

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
October 18, 2016**

MEMBERS PRESENT

Mike McCormack, Chairman
Art DePasqua
Gerald Dolan
Tracie Ruzicka
Robert Marrapodi
Paul Thomas

MEMBERS ABSENT

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner. Liaison Officer

Chairman McCormack called the meeting to order at 7:30 pm.

VARIANCE APPLICATION:

Gilmore/ Petti Variance – properties located at 27 Sodom Road, **Tax Grid Nos. 6366-00-442732 and 496746.**

The applicants requested the following area variances to allow the construction of a single-family dwelling.

Sec. 250 Attachment 2 (District Schedule of Area and Bulk Regulations) of the Town of Clinton Zoning Regulations:

- Front Yard Setback reduction from 100’ to 50.5’
- Side yard setback reduction from 50’ to 34.5’
- Minimum Lot Width from 300’ to 165’

John Petti, son in law of the Gilmores, appeared for this application. He explained that he is currently in contract to buy these lots from the Gilmores. In order to build a house on this lot, it will require variances due to the shape of the lot. He also noted all the wetlands in the back of the property, which also prohibit the site location for a house.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi stated that this application will also need a variance to the lot width. Mr. Petti noted that he is in the process of combining these lots. He already submitted the application to the Town Assessor and they are awaiting an approval from the Dutchess County Clerk’s Office.

The board reviewed and discussed the application. Mr. Marrapodi asked the board which parcel number to use for the resolution. Chairman McCormack suggested using both parcel numbers.

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The board discussed the issue about whose names are going to be in the resolution. The Gilmores currently own these lots and Mr. Petti is in the process of buying the lots. Chairman McCormack stated that the variance goes with the lands and not the property owners.

The board agreed to issue a recommendation.

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

BE IT RESOLVED, that the Town of Clinton Planning Board provide a **positive** recommendation to the Zoning Board of Appeals on the **William & Calvalena Gilmore** requested area variances to allow the construction of a single family dwelling within 34.5' of the southern property side yard, while the requirement is 50' for the side yard and within 50.5' of the front yard setback, while the requirement is 100' (As per Sec. 250 Attachment 2 District Schedule of Area & Bulk Regulations).

A third variance will be required. The proposed lot does not comply with the minimum width of 300'. The existing lot width is 165'.

The requested variance is on a 3.22-acre site located on 27 Sodom Road, **Tax grid # 442732 & 496746** which is located in the AR3 Zoning District in the Town of Clinton.

WHEREAS;

- 1- The applicant requests the variance because the placement of the single family dwelling, Sewage Disposal System and well must be 100' from NYSDEC Wetland located at the rear of the property.
- 2- The property is a nonconforming 3.22-acre lot, along with the required setbacks it is difficult to place the house, SSDS and well elsewhere on the site without a variance.
- 3- The property is not in the Ridgeline, Scenic and Historic Protection Overlay District.
- 4- An area variance does not require an Ag Data Statement.
- 5- The site is in a NYS DEC Wetland.
- 6- The site is on a designated Scenic or Historic road.
- 8- There are no zoning violations.
- 9- The property is not in a CEA district.

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10- It is noted that an area variance is a Type II action under SEQRA and requires no further action.

11. It is our judgment that the proposed variance will not have an adverse effect on the physical or environmental conditions in the neighborhood therefore the impact of the area variance is minimal.

13. The alleged difficulty is not self-created.

14. All fees have been paid.

15. The applicant has submitted a consent letter by William & Calvalena Gilmore allowing John Petti to represent both owners of the property on all Planning Board and Zoning Board matters.

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

- A lot line adjusted is completed combining the two adjacent lots. Tax Grid Nos. 442732 & 496746.

Seconded by Mr. DePasqua.

Discussion. Mr. DePasqua asked if the variance is self -created or not. Mr. Marrapodi responded, “No because the applicant wishes to build a house on a noncompliant lot.”

All Aye, Motion carried, 6-0.

PUBLIC HEARING:

None

APPLICATIONS:

Drago and Olson Lot Line Adjustment – properties located at 238 and 254 Hollow Road, Tax Grid Nos. **6267-00-703319 and 680210**, respectively.

The Dragos are buying ±0.41 acres of land from the Olsons and propose to combine the acquired lands to their residential lot.

