

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
June 6, 2017**

**MEMBERS PRESENT**

Mike McCormack, Chairman  
Art DePasqua

Alexander Kari  
Tracie Ruzicka

**MEMBERS ABSENT**

Gerald Dolan

Robert Marrapodi  
Paul Thomas

**ALSO PRESENT**

Secretary – Arlene Campbell

Liaison Officer not present

Chairman McCormack called the meeting to order at 7:30 pm. He explained the two steps process of the variance application to the applicant.

**VARIANCE APPLICATION:**

**Dana Veith and Elizabeth McCune -** property located at 436 Browns Pond Road, **Tax Grid No. 6268-00-919520.**

The applicants are requesting an area variance to Sec. 250 Attachment 2 for a Front Yard setback reduction from 100’ to 25’ in order to construct a 2-bay garage.

Mr. Veith appeared and explained that he wants to put up an accessory building to be used as a garage. He indicated the truck that he wishes to park in the garage. There is also an existing shed on the property that he wants to relocate to a different site and use that existing location to put up the two-bay garage. Due to the shape of the lot, which is narrow and long, Mr. Veith stated that it will need a variance to the front yard setback.

Chairman McCormack asked for questions and comments from the board.

Ms. Ruzicka asked about the location of the house. Mr. Veith pointed out to the map the location of the house. He noted that there is an existing driveway. He also explained why the proposed site is the most feasible location of the proposed garage.

Mr. Kari asked how many structures are there on the property aside from the house. Mr. Veith responded that there is a wood shed (8’ x 6’) and an existing small shed that is currently used for storage. He also noted that the house doesn’t have a basement.

Mr. DePasqua asked about the proposed location of the garage. The proposal is to move the existing shed and turn the new building to make the door facing the house. Mr. Veith

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agreed. He underscored that he wants the garage door to be facing the house since the road is too dusty and wanted to keep the dust off the garage. Mr. Veith explained why the proposed site is the best and most feasible location.

Mr. Kari raised his concern about intrusion in the side yard setback if the building is moved. The orientation of the building is going to be different.

The board reviewed the map. The applicant said that it will be 65 feet from the property line. The plan is to turn the shed and move it further east.

Mr. DePasqua commented that the proposed orientation looks so much better. Ms. Ruzicka added that the proposed site is well screened.

The board agreed to pass a resolution.

Mr. DePasqua motioned the following resolution:

***BE IT RESOLVED*** that the Town of Clinton Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals on the requested area variance to Section 250 Attachment 2 for a front yard setback reduction to 25'-0" feet from the required 100 feet for property owned by **Dana Veith and Elizabeth McCune** located at 436 Browns Pond Road, **tax grid number 132400-6268-00-919520** in the AR5A zoning district.

***WHEREAS;***

1. The applicant wishes to construct a 2 bay garage (undisclosed size) to their property in the front yard setback. The applicant is seeking an area variance from Section 250 Attachment 2 the District Schedule of Area and Bulk Regulations Due to the non-conforming property dimensions (min. width of 400' required/161' Existing) and non-conforming location of the primary dwelling (100' required/25' existing). The location of the primary dwelling establishes the non-conforming front yard setback of 25'
2. This is a 2.45 acre site located in the AR5A zoning district.
3. The property is not located within the Ridgeline, Scenic or Historic Preservation Overlay District.
4. The site is not within a CEA.
5. The site is on a designated Scenic or Historic road, that being Browns Pond Road.
6. An area variance does not require an Ag Data Statement.
7. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
8. The site does not contain a NYSDEC wetland.
9. The benefit sought by the applicant cannot be achieved by any other feasible method.
10. The requested variance is not substantial.

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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. There are no known violations associated with this property.

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

Seconded by Ms. Ruzicka.

**Discussion.** None.

All Aye, Motion carried, 4-0.

**Hart Area Variance** – properties owned by Donald and Kyla Hart located at 188 and 192 Schultz Hill, **Tax Grid Nos. 6368-00-259657, 285540, and 268884.**

Applicants ask an area variance to Sec. 250-25 (6) Rear lot requirements for relief from the minimum lot width requirement in order to do a subdivision.

- Lot 1 – from 400' to 116'
- Lot 2 - from 400' to 347'
- Lot 3 - from 400' to 40'

Ms. Hart and Jordan Valdina, an Architect, both appeared for this application. Mr. Hart explained that the Harts own three lots and wish to make these lots into four. Three of these lots are rear lots. They need variances to the lot width and number of abutting lots.

Ms. Hart explained the new configuration of the proposed lots. He stated that they need variances to the lot width and number of abutting rear lots to allow the three parcels to become four residential lots. Ms. Hart also noted that this property has an Agricultural Exemption so the property is exempt from the statutes of the number of accessory structures.

The board had a lengthy discussion.

Ms. Ruzicka asked if Lot 4 is going to have an easement or shared driveway. Mr. Valdina responded, "No." They will be using the existing driveway. There will be neither easement nor shared driveway on this lot.

