

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
February 2, 2016**

**MEMBERS PRESENT**

Art DePasqua  
Gerald Dolan  
Tracie Ruzicka

Paul Thomas

Secretary – Arlene Campbell

**MEMBERS ABSENT**

Mike McCormack, Chairman

Robert Marrapodi

**ALSO PRESENT**

Eliot Werner. Liaison Officer

Acting Chairman DePasqua called the meeting to order at 7:25 pm.

**VARIANCE APPLICATION:**

**Netherwood Farms LLC Area Variance** – 196 Fox Run Road, Tax Grid No. 6466-00-073200.

The applicant is seeking the following area variances in order to expand the main house and accessory apartment, to wit:

Sec. 250 Attachment 2

- Front yard setback reduction from 100 to 78.5 feet – Main House
- Front yard setback reduction from 100 to 65.8 feet – Accessory Apartment

Sec, 250.83-A requiring that all alterations or extensions of non-conforming buildings comply with the area and bulk regulations.

Section 250-29 D.1 requiring that an accessory dwelling in an existing barn must meet the minimum setback requirements for the zoning district.

Sec. 250-29.B6 to increase the maximum habitable floor space from 1000 square feet to 1109 square feet.

Sec. 250.22 A-4 to increase the number of accessory structures from three to four.

Ryan Thomas, applicant’s engineer, appeared and explained his proposition. This is a 144.76-acre property. The main house and the accessory apartment were built prior to the zoning regulations. The property owners want to expand the main house and accessory dwelling in order to accommodate more family members.

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Mr. Thomas stated that the proposed additions for both dwellings are located within the front yard setbacks. He noted that the proposed action will not increase the nonconformity of the buildings because the additions do not encroach further into the setbacks.

Due to the proposed expansion of the two buildings, Mr. Thomas stated that a new sanitary disposal system designed (SDS) has been designed. The two existing septic systems will be replaced with two new SDSs that consist of a gravel-less absorption trench. He noted that the original proposal to increase the number of bedrooms in the accessory apartment (cottage) was eliminated. The cottage will remain a two-bedroom dwelling. The intention is to increase the habitable space to 1,109 square feet.

The board reviewed the proposed project. Paul Thomas asked about the number of structures on this property. The applicant's engineer responded that there are an attached garage, carriage house, tennis court, and in-ground pool. The use of these structures is not farm related. The board agreed to include a variance to increase the number of accessory structures from three to four per Sec. 250.22-A-4.

After all the reviews were made, the board passed a resolution.

Ms. Ruzicka 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 front yard setback from 100 feet to 65.8 feet for the proposed addition to a nonconforming converted barn/ accessory Dwelling and 100 to 78.5 feet for the proposed addition to the main house, 250-83-A requiring all alterations or extensions of non-conforming buildings comply with the area and bulk regulations and Section 250-29 D.1 that requires that an accessory dwelling in an existing barn must meet the minimum setback requirements for the zoning district. The third variance requested is to Sec. 250-29.B6 Maximum Habitable Floor Space from the required 1000 square feet to 1109 square feet and section 250.22A-4 from the allowable three accessory structures to four as requested by **Netherwood Farm LLC** on property located at 196 Fox Run Road, Town of Clinton, **Tax Grid No. 132400-6466-00-073200** in an AR5 Zoning District.

***WHEREAS:***

1. The applicant is requesting a reduction of front yard setbacks for the Main house from 100 to 78.5 feet and for the Accessory use Dwelling from 100 to 65.8 feet on a ± 144.76 acre lot.
2. The applicant is proposing to increase the size of the nonconforming Accessory

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Dwelling from 1000 sq. feet allowed to 1109 sq. feet.

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 because rebuilding the House and the Accessory Dwelling is the only way to allow the setback requirements to be taken into consideration, however re positioning the buildings would be an economic hardship and not be in keeping with the character of the neighborhood.
6. An undesirable change in the neighborhood will not occur, as these buildings have been in place for many years, pre-dating zoning and the plans for the new additions show all efforts have been made to retain the same look for both structures.
7. The alleged difficulty is self-created, as the applicants wish to expand both Non-conforming structures.
8. The applicant owns a large parcel so no neighbors will not be effected by its proximity.
9. No adverse effects will be created by the additions to either of these structures, except during construction.
10. A letter of Authorization to Act for Richard RENNIA Jr. is on file.

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

Seconded by Mr. Dolan.

