 100-year flood plain.

6) The applicant has applied for a Temporary Access Permit from the Dutchess County Department of Public Works.

7) The site is located within the Taconic Parkway Viewshed but the proposed project will not have a detrimental effect upon the appearance or character of the area.

8) The proposed project meets the criteria as prescribed in section 250.71.C of the Town of Clinton Zoning Code and the Dutchess County Soil and Water Conservation District's Soil Erosion and Sedimentation Control Guidebook. The applicant has provided the necessary information required under Section 250.71.F of the Town of Clinton Zoning Code pertaining to "Soil erosion and sediment control."

9) The Planning Board has considered the application and the Town Engineer's comments in accordance with Section 250.71.G of the Town of Clinton Zoning Code and finds that the application and the agreed mitigation measures, as indicated meet the required standards.

10) The Planning Board waives the requirements of Section 250-71. F. 1. b, c, and d of the Town of Clinton Zoning Law based on the applicant's representations concerning the scheduling of the fill delivery, and the lack of required scheduled maintenance on silt fence erosion control measures.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants approval of the requested **Application for Soil Erosion and Sediment Control Permit** provided the following conditions are met.

a) The applicant must maintain all erosion control measures until the soil has been permanently stabilized.

b) Standards and specifications for silt fence as erosion and sediment control are used in accordance with the Dutchess County Soil and Water Conservation District's Soil Erosion and Sedimentation Control Guidebook and the recommendation of the Town Engineer.

c) All appropriate fees have been paid.

Seconded by Mr. Thomas.

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Discussion. None.

All Aye, Motion carried, 6-0.

Lapins Demolition Permit Plan – on property owned by **Diane Lapins** located at 268 East Fallkill Road, **Tax Grid 6266-00968618**.

The applicant wishes to demolish a pole barn building due to its dilapidated condition.

Nevien Sidarous, applicant's architect, appeared on behalf of the property owners. She explained that they're proposing to demolish and replace an existing pole barn due to unsafe condition. The barn was constructed in 1980 and was used as a storage barn. The proposed new barn will have the same uses and footprints and will be installed in the same location.

Ms. Sidarous indicated that this building has no historic value or national significance. She also submitted photos of the pole barn.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi indicated the missing items from the Checklist Requirements that can be waived by the board. The board agreed.

The board agreed to review the Short Form EAF.

Mr. Marrapodi motioned the following resolution, to wit:

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Lapins Demolition Plan application to demolish the existing pole barn on property at 268 E. Fallkill Road **tax grid #132400-6266-00-00968618** 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 Mr. Kari, all Aye, Motion carried 6-0.

Hearing no more comments, the board passed a resolution.

Mr. Marrapodi motioned the following resolution.

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BE IT RESOLVED, that the Town of Clinton Planning Board recommends approval of the Demolition Permit application dated April 10, 2017 submitted by **Diane Lapins** for the purpose of demolishing a pole barn building located on a 3 acre parcel at 268 East Fallkill Road, **Tax Grid 6266-00968618** and refers the matter to the Building Inspector for review and approval of a demolition plan to be submitted by the applicant.

WHEREAS:

1. The structure was built in 1980. There is no designation of significance on the Historic Resources Survey of 1986. The applicant states that the structure does not have any national, state or local designation of significance nor are there any for the parcel on which it is located.
2. The applicant states that the building is planned for demolition because it is structurally unsound and unsafe and could not be rendered habitable without incurring considerable expense. The structure should be demolished because it fails to conform with accepted building standards and contains numerous structural deficiencies resulting in an unsafe condition and rendering renovation or repair impractical and cost prohibitive.
3. The applicant has submitted a narrative statement prepared by Malcarne Contracting to the Building Inspector for his review along with photographs of the pole barn confirming its condition.
4. The parcel has a primary dwelling and the applicant has plans to replace the structure in the same location. Preliminary building plans for a 22'x40' new pole barn have been submitted with this application.
5. A completed Environmental Assessment Form has been submitted. It was determined that this action has no environmental impact. A negative declaration was confirmed.
6. The Planning Board has granted a waiver with respect to Item 7 (plan drawn to scale of the interior and exterior of the building) and Item 3 (Plans showing how the demolition process will take place) of the Demolition Permit checklist.
7. The Planning Board has reviewed the application with regard to the requirements of Section 250-93 of the Zoning Law and determined that the building has no historic value.
8. All appropriate fees have been paid.

NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton Planning Board recommends approval of the Demolition Permit application and refers the matter to the Building Inspector for further action consistent with the Town Zoning Law.

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Seconded by Mr. Thomas.

Discussion. None.

All Aye, Motion carried, 6-0.

OTHER MATTERS:

BOARD DISCUSSION:

Mr. Werner gave an update about the proposed Local Tree Law.

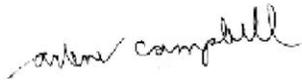
APPROVAL OF MINUTES:

Mr. Thomas motioned to accept the amended minutes of 4-07-17, seconded by Mr. Dolan, All Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:55 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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