

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
October 2, 2018**

MEMBERS PRESENT

Art DePasqua, Chairman

Tracie Ruzicka
Robert Marrapodi
Paul Thomas

MEMBERS ABSENT

Gerald Dolan
Jack Auspitz

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:32 pm. He explained the two-step process of the variance application to the applicant.

VARIANCE APPLICATION:

Crimson Hill Area Variance – property own by BDK3 Enterprise LLC, **Tax Grid No. 6469-00-451512.**

Applicant seeks an area variance to Sec. 250-70 (F) regarding the oversized advertising signs on Crimson Hill Road.

Ryan Laluna from McGrath Realty Inc. appeared for this application. He explained that they need a variance in order to put up two signs on Bulls Head Road. They need large signs to market seven parcels (Crimson Hill Subdivision) on Crimson Hill Road. He commented that selling these parcels will also benefit the town through the tax dollars.

Mr. Laluna stated that they needed a large sign in order for people to read the signs. This is a 55 per mile speed road.

It was noted that this property received a violation letter regarding the oversized sign posted on Bulls Head Road .

Chairman DePasqua asked for questions and comments from the board.

Mr. Thomas stated that there are basically two signs on this property. If it is back to back, then it is one sign. The way the signs are laid out makes them double or two signs. This also looks like a permanent sign. The sign regulations are very confusing. Mr. Thomas opined that the variance required should be from one sign to two signs. There is also a provision about subdivision signs. Mr. Thomas feels that this is more of a subdivision

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sign. It is more of a permanent sign. Subdivision sign limits 12 square feet. If the signs are back to back, then it is considered one sign. This is not the case here.

Mr. Thomas stated that since this property sits on an AR5 Zoning District, one sign should not exceed 20 square feet per Sec. 250-70(f).

“Sec. 250-70 (F) of the Town of Clinton Zoning Law states that Signs permitted in AR5, AR3, C, CR1 and MR Districts, In addition to those signs permitted in all districts, the following standards apply: One sign per lot not to exceed 20 square feet may be erected to identify any use permitted under this chapter, excluding home occupations, which are regulated by Subsection H below.”

Mr. Thomas stated that he feels that this application requires area variances to (1) Sec. 250-70 (F) to increase the size of the sign from 20 to 24 square feet and (2) Sec. 250-70 (C-9) front yard setback. He then asked the applicant about the front yard setback. Mr. Laluna responded that the sign is 34 feet from the center line of the road.

“Sec. 250-70 (C-9) of the Town of Clinton Zoning Law states that, “In matters of setback from the street or road, required yards and other such respects, freestanding larger than eight square feet shall be regarded as structures within the meaning of this chapter.” “

Mr. Marrapodi noted that “Signs” are by definition not classified as “Structures” but the proposed size is specific to Sec. 250-70 (C-9).

The board exchanged opinions about the above application.

Ms. Ruzicka stated that doesn’t have a problem with the proposal. It is a reasonable size to market the property. She presumes that the sign will come down once all the parcels are sold.

Mr. Thomas commented that he doesn’t have a problem if there are two signs as long as these are regular sizes.

Mr. Marrapodi asked, “How long will these signs sit there?”

Mr. Thomas read Sec. 250-70-K-1 (Removal of Signs) which states “Any sign existing on or after the effective date of this chapter which advertises a business no longer conducted, product no longer available, or service no longer provided on the premises shall be removed from the premises by the owner of the sign and/or his agent within 90 days of the effective date of this chapter or within 30 days after receipt of written notice from the Zoning Administrator to remove such obsolete sig, whichever date is later.”

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Mr. Thomas stated that he can incorporate the verbiage of this section to the variance recommendation. Ms. Ruzicka expressed her wish to see a timeline to remove the sign in the recommendation.

Mr. Marrapodi expressed no concerns about this application.

Chairman DePasqua expressed his strong concern about this application. It is not about Crimson Hill nor the proposed sign. It is about setting precedent. If the board gives a positive recommendation to the ZBA and the ZBA grants the variance, then this will become a precedent. It means everybody can do it. There will be billboards and big signs everywhere. Every developer will be putting their big signs on their property. Mr. DePasqua said that the Town is specific on not having billboards and big signs, i.e., the limit is 20 square feet. He doesn't have a problem if this sign is back to back.

Ms. Ruzicka expressed her understanding about the chairman's concern. She asked, "How about putting a time limit on the sign?" Mr. DePasqua stated that it should be 20 square feet and back to back.

Mr. Thomas asked the applicant if he can do the signs back to back instead. The applicant responded, "Yes, if this is what it takes to get the sign up."

The board discussed the layout and stance of the sign. Chairman DePasqua noted that he will vote negative on the proposed size (24 square feet).

After a very long discussion, the applicant agreed to reconfigure the size of the sign, it will be a back-to-back sign, thus constituting one sign to eliminate the variance relating to the number of signs.

The board passed a resolution, to wit:

Mr. Thomas motioned the following resolution, to wit:

BE IT RESOLVED that the Town of Clinton Planning Board is making a **neutral** recommendation to the Zoning Board of Appeals with respect to the area variances requested by applicant Ryan LaLuna on behalf of BDK3 Enterprises LLC from Section 250-70 of the Town of Clinton Zoning Law with respect to a five (5) acre parcel located at 6 Crimson Hill Road, **Tax Grid No. 132400-6469-00-451512**, which is in the AR5 District in the Town of Clinton, for the purpose of obtaining a permit for two signs located on the parcel.