**Discussion.** Mr. DePasqua suggested including the verbiage, “habitable space of 1,109 square feet.”

All Aye, Motion carried 4-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Kathleen Knight Lot Line Adjustment** – properties at 85 and 105 Stonehouse Road, Tax Grid Numbers 6369-00-557360, 625372, 674442.

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The applicant wishes to take 2.509 acres from Parcel #557360 and 7.509 acres from Parcel #625372 and combine them with Parcel #674442. The 2.509-acre parcel from Parcel #557360 and the remaining acres of Parcel #625372 will be combined, totaling 5.004 acres. The total acreage of Parcel #674442 after the transfer will be 84.7.

Charles Boolukos, Land Surveyor, appeared on behalf of the property owners. He explained his proposal as indicated above. He indicated the items that were added on the map per discussion at the previous meeting. He noted that Parcel 3 has the main residence and outbuildings.

The board reviewed the revised map. Mr. Thomas commented that the revised map shows all the structures on the property and other items that were missing from the previous submission. He also discussed the letter that was received from the Dutchess Land Conservancy noting the conditions (letter on file).

Mr. Boolukos stated that most of these lands are in conservancy. Half of the 5.004 acres of land to be conveyed is in conservancy. He noted that this portion of land will remain in conservancy.

Mr. Thomas stated that this proposal is not creating a new lot. The total number of lots after the adjustment will remain three. Mr. Boolukos concurred with Mr. Thomas.

Mr. Thomas suggested labeling the new lot as Parcel 2. Mr. Dolan suggested using new Parcel 1 or new Parcel 2 to label the new lot. Mr. Boolukos agreed to relabel the lots.

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

Mr. Thomas motioned the following resolution:

**BE IT RESOLVED** that the Town of Clinton Planning Board grants conditional approval for a lot line adjustment of the lands owned by **Kathleen Knight** on properties described below.

**Whereas**, the Town of Clinton Planning Board has received an Application for Lot Line Adjustment from Kathleen Knight for the purpose of 1) transferring a  $\pm 2.509$  acre parcel from a  $\pm 22.086$  acre parcel denoted on Doc. No. 22011-5218, Tax Map 6369-00-557360, Filed Map No. 12374 located on Stonehouse Road (Parcel 1) to be combined with a  $\pm 2.495$  acre parcel designated as the remainder of the parcel denoted on Doc. No. 22000-11404, Tax Map 6369-00-625372, Filed Map No. 6456, located at 85 Stonehouse Road, the combined parcel being designated as Parcel 2; and 2) transferring a  $\pm 7.509$  acre parcel from the parcel denoted on Doc. No. 22000-11404, Tax Map 6369-00-625372, Filed Map No. 6456 to the  $\pm 77.191$  acre parcel denoted on Tax Map 6369-00-674442, Reference to Filed Map No. 6456 and 6456A, located at 105 Stonehouse Road, the

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combined parcel being designated as Parcel 3, as shown on a Proposed Amendment to Filed Map No. 6456A, Lot Line Adjustment prepared by J. Charles Boolukos, L.S., N.Y.S. License No. 049494, dated December 4, 2015 and revised on January 27, 2016 (the "Map"); and

**Whereas**, as a result of the proposed lot line adjustments, the lands of Parcel 1 will consist of approximately 19.577 acres, the lands of Parcel 2 will consist of approximately 5.004 acres and the lands of Parcel 3 will consist of approximately 84.7 acres, all located in the AR5 Zoning District; and

**Whereas**, the property is not located in or within 500 feet of an Agricultural District containing working farms and an Agricultural Data Statement is not required; and

**Whereas**, the applicant has not been granted a special permit, site plan approval, variance or other permit that would be void as a result of this action; and

**Whereas**, the Dutchess Land Conservancy has consented to the proposed lot line adjustment subject to certain terms and conditions set forth in its letter to the applicant dated December 15, 2015; and

**Whereas**, the Planning Board has determined that a Lot Line Adjustment is a Type II action under SEQRA and no further SEQRA review is required; and

**Whereas**, after review of the application and the Map, the Planning Board has determined the proposed action is in compliance with the requirements of the Town Zoning Law and the Town Master Plan; and

**Whereas**, there are no known zoning violations on the parcels; and

**Whereas**, the Planning Board has considered and granted any waivers requested by the applicant;

**Therefore, Be It Resolved**, that the Planning Board hereby grants the Application for Lot Line Adjustment, provided the following condition is met:

- Payment of all applicable fees.

