

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
September 3, 2019**

**MEMBERS PRESENT**

Art DePasqua, Chairman  
Gerald Dolan  
Jack Auspitz  
Justin Carroll  
Sara Love  
Paul Thomas  
Tracie Ruzicka

**MEMBERS ABSENT**

**ALSO PRESENT**

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer

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

**VARIANCE APPLICATION:**

**Forschler Area Variance** – properties located at 85 and 95 Maple Lane with Tax Grid Nos. 6468-00-670872 and 678862.

The applicants request area variances of the two nonconforming lots in order to move forward to a lot line adjustment. The property is in an AR5 Zoning District.

The Forschlers were back before the board. As per discussion at the previous meeting dated August 20, 2019, they will need variances to do a lot line adjustment.

Mr. Forschler explained that they own two nonconforming lots, Lot A – 0.39 acres and Lot B – 4.37 acres. They want to move the lot line to make their home more private. He underscored that they want to maintain two lots.

Mr. Forschler indicated the history of these properties. They purchased the house lot (Lot A – 85 Pumpkin Lane) in 1985 and bought the other property (Lot B – 95 Pumpkin Lane) in 2007. They took down the house and the garage that were unsalvageable.

Mr. Forschler explained the layout of the current configuration of the lots and how the lot lines are going to move.

Chairman DePasqua asked for questions and comments from the board.

Ms. Ruzicka commented that the proposal doesn't make a lot more sense.

The board discussed the application. Chairman DePasqua asked about the variances required for these lots. Mr. Thomas stated that the Zoning Administrator's denial letter didn't specify the variance required.

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Mr. Thomas stated that both lots require variances to the minimum lot width and acreage in the AR5 Zoning District.

Chairman DePasqua agreed. It will need area variances to the size of the lot and the lot width, which is two variances in order to do lot line adjustment. Mr. Thomas said that this application will actually need a total of four variances.

Mr. Auspitz opined that he was troubled by the fact that the town now has a lot that is less than five acres with a house. At the end of this process, we will now have two houses on lots that are less than five acres. He doesn't think that the board should be increasing the number of houses on the lots that are less than the required acreage. He said that he will vote neutral on this application.

Mr. Forschler noted that there were two houses on these lots before prior to 2007. He added that there are number of houses around his property that sit on less than 5-acre lots. It doesn't change the character of the neighborhood.

Mr. Auspitz said that he will defer this to the Zoning Board of Appeals. There will be a public hearing at that meeting and neighbors will express their opinion if they have concerns about the proposal.

Ms. Forschler noted that it there is no house right across the vacant lot. It's wooded. She noted that as long as they live on this property, they don't want anybody building over there. They like their privacy.

Mr. Forschler thinks it will not change the character of the neighborhood. She indicated the property across the street that is a vacant lot.

Tracie said that it will be a big variance for a house lot. Paul shared the view of Jack and Tracie that the board can't do that.

Mr. Forschler said that the way that the way the line is drawn, the other lot means nothing. Mr. Thomas commented that there is also another alternative, which is to combine these lots to reduce the nonconformity. He expressed his understanding why the applicants doesn't want to consolidate the lots due to marketability, but he asked the question, "What do you tell the next person who wants to create a one-acre lot in a five-acre zoning district?"

Mr. Forschler underscored that the fact right now is these are two lots and will remain two lots.

Ms. Ruzicka asked, "How about splitting the parcel equally?" Mr. Forschler responded that they feel that the vacant lot will sell better if they decide to sell it in the future.

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The board discussed the variances. Mr. Auspitz stated that the Zoning Board of Appeals has the final say on variance application. The board is only doing a recommendation. He feels that the recommendation should be neutral.

Mr. Carroll concurred with Mr. Auspitz. Giving a positive recommendation on nonconforming lots is not really the intention of the Town Master Plan. He feels comfortable with the neutral recommendation.

The board crafted the verbiage of the resolution to spell out the four variances needed.

Mr. Thomas motioned the following resolution:

**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 **Stephen and Beth Forschler** from the Town of Clinton Zoning Law District Schedule of Area and Bulk Regulations relating to minimum lot size and width requirements that would allow a proposed lot line adjustment for the purpose of combining a  $\pm 0.39$  acre parcel located at 95 Maple Lane (Lot A) with a  $\pm 0.59$  acre portion of a  $\pm 4.37$  acre parcel located at 85 Maple Lane (Lot B) creating a  $\pm 0.98$  acre house lot located at 85 Maple Lane and creating a second  $\pm 3.78$  acre vacant lot located at 95 Maple Lane, which are located in the AR5 Zoning District in the Town of Clinton.

