

Town of Clinton
Planning Board Virtual Meeting Transcript
September 15, 2020

1

00:01:19.950 --> 00:01:23.970

art depasqua: Like to call the town of planning the planning board meeting.

2

00:01:25.110 --> 00:01:30.270

art depasqua: virtual meeting to order. On Tuesday, September 15 at 730

3

00:01:31.710 --> 00:01:47.100

art depasqua: Do due to the coven 19 pandemic and pursuant to executive order number 202 point one issued on March 12 2020 suspending the open

4

00:01:47.490 --> 00:01:49.620

art depasqua: Meetings law and emergency state.

5

00:01:49.620 --> 00:01:52.560

art depasqua: And federal bands on large meetings or gatherings.

6

00:01:54.330 --> 00:02:19.200

art depasqua: The town planning. Planning Board scheduled for September 18 2020 will be held electronic electronically via zoom instead of a public hearing a public meeting open for the public to attended person members of the public. Maybe the board meeting, as it is live stream on YouTube.

7

00:02:20.790 --> 00:02:32.910

art depasqua: W W dot town of clinton.com slash government slash planning dashboard slash planning dashboard videos slash

8

00:02:34.680 --> 00:02:38.820

art depasqua: Transcript of the meeting will be posted on the town's website at a later date.

9

00:02:40.110 --> 00:02:45.120

art depasqua: First item on the agenda is the motive shimmy.

10

00:02:46.740 --> 00:02:49.590

art depasqua: Area variances. The applicant hear

11

00:02:51.660 --> 00:02:53.340

Kathy Motashami: It. That's me, yes.

12

00:02:53.670 --> 00:02:56.580

art depasqua: Oh, okay. Well, welcome.

13

00:02:58.110 --> 00:03:00.780

art depasqua: This is a two step process.

14

00:03:02.520 --> 00:03:13.440

art depasqua: The first is your appearing before the planning board and we review your application and we give the Zoning Board of appeals a

15

00:03:14.250 --> 00:03:33.900

art depasqua: Recommendation either. Yay, nay, or neutral and then you appear before the Zoning Board of appeals and they will make the final decision on your variance. So if you could briefly tell us what you're doing. And then we'll discuss

16

00:03:34.770 --> 00:03:42.870

Kathy Motashami: Um, okay. So what I would like to is to be able to finish my basement.

17

00:03:43.950 --> 00:03:52.560

Kathy Motashami: With a either an accessory or apartment or some other means of me being able to live down there.

18

00:03:53.610 --> 00:03:57.210

Kathy Motashami: Because as I get older. I'm not going to be able to walk up and down the stairs.

19

00:03:59.100 --> 00:04:08.370

Kathy Motashami: I have lost my job. So until I I'm actually doing the census right now and rushed home from Hopewell junction to do this.

20

00:04:09.600 --> 00:04:21.480

Kathy Motashami: I'm working for them. And that ends at the end of this month, but that's what I am trying to do, because after this. I have no job. I love one of the many lucky people who was an essential worker.

21

00:04:22.440 --> 00:04:35.160

Kathy Motashami: Been exposed to the virus twice and then got fired from my job because I asked them to step up and protect us in some way, shape, or form. So now no longer have a job.

22

00:04:35.730 --> 00:04:53.370

Kathy Motashami: So I'm looking paying to be able to first be able to hopefully use this as some kind of income so that that can offset the income, I have lost. And then for future because I'm still young and still able to go out to work to be able to live downstairs myself.

23

00:04:56.280 --> 00:04:58.590

Kathy Motashami: Okay, you are now I see who's talking to me.

24

00:04:59.160 --> 00:04:59.550

Yes.

25

00:05:01.200 --> 00:05:01.650

art depasqua: Okay.

26

00:05:03.120 --> 00:05:06.150

art depasqua: Paul, you have this application.

27

00:05:07.680 --> 00:05:09.630

Paul Thomas: Yeah, so, um,

28

00:05:11.640 --> 00:05:22.140

Paul Thomas: I sent around the resolution, which I hope might honkin is sort of an outline of the issues as I see them. So this seemingly simple request.

29

00:05:23.610 --> 00:05:29.940

Paul Thomas: Comes with an unexpected number of complication complications, which I can run through

30

00:05:31.080 --> 00:05:42.810

Paul Thomas: The reason it's here is the Zoning Administrator determine that this was, this is a proposal really is for an accessory dwelling.

31

00:05:43.980 --> 00:05:55.890

Paul Thomas: And just as a reminder, this will be inside the principal dwelling normally we've been getting these when they're in a separate building. So the rules. Many of the rules are the same, but there are some of the rules are different.

32

00:05:56.940 --> 00:06:00.720

Paul Thomas: When you're trying to do this inside the principal dwelling.

33

00:06:02.040 --> 00:06:15.030

Paul Thomas: And the zoning officer sent it for a variance, because the first requirement that we might discuss is that if you're going to do this with an apartment inside the principal dwelling.