Mr. and Mrs. Drago appeared for this application. Mr. Drago explained that he has a garage that is in the setback and is falling apart. He asked his neighbor about buying a

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portion of land to save the garage. Mr. Drago stated that he wants to renovate the garage but noted that there is no room.

Chairman McCormack asked for questions and comments from the board.

Mr. Dolan stated that the numbers on the map are inconsistent. Mr. Marrapodi explained that there is an overlapping of lines that creates discrepancies. There is a deed overlap.

Mr. Drago explained that John Decker, the surveyor, actually cleaned up the numbers a little bit when he was working on the map.

After reviewing the map and the calculation, the board agreed that the Dragos will have ± 1.71 acres after the transfer and the Olson will have ± 12.8 acres. Mr. Marrapodi noted that the numbers were just rounded off.

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

Mr. Dolan motioned that the Town of Clinton Planning Board approves 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 Joseph T. and Nancy M. Drago, Trustees, located at 238 Hollow Rd, Staatsburg, **tax grid #6267-00-703319** (Parcel A), and lands owned by Ann E Olson, Trustee, located at 254 Hollow Rd, Staatsburg, **tax grid #6267-00-680210** (Parcel B),

WHEREAS:

- 1) The intent of this action is to transfer land between the two properties as a result of a land sale as shown on the Lot Line Adjustment plat created by John H. Decker, L.S. 050572 dated April 05, 2016
- 2) As a result of the transfer of 0.409 acres from Parcel B to Parcel A, the lands of tax grid # 6267-00-703319 (Drago) will increase to 1.71 acres; the lands of tax grid #6468-00-692838 (Olson) will decrease to 12.8 acres.
- 3) Since a lot line adjustment is a Type II action under SEQRA, no further SEQRA review is required.
- 4) The proposed lot line adjustment does not create a substandard lot or render any lot more substandard than it may already be.
- 5) The properties are not located in the Ridgeline, Scenic, and Historic Protection Overlay district.

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- 6) The applicants' Lot Line Adjustment plat has met all the requirements of the Town of Clinton's Subdivision and Lot Line Adjustment Regulations.
- 7) All required letters of authorization to represent any or all property owners are on file.
- 8) The lands involved are not in an Ag District or within 500 ft of a farm in an Ag district therefore an Ag data statement not required.
- 9) The properties are not in a designated wetland.
- 10) The site is on a Clinton Scenic/Historic road, that being Hollow Road and therefore must conform to Local Law # 3 of 2001.
- 11) All appropriate fees have been paid.

NOW THEREFORE, BE IT RESOLVED, that the Lot Line Alterations are granted approval by the Town of Clinton Planning Board when the following condition is met:

- a) The lot sizes of Parcel A and B and the transferred lands are reconciled on the plat.

Seconded by Mr. DePasqua.

Discussion. None.

All Aye, Motion carried, 6-0.

OTHER MATTERS:

Board Discussion:

- 1. The board discussed the application about Old Stone Farm Amended Site Plan. Chairman McCormack stated that the Town cannot be in the middle of the dispute between the applicant and their previous Planner. It was noted that the board received a letter from Kelly Liebolt (applicant's previous planner) stating that she was no longer involved with this project and asking that her submission be not used for the approval process.

Chairman McCormack suggested getting a letter of clearance from Kelly Liebolt before the applicant can go back before the board.

No action taken.

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2. Wedding Events - The Town received a letter regarding 43 Field Road about an intention of seeking a Special Permit to rent the property out for a Wedding Event four times a year.

- The Zoning Enforcement Officer denied the request. This is not addressed in the Zoning Regulations. This action is prohibited since the law is silent.

After a lengthy discussion about the issue, Mr. Werner agreed to bring this matter to the Zoning Committee.

APPROVAL OF MINUTES:

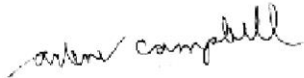
Mr. DePasqua motioned to accept the minutes of August 15, 2016 as amended, seconded by Mr. Thomas, all Aye, Motion carried, 6-0.

Ms. Ruzicka motioned to accept the amended minutes of October 4, 2016, seconded by Mr. Marrapodi, all Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:56 pm, seconded by Mr. Marrapodi. Ruzicka, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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