

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
March 19, 2019**

MEMBERS PRESENT

Art DePasqua, Chairman
Gerald Dolan
Jack Auspitz
Justin Carroll

Robert Marrapodi

Secretary – Arlene Campbell

MEMBERS ABSENT

Paul Thomas
Tracie Ruzicka
ALSO PRESENT
Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:30 pm. The board welcomed the new board member, Justin Carroll.

VARIANCE APPLICATION:

Matt and Miranda Mobley on property located on 41-51 Lake Drive **Tax grid # 6368-00-829549** which is in the C Zoning District in the Town of Clinton

Applicants request an area variance to Sec. 250 Attachment 2 (Area Bulk and Regulations) of the Town of Clinton Zoning Law for a front yard setback reduction from 100' to 16 feet in order to construct a 1,600 square feet agricultural Pole Barn for farming purposes.

Mr. and Mrs. Mobley appeared for their application. This is a 52-acre property that they recently bought on Lake Road to do farming. Slow Fox Farm is a new organic food farm. They want to build a pole barn structure that can support the 1.5-acre vegetable market garden where they will grow a wide variety of organic produce. The barn will serve as tool storage and a workspace for the vegetable operation and eventually use part of the covered structure as a farm store.

Mr. Mobley explained why they are requesting a variance. Due to proximity to Omega Institute, Mr. Mobley stated that they want to build the structure closer to the road. Mr. Mobley added that passersby can easily access the store. It will also be closer to walk around and see the farm products that they have.

Chairman DePasqua asked for questions and comments from the board. Mr. Auspitz asked why they cannot install the proposed structure anywhere else on the 52-acre property. This building is huge (1,600 square feet)! There are also no proposed parking spaces.

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Mr. Mobley stated that they need visibility as a new store. They want to build a big barn to put cooler and other store equipment. This will also be used as storage.

The board discussed the application on hand. Mr. Marrapodi stated that the board needs to see a site plan. They need to see a scale map to know the proximity of the structure and location of the parking space. It will be easier to understand the proposed project if there is a site plan.

Mr. Auspitz commented that if this were a roadside stand, then it would need to be no more than 100 square feet in gross floor area. It shall also be located not less than 20 feet from any roadway edge. This is a large building.

Sec. 250-105 defines Roadside Stands as “Any structure or vehicle whose principal use is to display and sell produce and/or farm products produced on the property, and which uses its proximity to a roadway to attract potential customers”.

Sec.250.75 D states Roadside stands shall be permitted as an accessory use, with the permit, subject to the following conditions:

1. Such stand shall not exceed 100 square feet in gross floor area;
2. Such stand shall be located not less than 20 feet from any roadway edge;
3. Such stand shall be solely for seasonal display and sale of agricultural products grown principally on the premises;
4. Adequate sight distance and space for safely pulling off the roadway and parking must be provided. However, the construction of paved parking facilities for the express use of roadside stands is prohibited;

Mr. Dolan asked about the motivation to locate the building 16 feet from the road. He asked the applicant how did he arrive at that number. He also commented about the height of the proposed barn. “There’s quite a height into it!”

Mr. Mobley responded that the proximity to the road is vital to their business.

Mr. Dolan cited barns on the north of the road and another one on Slate Quarry Road. These barns are off the road but you can still see them.

Mr. Mobley remarked that they also need a place to store the produce. It will be more convenient to have one big building instead of having multiple small buildings on the property. He underscored that they are just trying to make a living!

The board had a lengthy discussion about the above concern. Mr. Auspitz stated that it would be better if the applicant can spell out the necessity of a large building instead of having two farm stands. The code is clear about a minimum of 20 feet from any roadway edge.

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Mr. Marrapodi asked about Ag and Market's input on this. Mr. Mobley responded that Ag and Markets has no regulations on this. Their purview is about the kind of vegetables and what they can and cannot sell.

The board discussed the building design. Mr. Mobley stated that customers are more inclined to see nice buildings. They want to keep the structure open. Mr. Marrapodi suggested having a barnlike structure which is smaller in scale. It is more agricultural in aesthetic.

After a very lengthy discussion, the board agreed to table the meeting. Mr. Auspitz stated that the board needs more details of the proposed project.

Chairman DePasqua suggested moving the proposed building far back more from the road. The less variance the better.

Mr. Carroll suggested putting it back 10 feet back more than the current proposal.

Applicant to submit a narrative of the proposed project with details about the egress and ingress.

No action taken.

Petti Variance – property owned by John Petti located at 39 Sodom Road, **Tax Grid No. No. 6366-00-442732** which is in the AR3A Zoning District.

The applicant requested an area variance to Sec. 250 Attachment 2 (District Schedule of Area and Bulk Regulations) of the Town of Clinton Zoning Regulations for a side yard setback reduction from 50' to 20' to allow the construction of a 22' x 24' detached garage.

John Petti appeared for his proposal. He bought this property from his father-in-law a year ago. He indicated the variance that was granted to this property dated October 27, 2016. The two non-conforming lots were combined to satisfy the condition of the variance.

Chairman DePasqua asked for questions and comments from the board.

Mr. Marrapodi asked how big is the proposed garage. Mr. Petti responded that he is proposing a 22' x 24' two-bay garage.

Chairman DePasqua asked about the height of the proposed building. The applicant responded that the garage will be 24 feet in height. Chairman DePasqua made a follow-up question. Is the driveway going to be paved? Mr. Petti responded that he will be using the same driveway (gravel),

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The board discussed the variance application.

Mr. Marrapodi stated that the proposed location is the only feasible area to install a garage due to the location of the septic and well. He asked if there are trees or shrubs in between the proposed garage and the neighbor's house. Mr. Petti responded. "Yes, but it kept dying."

