

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
November 1, 2016**

MEMBERS PRESENT

Mike McCormack, Chairman

Gerald Dolan
Tracie Ruzicka
Robert Marrapodi
Paul Thomas

MEMBERS ABSENT

Art DePasqua

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer

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

VARIANCE APPLICATION:

- None

PUBLIC HEARING:

APPLICATIONS:

Hargrove Soil and Erosion & Sediment Control Permit – property on 98 Field Road, Tax Grid No. 6569-00-155975.

- Applicant wishes to construct an in-ground Gunite pool in his backyard.

Michael Hargrove appeared and explained his proposal. There is a small pond on this property that they wanted to get rid off and construct an 18' x 36' in-ground Gunite pool instead. There is also a bigger pond on top of the hill which falls under the Town of Stanfordville. He noted that his property is under the jurisdiction of two Towns. Majority of his property is in the Town of Clinton.

Chairman McCormack asked for questions and comments from the board.

Mr. Thomas stated that the small pond is less than an acre. He doesn't think that the Water Law is applicable to this application as per the definition of the Controlled area under Sec. 250.78 of the Town of Zoning Regulations. He added that there will also be permitting necessary from the other Town since this property is under the jurisdiction of two municipalities. Mr. Thomas suggested involving the Town Engineer about the review of this application.

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Mr. Hargrove stated that this small pond is like a swamp. The bigger pond on top of the hill overflows during the spring and fill the lower pond.

Mr. Marrapodi agreed with Mr. Thomas' insight. This project involves an engineering review. There are drainage issues between the two ponds and the board is not qualified to address this issue. The wetlands on this property need to be determined whether they are under the jurisdiction of the County or the State (DEC or Army Corps of Engineer).

Mr. Thomas concurred. The size of these wetlands needs to be determined. These wetlands also need to be flagged.

Mr. Dolan asked if there is an outlet to this pond. Mr. Hargrove responded, "Yes." There is a culvert.

Chairman McCormack questioned the requirement of an Erosion and Sediment Control Plan approval. He remarked that he never seen Erosion and Sediment Control Plan stands alone. Its normally link to Fresh and Water Courses permit.

The board had a lengthy discussion about the application. Chairman McCormack stated that he never seen this application in awhile. The last application before the board was prior to the Water Law adoption. This section should be revised when the Water Law was implemented.

Mr. Thomas read Sec. 250.71 of the Town of Zoning Law which reads....

Chairman McCormack commented that if the disturbance of ½ acre of the property triggers Erosion and Sediment Control Plan then every building permit to build a house triggers this approval process. Chairman McCormack opined that Erosion and Sediment Control Plan should be reviewed by the Building Inspector and the Town Engineer.

Ms. Ruzicka suggested that this section should be revisited by the Zoning Committee.

After a lengthy discussion, the board agreed that this application needs to be reviewed by the Town Engineer.

Mr. Thomas motioned that the Town of Clinton Planning Board establish a \$500.00 escrow for the Town Engineer's review in the matter of Hargrove Soil, Erosion and Sediment Control Plan, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

No other action taken.

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Francois Demolition Permit Approval – property owned by Eric Francois located at 17 Schoolhouse Road, Tax Grid No. 6467-00-043348.

The applicant wishes to demolish the existing current residence and construct a new single family dwelling at the back of the property.

Kevin and Shana Halton from Halton Construction Company appeared on behalf of the property owner. Mr. Halton explained that they want to demolish the existing house that was structurally unsound and build a modular home at the back of the property. The location of the septic is also a better location than the previous site. He indicated the extreme damage that was created by the previous contractor.

Mr. Halton stated that the new proposal will also bring the house into compliance of the setbacks since the existing house is sited by the road.

The board discussed the application. Ms. Ruzicka expressed her comment based on her site visit. The building needs to come down due to its condition.

Mr. Halton stated that the house does not have any historical value. He described the decrepitude condition of the house. The property owner tried renovating the house but the previous work done was in extreme disrepair. There was nothing salvageable. The property owner came to realize that he can no longer afford to proceed with the original intention and agreed that building a new house is the best way to move forward.

Ms. Ruzicka indicated the engineering report about the structural issues on the house.

The board discussed the application. Ms. Ruzicka asked if the board needs to do a Short or Long Form EAF. Chairman McCormack responded that this application is a Type II action. It doesn't need a SEQRA review. The board is only doing a recommendation to the Building Department.