34

00:06:16.380 --> 00:06:37.950

Paul Thomas: You need to have the minimum acreage required in that particular zoning district for for a principal dwelling. So in this case, as I read the zoning it's five acres, and this is a 3.1 a three acre lot so he flag that as the acreage was insufficient.

35

00:06:39.870 --> 00:06:45.030

Paul Thomas: To, you know, allow this. So that's an area variance for that particular issue.

36

00:06:46.620 --> 00:06:53.610

Paul Thomas: Now there are other issues that he didn't flag that I can run through really quickly, unless anybody has questions on the first one.

37

00:06:55.980 --> 00:06:56.820

Paul Thomas: So,

38

00:06:58.140 --> 00:07:03.330

Paul Thomas: The server related to the first issue is the requirement in

39

00:07:04.740 --> 00:07:06.060

Paul Thomas: That says

40

00:07:07.890 --> 00:07:23.730

Paul Thomas: That you can't do this on an existing non conforming lot of less than the prescribed wide area or a lot with. So we've already talked about the lot areas being as efficient as I read parcel access. I don't, I don't think we have a full survey, but

41

00:07:25.620 --> 00:07:34.080

Paul Thomas: The lot width is probably not the required 400 feet. So you have that issue thrown in with the insufficient acreage

42

00:07:36.540 --> 00:07:38.700

Paul Thomas: And you also have

43

00:07:40.200 --> 00:07:47.130

Paul Thomas: What I couldn't tell from the drawing. Maybe the applicant could help us is the size of this proposed apartment.

44

00:07:47.910 --> 00:08:03.270

Paul Thomas: And this is going to, you know, this will need to struggle again with the you know the size restrictions on accessory dwellings, you know, the 35% of the principal or 1000 square feet, whichever is more restrictive.

45

00:08:04.320 --> 00:08:06.000

Paul Thomas: Right, so

46

00:08:07.140 --> 00:08:09.570

Paul Thomas: If this is bigger than 1000 square feet.

47

00:08:10.740 --> 00:08:11.280

Kathy Motashami: Not

48

00:08:12.210 --> 00:08:14.340

Paul Thomas: What would the square footage be

49

00:08:15.210 --> 00:08:22.590

Kathy Motashami: Um, the gentleman who's doing it said it would be approximately 650 square feet to 700 square feet.

50

00:08:24.120 --> 00:08:25.500

Paul Thomas: Okay, so

51

00:08:27.420 --> 00:08:31.650

Paul Thomas: Your house is about 1500 right total

52

00:08:31.680 --> 00:08:32.490

Darkness.

53

00:08:33.510 --> 00:08:40.560

Paul Thomas: So it's 35% of the habitable portion of the house. So that's smaller than 1500 square feet.

54

00:08:41.970 --> 00:08:43.350

Paul Thomas: But let's just say

55

00:08:44.640 --> 00:08:49.080

Paul Thomas: It's 1500 square feet, just for the sake of argument, so that would limit you to about 500

56

00:08:50.400 --> 00:08:50.880

Kathy Motashami: Okay.

57

00:08:51.300 --> 00:08:54.180

Kathy Motashami: So if you notice that where the

58

00:08:59.100 --> 00:09:08.670

Kathy Motashami: The okay I'm trying to explain this one of the smaller areas is a storage area. So that's not going to be a livable space and the

59

00:09:09.540 --> 00:09:26.010

Kathy Motashami: Other area has the oil tank and the boiler in it, and that is also not part of the livable space. So I think he was including the whole square as that dimension of square footage

60

00:09:26.400 --> 00:09:35.700

Paul Thomas: Okay. Well, I think it would be helpful to clarify that before you go before you go to the Zoning Board of appeals because you're going to be limited.

61

00:09:36.540 --> 00:09:48.690

Paul Thomas: As I read this to it can't be less than 400 but I think you're going to be limited. Well, they could give you a variance. If they're if you're within you know if you're allowed to 500 they could give you 600 they probably would, would be

62

00:09:49.530 --> 00:09:56.130

Paul Thomas: Okay. Um, so that part of its okay but but that is an issue that you wouldn't need to clarify with them.

63

00:09:57.660 --> 00:10:08.100

Paul Thomas: Because I think you know either you're in compliance or you're going to be a little bit out of compliance. So you would just, you know, they would have to give you a variance for whatever extra square footage you might need.

64

00:10:08.760 --> 00:10:12.900

Paul Thomas: Okay, I'm assuming they give you the variances for the acreage and a lot with

65

00:10:13.350 --> 00:10:23.340

Paul Thomas: Right, and so that gets us to the, the, the really big. The, the, sort of, the fundamental issue, if you will, which is

66

00:10:25.260 --> 00:10:26.700

Paul Thomas: As I read the zoning, it's

67

00:10:30.210 --> 00:10:49.440

Paul Thomas: You can't put a dwelling unit and accessory dwelling unit into a principal structure if the principal structure was built after the effective date of the zoning law. And I think you can correct me if I'm wrong is that the house was built in 1994 so it's not right.