Mr. Carroll suggested including a condition about screening. The board agreed.

The board passed a resolution. Mr. Carroll read the resolution that was drafted by Ms. Ruzicka, to wit:

Mr. Carroll motioned that the Town of Clinton Planning Board approves the following resolution:

Be it Resolved that the Clinton Planning board makes a positive recommendation to the Zoning Board of Appeals on the requested area variances to Sec. 250 Attachment 2 reducing the side yard setback from 50 feet to 34.5 feet to build a 22' x 24' detached barn as requested by John Petti on property located at 39 Sodom Rd. Hyde Park NY, Tax Grid No. 6366-00-4422732-00 in an AR3 Zoning District.

WHEREAS:

1. The applicant is requesting a reduction in the side yard setback from 50 feet to 34.5 feet to build a 22' x 24' detached barn on a 3.14-acre lot. The house, which is set close to setbacks on both sides of the lot and is also non-conforming on its setbacks had a variance to be built.
2. The property is not in an Ag District.
3. The property is not within the Ridgeline, Scenic, and Historic Protection Overlay District
4. The property is not in a CEA(Critical Environmental Area)
5. The variance requested is substantial, the applicant maintains there is no other place to build the barn because of the lots very long narrow configuration.
6. An undesirable change in the neighborhood will not occur. Other neighboring lots have outbuildings within side yard setbacks, with no screening in place.
7. The alleged difficulty is self-created, as the applicant wishes to build the barn in the setback area by 15.5 feet.

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8. No adverse effects will be created by the building of this structure as it is very close to the neighboring property.
9. The applicant is going to provide screening in between the garage and adjacent parcel.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board is making a positive for approval to the Town on Clinton Zoning Board of Appeals.

Seconded by Mr. Marrapodi.

Discussion. None.

All Aye, Motion carried, 5-0.

Mayer Area Variance – property owned by **Susan and Jeff Mayer** located at 140 Willow Lane **Tax grid # 6567-00-259864** which is in the AR5A Zoning District in the Town of Clinton.

Applicants request an area variance to Sec. 250 Attachment 2 (Area Bulk and Regulations) of the Town of Clinton Zoning Law for a rear yard setback reduction from 75' to 49 feet in order to install a 20' x 40' gunite inground pool.

Michael Todd from Rainbow Pools appeared on behalf of the property owners. He explained that the Mayers wish to build a gunite swimming pool with a propane-fueled heater in the back yard. The pool will include a salt system to replace a traditional chlorine system. He underscored that there is no other feasible location to install a pool without getting into the setback. The waste and water utilities are located in the front yard,

Mr. Marrapodi asked where the pool equipment is going to be sited. Mr. Todd responded that they really haven't planned that one out yet. He opined that it will be located close to the pool. They will try to put it within the setback. He added that the proposed location of the pool is the only area they can install a pool due to the land topography.

Mr. Dolan agreed. It is obvious if you look at the property. The other side of the property is like a cliff. It drops down. Mr. Todd commented that the property owner wishes to install the pool at the back but noted that the area is too rocky.

The board passed a resolution.

Mr. Dolan motioned that the Planning Board approve the following resolution:

BE IT RESOLVED, the Planning Board is making a positive conditional

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recommendation for approval to the Town of Clinton Zoning Board of Appeals on the requested area variance to Section 250 Attachment 2 for a rear yard setback reduction to 49' 10' feet for a 20' x 40' pool from the required 75 feet for property owned by **Susan and Jeff Mayer** and located at 140 Willow Lane, **tax grid number 132400-6567-00-259864** in the A zone.

WHEREAS;

1. The applicant wishes to construct a 20' x 40' pool within the 75 foot rear yard setback made necessary by the topography north of the pool's proposed location preventing an increase in the rear setback to more than 49'10', The applicant is seeking a variance from Section 250 Attachment 2 as stated above.
2. This is a 2.87-acre site located in the A zoning district.
3. The property is located within the Ridgeline, Scenic, and Historic Preservation Overlay District.
4. The lot is not in an Ag District or a CEA.
5. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
6. The site is on a Clinton Scenic/Historic Road, that being Willow Lane, and must conform to Local Law #3 of 2001.
7. The site does not contain an NYSDEC wetland.
8. With this lot line reduction, an undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties.
9. The benefit sought by the applicant cannot be achieved by any other feasible method.
10. The requested variance is substantial.
11. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
12. The alleged difficulty is self-created.
13. The application fee has been paid.
14. Per the Zoning Enforcement Officer, that are no known violations associated with this property.
15. A consent form signed by the owners is on file with the Building/Zoning Clerk

Now, therefore, be it resolved, the Town of Clinton Planning Board provides a positive conditional recommendation for approval to the Town of Clinton Zoning Board of Appeals given the following condition is met;

- the pool equipment and any associated structures are located somewhere other than in the setback area.

Seconded by Mr. Auspitz,

Discussion. Chairman DePasqua suggested putting the pool equipment not in the setback.

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All Aye, Motion carried, 5-0.

PUBLIC HEARING:

None

APPLICATIONS:

None

BOARD DISCUSSION:

Mr. Werner discussed the proposed moratorium on Events and Conference Centers. He also gave an update about the zoning revision progress.

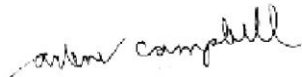
APPROVAL OF MINUTES:

Mr. Auspitz motioned to accept the minutes of March 5, 2019, seconded by Mr. Carroll, all Aye, Motion carried, 5-0.

ADJOURNMENT:

Mr. Marrapodi motioned to adjourn the meeting at 8:50 pm, seconded by Mr. Carroll, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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