

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
August 15, 2017**

**MEMBERS PRESENT**

Art De Pasqua  
Gerald Dolan

Tracie Ruzicka

Paul Thomas

Secretary – Arlene Campbell

**MEMBERS ABSENT**

Mike McCormack, Chairman

Alexander Kari

Robert Marrapodi

**ALSO PRESENT**

Eliot Werner

Acting Chairman De Pasqua called the meeting to order at 7:35 pm. He explained the two-step process of the variance application to the applicant.

**VARIANCE APPLICATION:**

**Devita Area Variance** – property owned by Anthony and Kathleen Devita located at 2 Lakeview Drive, **Tax Grid No. 6469-10-356656**.

The applicants are requesting an area variance to Sec. 250 Attachment 2 (Area and Bulk Regulations) of the Town of Clinton Zoning Regulations for a rear yard setback reduction from 75 feet to 18.6 feet in order to build a screened-in porch.

Mr. and Mrs. Devita appeared for this application. Mr. Devita explained that they want to put up a 200 square feet screened-in room on a slab at the back of the house. The DEC already signed off on this proposal.

Mr. De Pasqua asked for questions and comments from the board.

Mr. Thomas expressed his comments. It seems that this proposal might need a second variance. This is a .37-acre lot in the C Zoning District. He underscored that the zoning law stipulates 7% maximum building coverage per Sec. 250 Attachment 2.

Ms. Ruzicka stated that this is a nonconforming property.

The board reviewed and discussed the calculations of the building coverage of the proposed project. There is 43,560 square feet in an acre. Since this is only a .37-acre lot, the base is 16,100 square feet (.37 x 43,560). The maximum building coverage on this property is 1,128 square feet (7% of 16,100). The house is 1,248 square feet and the proposed screened-in room is 237 feet (19' x 12'5") totaling 1,485 square feet.

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After a very lengthy discussion, the board agreed that this application needs a second variance for the building coverage.

The board agreed to pass a resolution.

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 variances requested by **Anthony and Kathleen Devita** from Section 250, Attachment B, Schedule of Area and Bulk Regulations, of the Town of Clinton Zoning Law allowing construction of a 237 square foot porch attached to the existing structure on a .37 acre site located at 2 Lake View Rd., **Tax Grid No. 132400-6469-10-02-356656-0000** which is located in the C Zoning District in the Town of Clinton.

***WHEREAS:***

1. The applicants request area variances necessary to allow the construction of a 237 square foot sun porch. The porch would not count as an accessory structure.
2. The west, east and south side yard setbacks would not change. The north yard setback would decrease from 75 feet to 18.6 feet. Therefore a variance is required reducing the setback on the north side of the existing structure by 56.4 feet for purposes of constructing the porch.
3. In addition, the proposed structure will increase the lot coverage from approximately 1248 square feet, consisting of the existing residence, to approximately 1485 square feet. The maximum lot coverage permitted on this parcel under Section 250 Attachment 2, District Schedule of Area and Bulk Regulations is 1128 square feet (7% of the parcel acreage). Therefore, an additional variance is required permitting additional lot coverage in the amount of 337 square feet, increasing the lot coverage from 7% to approximately 9.2%.
4. The property is in the Ridgeline, Scenic and Historic Protection Overlay district.
5. An area variance does not require an Ag Data Statement.
6. There are no known outstanding zoning violations on the property per the Zoning Enforcement Officer.
7. The property is in a CEA district.

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8. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
9. It is our judgment that the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood. All of the lots in this area are pre-existing, substandard lots.
10. The benefit sought by the applicants cannot be achieved by any other method.
11. The alleged difficulty is self- created.
12. 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 area variances **provided that the following condition is met:**

- A. The applicants shall obtain all necessary DEC permits prior to the commencement of construction.

Seconded by Ms. Ruzicka.

**Discussion.** Mr. Thomas stated that he added the condition about the requirement of all necessary DEC permits.

Mr. De Pasqua suggested adding a notation that the surrounding properties are substandard lots.

All Aye, Motion carried, 4-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Paquette Special Permit for a Ground Mounted SES** – property owned by David and Elaine Paquette located at 167 Creek Road, **Tax Grid No. 6267-00-305930.**

The applicant wishes to install a 44-Panel Ground Mounted Solar Array.

Josh Cassell from Empire Solar Solutions appeared on behalf of the property owners. He stated that the Paquettes want to install a Ground Mounted Solar panel near Route 9G. He explained why the proposed location is the best site for their proposal which is due to the septic location.

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Chairman De Pasqua asked for questions and comments from the board.

Ms. Ruzicka stated that it looks like this is a triangular lot. There is a question of which is the front yard. Ms. Ruzicka commented that if North Creek Road is the front yard then why is the pool located in the front. She added that this application might also need variances.

Mr. Cassell noted that the in-ground pool has a building permit.

Mr. Thomas agreed that this is a three -sided lot. He read Sec. 250.21 of the Town of Clinton Zoning Regulation (Corner Lots A-): “On a corner lot, each street frontage shall be deemed to be a front street line, and the required yard along each such line shall be a required front yard. However, the above notwithstanding, no lot shall be interpreted to have more than two front yards regardless of how such lot is located or configured. The owner, in consultation with the Zoning Administrator, shall establish which of the remaining yards shall be the required side yard and the required rear yard.”

The board had a lengthy discussion about the above issue. Mr. Dolan commented that it seems that the front yard is North Creek Road. Mr. Thomas noted that there are two front yards on a corner lot. Mr. DePasqua remarked that the law stated that it is up to the ZEO to determine which is the front.

Mr. Dolan commented that the structures on this property look like they are already in the setback. He asked, “Are there any variances given?”

Mr. Thomas indicated that the law also prohibits any placement of fence, wall, hedge, or other structure or planting more than three feet in height and within 30 feet from the point of intersection.

The board discussed screening of the proposed solar panel. Mr. De Pasqua advised the applicant to discuss the screening proposal with the ZEO.

The board exchanges opinions about the proposal. Mr. De Pasqua stated that the applicant needs to go back to the ZEO for a determination regarding the front yard and find out what variances are required. Also the Board needs the size and dimension of all the structures and proposed solar panel to determine the building coverage.

Ms. Ruzicka discussed the missing items from the Site Plan such as names and addresses of the surrounding property owners, north arrow, label of the site plan, etc. The applicant also needs to fill out an Ag Data Statement.

Mr. De Pasqua stated that there is a checklist requirement on the application form that the applicant can go through.

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No action taken.

**APPROVAL OF MINUTES:**

No minutes were approved.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 8:30 pm, seconded by Mr. De Pasqua, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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