WHEREAS:

1. The subject parcel is owned by BDK3 Enterprises LLC, which has authorized the applicant to act on its behalf with respect to the application.

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2. Applicant seeks a sign permit with respect to two existing signs on the parcel advertising the availability of lots and homes in the Crimson Hill Development. The signs measure 72” by 48” for a total of 24 square feet each. The applicant has agreed to reconfigure the signs such that they are back to back, thus constituting one sign for purposes of Section 250-70 and eliminating the necessity for a variance relating to the number of signs.
3. Section 250-70(F) of the Town of Clinton Zoning Law imposes a maximum size of 20 square feet per sign. Accordingly, an area variance will be required allowing a 24 square foot sign where only 20 square feet is allowed under the Zoning Law.
4. In addition, Section 250-70(C)(9) states that any sign greater than eight square feet in size shall be considered a “structure” for purposes of determining setback and similar requirements. The required front setback distance in the AR5 District is 100 feet. The signs are located approximately 34 feet from the centerline of the road, thus requiring an additional setback variance from the required 100 feet to approximately 34 feet.
5. There are no known outstanding zoning violations on the property per the Zoning Enforcement Officer.
6. The property is not located within the Taconic Parkway Viewshed overlay or any other protected overlay area.
7. An area variance is a Type II action under SEQRA and requires no further action.
8. The requested area variances are substantial.
9. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. However, the ZBA should consider whether granting the requested variances will create an undesirable precedent with respect to future applications for similar relief.
10. The alleged difficulty is self-created.
11. The application fee has been paid.

NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board is making a neutral recommendation to the Zoning Board of Appeals with respect to the applicant’s request for the referenced area variances.

Seconded by Ms. Ruzicka,

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Discussion. Mr. Thomas asked if the board wants to include “precedence” in the resolution. The board agreed to include the said verbiage.

All Aye, Motion carried, 4-0.

Forziatti Wetlands Permit (continuance) – 465 Schultzville Road, **Tax Grid No. 6567-00-134518**

Applicant requests Water Law Permit due to disturbance within the buffer of Wappinger Creek and pond.

Mr. Forziatti was back before the board. He wants to restore the existing pond by dredging 3500 cubic yards of materials. He recapped what had transpired at the previous meeting. He also accentuated the NYSDEC permit that was already issued.

Section 250.78 of the Town of Clinton Zoning Law prohibits construction within 100 feet of a stream unless a Permit is issued by the Planning Board.

Mr. Marrapodi read the comments from the Town Engineer dated September 24, 2018 (letter on file). Per the Town Engineer’s opinion, the scope of work sequence is acceptable. Mr. Marrapodi stated that the resolution drafted by the Town Engineer includes the condition of the approval.

The board declared lead agency.

Mr. Marrapodi motioned that the Town of Clinton Planning Board declares its intention to be the lead agency for this unlisted and uncoordinated action in the matter of Forziatti Wetlands Permit on property located at 465 Schultzville Road, Tax Grid No. 6567-00-134518, seconded by Ms. Ruzicka, all Aye, Motion carried, 4-0.

After reviewing the Short Form EAF, the board passed another resolution, to wit:

Mr. Marrapodi motioned the following:

BE IT RESOLVED, the Town of Clinton Planning Board has determined that the Forziatti Wetlands Permit for the purpose of construction of restoring an existing pond by dredging approximately 1200SF and 3500 cubic yards of material in the Town of Clinton, **Tax Grid #132400-6567-00-134518-0000** will not have a significant impact on the environment; and;

BE IT FURTHER RESOLVED the Town of Clinton Planning Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act 6 NYCRR 617.6 (g) and in accordance with Article 8 of the Environmental Conservation Law.

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Seconded by Ms. Ruzicka,

Discussion. None.

All Aye, Motion carried 4-0.

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

Mr. Marrapodi motioned that the Town of Clinton Planning Board grants conditional approval of a Water Law Permit to **Mark Forziatti** for the purpose of construction of restoring an existing pond by dredging approximately 1200SF and 3500 cubic yards of material in the Town of Clinton, **Tax Grid #132400-6567-00-134518-0000.**

WHEREAS:

1. The applicants have a valid NYSDEC Article 15 Stream Disturbance Permit for this work.
2. The applicants applied to obtain Water Law Permit to restore an existing pond by dredging 3500 cubic yards of material.
3. Section 250.78 of the Town of Clinton Zoning Law prohibits construction within 100 feet of a stream unless a Permit is issued by the Planning Board.
4. The Town of Clinton Planning Board declared itself Lead Agency on October 2, 2018 for this unlisted, uncoordinated action. A SEQRA review was conducted and resulted in a negative declaration being prepared and declared in accordance with the New York State Environmental Quality Review Act on October 2, 2018
5. All appropriate fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants conditional approval of the requested Permit when the following **conditions** are met:

- a) There should be a protection barrier of hay bales or silt fencing in area of existing pond and area to be filled with dredged material.
- b) Applicant or representative shall contact the town when work is restarted, and again when all disturbed areas are graded and reseeded /mulched. The Town may elect to perform inspections.

Seconded by Tracie Ruzicka.

Discussion. None.

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All Aye, Motion carried, 4-0.

BOARD DISCUSSION:

Michael Whitton, Town Board councilman, appeared and discussed the hiring of a new Town Planner.

APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Ms. Ruzicka motioned to adjourn the meeting at 8:37:pm, seconded by Mr. Thomas, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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