**WHEREAS:**

1. Lot A is identified as tax parcel number 132400-6468-00-670872 and Lot B as tax parcel number 132400-6468-00-678862.
2. The applicants require area variances to allow the creation of two proposed lots, consisting of .98 acres and 3.78 acres, that do not meet the minimum acreage requirement or the minimum lot width requirement in the AR5 Zoning District. Accordingly, each proposed lot will require a variance from the minimum acreage requirement of five acres in the AR5 District and another variance from the 400 foot lot width requirement in the AR5 District.
3. There are no known outstanding zoning violations on the property per the Zoning Enforcement Officer.
4. The property is not in a CEA.
5. The property is not located in the Ridgeline, Scenic and Historic Protection Overlay.
6. An area variance is a Type II action under SEQRA and requires no further review.

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7. The factors to be considered in evaluating whether to grant an area variance are whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by granting it, whether the benefit sought by the applicant can be obtained by other means, whether the requested variance is substantial, whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood and whether the alleged difficulty is self-created.
8. Given that Lots A and B are already non-conforming, the proposed variances will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties. However, the Planning Board notes that combining the lots would reduce the overall level of non-conformity.
9. The benefit sought by the applicants, the creation of a more marketable vacant lot, could not be achieved by another method.
10. The requested variances are substantial.
11. The proposed variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.
12. The alleged difficulty is self created.
13. 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 applicants' request for the referenced area variances.

Seconded by Mr. Auspitz.

Discussion. None.

All Aye, Motion carried, 7-0.

**PUBLIC HEARING:**

None

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**APPLICATIONS:**

**Hamilton Demolition Plan Approval** – 459 Mountain View Road, Tax Grid No. 6369-00-422703

The applicant seeks a demolition permit for the purpose of demolishing a residential dwelling that was destroyed by a fire.

Michael Miccuci, contractor, appeared on behalf of the property owner. He explained that they are proposing to take down the main house on this 3-acre parcel in the AR5 Zoning District that was damaged by fire. He noted that the house is not salvageable. He noted that the property owner is currently in a rental home and the insurance company is hoping to get the new house built as soon as possible. Mr. Miccuci indicated the plan to have a ranch type dwelling.

Chairman DePasqua asked for questions and comments from the board.

Mr. Carroll indicated his comments per his site visit. He agreed that the house is not salvageable.

The board passed a resolution.

Mr. Justin motioned the following resolution, to wit:

**BE IT RESOLVED**, that the Town of Clinton Planning Board recommends approval of the Demolition Permit application dated August 21, 2019 submitted by E&M Mechanical on behalf of **Neal Hamilton** for the purpose of demolishing a residential dwelling located on a 3 acre parcel at 459 Mountain View Road, **Tax Grid 6369-00-422703** and refers the matter to the Building Inspector for review and approval of a demolition plan to be submitted by the applicant.

**WHEREAS:**

1. The residence was built in or about the 1960s. The structure does not appear on the Historic Resource Survey of 1986 located on Dutchess County Parcel Access. The applicant states that the structure does not have any national, state or local designation of significance nor are there any for the parcel on which it is located.
2. The applicant states that the building is planned for demolition because it was destroyed by a fire to the point where it cannot be salvaged and is structurally unsound and unsafe. Photographs of the structure were submitted confirming the condition.

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3. The applicant will submit a demolition plan to the Building Inspector for his review and approval prior to commencing any work at the site.
4. The parcel is a pre-existing, non-conforming lot and the applicant has no current plans to replace the structure with a new single family home.
5. A completed Environmental Assessment Form has been submitted.
6. The Planning Board has granted a waiver with respect to Item 3 (Plans showing how the demolition process will take place) and Item 7 (plan drawn to scale of the interior and exterior of the building) of the Demolition Permit checklist.
7. The Planning Board has reviewed the application with regard to the requirements of Section 250-93 of the Zoning Law and determined that the building has no historic value.
8. All appropriate fees have been paid.
9. The Town of Clinton has received a Consent of Authorization to Act for E&M Mechanical to appear at the Planning Board on behalf of the owner Neal Hamilton.

***NOW, THEREFORE BE IT RESOLVED***, that the Town of Clinton Planning Board recommends approval of the Demolition Permit application and refers the matter to the Building Inspector for further action consistent with the Town Zoning Law.

Seconded by Ms. Ruzicka.

**Discussion.** None.

All Aye, Motion carried, 7-0.

**BOARD DISCUSSION:**

Mr. Werner gave an update about the proposed Event Centers and Short Term Rentals laws. He noted that they are hoping to schedule the public hearing for the Event Centers Law shortly.

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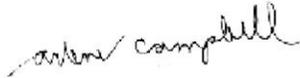
**APPROVAL OF MINUTES:**

No minutes were approved.

**ADJOURNMENT:**

Mr. Carroll motioned to adjourn the meeting at 8:25 pm, seconded by Mr. Dolan, All Aye, Motion carried, 7-0.

Respectfully Submitted,



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