Seconded by Mr. Dolan.

**Discussion:** None.

All Aye, Motion carried 4-0.

**Netherwood Farm LLC Site Plan and Special Permit – 196 Fox Run Road, Tax Grid No. 6466-00-073200.**

Applicant is seeking a Site Plan and Special Permit for an existing Accessory Dwelling.

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Ryan Thomas was back before the board. He explained that in the 1970s, the carriage house was converted to a one-bedroom accessory apartment. He noted that the property owners had been using the accessory apartment since 1970. A special permit is being requested from the board to expand the use of the apartment, which was created prior to the establishment of the current zoning code.

Ms. Ruzicka stated that this property is in an Ag District. An Ag Data Statement needs to be circulated.

The board agreed to declare itself lead agency for SEQR purposes.

Ms. Ruzicka motioned that the Town of Clinton Planning Board approves the following resolution:

**Be it Resolved**, that the Town of Clinton Planning Board hereby declares itself lead agency for review of the project pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617, in the matter of Netherwood Farm LLC **Site Plan and Special Permit Application** for an existing Accessory Apartment located at 196 Fox Run Rd, **Tax Grid No. 6466-00-073200** for this Type II, unlisted and uncoordinated action with Short Form EAF.

**BE IT FURTHER RESOLVED**, the Planning Board hereby directs the copies of Special Permit Application, Short Form EAF and Site Plan be sent to the identified interested agencies as noted on Attachment "A".

Seconded by Mr. Dolan, All Aye. Motion carried, 4-0.

**Attachment "A"  
Identified Interested Agencies**

**INVOLVED AGENCY**

Duchess County Department of Health  
387 Main St.  
Poughkeepsie NY 12601

West Clinton Fire District  
9 Firehouse Lane,  
Clinton Corners, NY 12514

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**INTERESTED AGENCIES**

Dutchess County Department of Planning and  
Economic Development  
27 High St.  
Poughkeepsie NY 12601

Scenic & Historic Roads  
Town of Clinton  
1215 Centre Road  
Rhinebeck, NY 12572

Highway Department  
Town of Clinton  
1215 Centre Road  
Rhinebeck, NY 12572

Public hearing is scheduled on March 1, 2016.

**O’Leary and Cahill Lot Line Adjustment (Board Discussion)** – properties located between Salt Point Turnpike on the west and Hibernia Road on the East.

Applicants came before the board to get the board’s opinion on how to proceed with their application. Does he need to present the lot line adjustment to both of these towns?

Kevin Cunningham, Land Surveyor, appeared on behalf of the property owners.

Mr. Cunningham explained that he is in the process of proposing a lot line adjustment between the above subject properties. Mr. Cahill would like to convey to Mr. O’Leary 5.76 acres of land that adjoins the above-mentioned 5.0 acres of Mr. O’Leary. It will not be a separate parcel. The portion contains in the Town of Clinton is 33.77 acres and the other two parcels are located in the Town of Pleasant Valley.

Mr. O’Leary’s parcel is presently 40.70 acres in size and located between Salt Point Turnpike on the west and Hibernia Road on the east. The parcel is partly in the Town of Clinton and partly in the Town of Pleasant Valley. The portion in the Town of Clinton contains 33.77 acres and is Tax Parcel No. 03-6566-338501.

Mr. Cunningham noted that the lands to be conveyed will be merged with other lands of Mr. O’Leary. The 5.76 acres is mostly a hay field and is presently being farmed by Mr. O’Leary.

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Mr. Cunningham stated that the Cahills' parcel is entirely in Pleasant Valley and presently contains 37.76 acres. It is located on the westerly side of Hibernia Road and is Tax Parcel No. 13-6565-01-172974.

Mr. Cunningham asked the board about the procedural process about this case.

After a lengthy discussion, the board agreed that the tax parcels will be the same. There is no change in the Town of Clinton and the affected lands are in the Town of Pleasant Valley.

The board agreed that the Lot Line Adjustment application be filed to the Town of Pleasant Valley. The Clinton Planning Board will sign off on it and the Chairman needs to sign the mylar.

No action taken.

**APPROVAL OF MINUTES:**

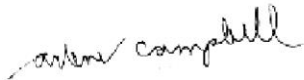
Mr. Thomas motioned to accept the amended minutes of 1-19-16, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

Mr. Thomas motioned to accept the amended minutes of 12-15-15, seconded by Ms. Ruzicka, All Aye, Motion carried, 5-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 8:30 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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