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The board reviewed Mr. Thomas's comments. Mr. Thomas doesn't think that the new configuration necessitates variances. However, there may be variances required to the driveways leading to the existing houses. There was a discussion from the previous meeting about the variance to the number of abutting rear lots. The new configuration shows two abutting rear lots, which are allowed in the zoning ordinance. Mr. Thomas doesn't think that these lots will need variances to the lot width. He also noted that the lot width is measured 400 feet at the building line per zoning regulations.

Ms. Ruzicka noted that the original lay out of the proposal has three rear lots, which are not allowed. The third proposed flag lot was eliminated.

After all the reviews and discussions were made, the board agreed that the current layout doesn't need any variances. There will be four lots and four driveways. The widths of the driveways leading to the existing houses are 40 feet.

Mr. DePasqua raised his concern about the steep slopes on the property. He noted that they will need a Steep Slopes Permit if there is a disturbance on the steep slopes.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Hart Ground Mounted SES** — properties owned by Donald and Kyla Hart located at 188 and 192 Schultz Hill, **Tax Grid Nos. 6368-00-259657, 285540, and 268884.**

Applicant wishes to construct a Ground Mounted SES.

Ms. Hart and Mr. Valdina were present for the application.

Mr. Valdina explained that they are proposing to construct two ground mounted PV systems, a canopy-type system and a tracker-type system. The canopy system is proposed on 192 Schultz Hill Road and the tracker system is proposed on 188 Schultz Hill Road. These structures will be sited on locations meeting the setback. Total acreage is ±107.49.

Mr. Valdina indicated that deep soil observations and perc testing have been done for the preliminary septic system area layouts. He also explained the site plan showing all the structures on the property. The parcel on 188 Schultz Hill Road has a 3-Bedroom house, carport, existing barn, and chicken coop/shed structure. The parcel on 192 Schultz Hill Road has an existing one-bedroom cottage and carport. They are proposing to increase the acreage of this parcel to 22.63 acres.

Chairman McCormack asked for questions and comments from the board.

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Mr. DePasqua asked which lot is the proposed Ground Mounted SES going to feed. Ms. Hart responded that this solar system will feed Lots 2 and 3. The system will be located on Lots 2 and 3.

Mr. Valdina noted that Lots 2 and 3 have an Ag Exemption. Mr. DePasqua suggested getting a copy of the Agricultural Exemption for file purposes.

Chairman McCormack stated that the Special Permit application for the proposed Ground Mounted SES should be done in conjunction with the subdivision process to avoid segmentation.

The board reviewed the site plan. The dimensions of all the existing and proposed structures should be on the site plan. Mr. DePasqua wishes to see the contours on the map. Ms. Ruzicka added that the potential driveways for each lot also need to be shown on the map.

No action taken.

**Stewart's Shop** – owned by Stewart Shops Corporation located at 2300 Salt Point Turnpike, **Tax Grid No. 6566-00-331547.**

Applicant proposes to add eight (8) auto charging stations.

Chad Fowler from Stewarts Shop Corp. and Jessie Karp, from TESLA, both appeared for this application.

Mr. Fowler explained the application. He stated that they are proposing to add eight auto charging stations that include eight new parking spaces. They are also proposing five new parking spaces that will total thirty parking spaces onsite.

The five spaces proposed will consist of approximately 2,800 square feet while the auto charger area will consists of approximately 3,500 square feet.

Mr. Fowler also discussed the drainage system.

Mr. Karp from TESLA explained the details of their proposal. There are two components that are involved with the TESLA port. They are super charger and typical charging time is ½ hour to an hour for a full charge. He also noted that this is the closest station that they have from Albany. Right now the closest station is in Tarrytown.

Mr. Karp stated that this proposal will also need 24/7 lighting.

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Chairman McCormack asked about how they will get the word out about this charging station. Mr. Karp responded that the car itself will have an identifier for a nearest location to go to. It's like a GPS.

The board had a lengthy discussion about the above proposal.

Mr. DePasqua expressed his concern about the above proposal. He underscored the original intent when the store was approved. The proposed action is a radical change from the original approval. He also indicated his strong concern about the impact to the community.

Chairman McCormack explained that the original site plan approval for Stewarts is a convenience store. He opined that he doesn't know how this will affect the original use of the property. Mr. Fowler commented that the proposed use can also be treated as an accessory use.

The board agreed that the Town Consultants need to get involved with this project.

Ms. Ruzicka motioned that the Town of Planning Board approves a \$1,000 escrow account for the Stewart's Shop Corp. TESLA station project, seconded by Mr. Kari, all Aye, Motion carried, 4-0.

No other action taken.

**BOARD DISCUSSION:**

The board discussed other items such as zoning regulations, Stewart's proposal and other related matters.

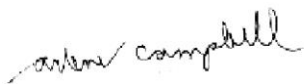
**APPROVAL OF MINUTES:**

Mr. Kari motioned to approve the minutes of May 16, 2017 as amended, seconded by Mr. DePasqua, all Aye, Motion carried, 4-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 9:15 pm, seconded by Mr. Kari, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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