After a long discussion was made, the board passed a resolution.

Ms. Ruzicka motioned the following:

BE IT RESOLVED, the Town of Clinton Planning Board recommends a Demolition Permit to **Eric Francois** for removal of a 1800 circa house deemed in too much disrepair for refurbishment, on a 3-acre site located at 17 Schoolhouse Road, which is in the (H) Zoning District in the Town of Clinton, **Tax Grid No. 6467-00-043348**,

Whereas:

1. The applicant has a letter from the property owners to act on his behalf.

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2. A thorough engineering report has been provided, documenting the many issues and the structural unsoundness of this dwelling.
3. A Short Form Environmental Assessment has been provided.
4. The demolition will not harm the character of the surrounding area and buildings.
5. The applicant has provided plans for a new residence.

NOW THEREFORE, BE IT RESOLVED, that the requested Demolition Plan Approval to the Building Inspector is issued by the Town of Clinton Planning Board.

Seconded by Mr. Dolan.

Discussion. None.

All Aye, Motion carried, 5-0.

Rea Demolition Permit Approval - property on 89 W. Meadowbrook Lane, Tax Grid No. 6367-00-154318.

- The applicant wish to demolish a 1997 modular two story structure and build a new single family dwelling.

Robert Dupont, the property owner's Architect appeared for this application. Mr. Dupont explained that there is a 1997 modular home on this property that they want to replace with a new home. The existing home will be donated to a nonprofit organization in Poughkeepsie called Habitat for Humanity. The existing foundation will be reused to build a new home.

Mr. Dupont stated that they already started the process of the demolition. He stated that they did not know that they have to go through the process since they are doing a selective removal. He noted that they are using the same foundation. The existing building has absolutely no historical, aesthetic or functional merit.

Mr. Dupont questioned the process why they have to go before the board.

Mr. Marrapodi responded that accordingly this is clearly a demolition plan. The house is being removed from the site. The current zoning requires that demolition process goes before the Planning Board.

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Mr. Marrapodi expressed his comments. This is a pretty straight forward application. The two wings of the buildings were already dismantled. He indicated the history of the existing house which was a replacement of the burnt house in the 90s.

Mr. Thomas asked the applicant if the building has any significant value. Mr. Dupont responded, "None".

The board passed a resolution.

Mr. Marrapodi motioned the following:

BE IT RESOLVED, the Town of Clinton Planning Board issues a Demolition Plan Approval to the Building Inspector for the primary residential dwelling structure belonging to Julie and Tom Rea on property located at 89 West Meadowbrook Lane, **Tax Grid #154318** having satisfied the requirements of 250-93C of the Town of Clinton Zoning Law.

Whereas:

1. The residence was rebuilt in 1998 after a fire destroyed the original house. This structure does not have a national, state, or local designation of significance as per the Historic Resource Survey of 1986 from the Dutchess County Parcel Access.
2. The building has been partial demolished .The main section of the house and it's foundation remain. This portion of the remaining house will be lifted off its foundation and moved to a site in Poughkeepsie and reused by Habitat for Humanity.
3. Plans for a new house construction which outline the current foundation layout, demolition and new site work have been submitted for a building permit. The new construction plans has been prepared by Robert J. DuPont, Architect, LLC.
4. The use of the property will remain the same as the current use, residential.
5. A completed Environmental Assessment Form has been submitted.
6. All appropriate fees have been paid.

NOW THEREFORE, BE IT RESOLVED, that the requested Demolition Plan Approval to the Building Inspector is issued by the Town of Clinton Planning Board.

Seconded by Ms. Ruzicka.

Discussion. None.

All Aye, Motion carried, 5-0.

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OTHER MATTERS;

The board discussed the demolition process approval with regards to the 18th century houses. Mr. Werner thinks that getting an opinion from an expert or historical property professional will better address the concern in reviewing this kind of demolition.

Mr. Marrapodi and Mr. Thomas opined that the Town needs standards about historical properties. The panel exchanged opinion about the matter.

No action taken.

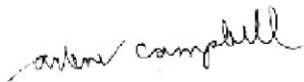
APPROVAL OF MINUTES:

Mr. Dolan motioned to accept the minutes of October 18, 2016 as amended, seconded by Mr. Thomas, all Aye, Motion carried, 5-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 9:00 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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