68

00:10:50.310 --> 00:10:52.860

Kathy Motashami: As far as I know, that's when it was felt. Okay.

69

00:10:53.610 --> 00:11:02.520

Paul Thomas: So it was we, you know, the way I've interpreted the effective date of this chapter. If you look at the definitions.

70

00:11:05.010 --> 00:11:11.010

Paul Thomas: In this chapter refers to the local law number three of 1991 and or amendments, there are two

71

00:11:12.930 --> 00:11:15.090

Paul Thomas: And I've interpreted this in the past.

72

00:11:16.320 --> 00:11:20.670

Paul Thomas: as meaning that the effective date of this of this chapter is 1991

73

00:11:23.940 --> 00:11:30.660

Paul Thomas: And I don't know how else we can interpret that. But maybe somebody else has a better idea. But if that's true.

74

00:11:31.710 --> 00:11:35.880

Paul Thomas: Then this kind of thing is not permitted in a house that's built in 1994

75

00:11:36.990 --> 00:11:38.850

Kathy Motashami: So, okay, great.

76

00:11:39.390 --> 00:11:58.260

Paul Thomas: So that, so that is a huge issue that again. The CVA could, you know, take the position that they want to allow use variants for this, but that's a different you know different issue that's a sort of a more and more difficult standard to me.

77

00:11:59.460 --> 00:12:04.590

Paul Thomas: If you're, if you're trying to get a huge variance than just, you know, square footage variants or something like that, but

78

00:12:05.730 --> 00:12:11.040

Paul Thomas: So, so those are the issues. Now I did look at whether this could be considered a two family dwelling.

79

00:12:12.180 --> 00:12:18.870

Paul Thomas: Under you know as a sort of alternative way of getting getting around this and okay, you don't really gain that

80

00:12:20.400 --> 00:12:25.200

Paul Thomas: You gain a little but then you lose something because it has the same restriction on

81

00:12:26.940 --> 00:12:31.230

Paul Thomas: You know you're not supposed to do in a house. It's built after the effective date of the zoning.

82

00:12:32.970 --> 00:12:35.970

Paul Thomas: So you have that same restriction, you lose the

83

00:12:37.050 --> 00:12:48.570

Paul Thomas: size limitation, the square footage limitation, you do lose that. But you, then you have to deal with. They want you to have twice the minimum acreage so you would have to have 10 acres

84

00:12:48.780 --> 00:12:50.010

Paul Thomas: Right, that I know.

85

00:12:50.130 --> 00:12:52.470

Paul Thomas: I don't know which ones, but I would have tried

86

00:12:52.530 --> 00:12:57.990

Paul Thomas: I would go with the square footage I would go with the first option as accessory dwelling because I think you have a better

87

00:12:57.990 --> 00:12:59.340

Paul Thomas: Chance. Okay.

88

00:12:59.550 --> 00:13:05.730

Paul Thomas: You know I'm saying of getting you know if the limit is 64 feet and you're trying to get 650 I think of a better shot.

89

00:13:06.960 --> 00:13:10.770

Paul Thomas: Doing it that way. But I want to give you advice, but that's sort of what the way I was reading it.

90

00:13:12.720 --> 00:13:13.110

Paul Thomas: Okay.

91

00:13:13.320 --> 00:13:16.440

Paul Thomas: So those are those are all the issues and I just

92

00:13:18.900 --> 00:13:26.640

Paul Thomas: You know, it's, I think, I think you just the way I'm reading the zoning here you know that there's sort of a policy.

93

00:13:27.270 --> 00:13:41.340

Paul Thomas: See, there seems to be a policy of discouraging this type of thing, unless the building is an older building and or unless there's, you know, certain amount of acreage and there's other things that the pot. You know, the zoning law wants you to have so

94

00:13:41.580 --> 00:13:54.900

Paul Thomas: Okay. Um, so I throw that I mean I throw it open to the board for any, you know. Other thoughts are, these are, these are the variances that would be required, including the day when they use variance, which would, you know,

95

00:13:56.160 --> 00:14:01.710

Paul Thomas: Is normally not something it's granted by the CPA. But, you know, you don't know, something like this. They might might go ahead and do it.

96

00:14:02.610 --> 00:14:03.000

Right.

97

00:14:08.880 --> 00:14:12.720

art depasqua: This basement finished at all or is it just a basement.

98

00:14:14.250 --> 00:14:14.880

Kathy Motashami: Basement

99

00:14:15.330 --> 00:14:15.750

Okay.

100

00:14:26.280 --> 00:14:30.060

Paul Thomas: I mean, I think if they agree. You know, if they agree with the

101

00:14:32.610 --> 00:14:39.240

Paul Thomas: That it's a use for our use variances required to you would have to, I wrote this out and you'll get a copy

102

00:14:39.810 --> 00:14:49.170

Paul Thomas: But there's certain standards that you have you certain things. You're supposed to show in order to get to use variants that you would want to be ready to eat right to be ready to present to them.

103

00:14:50.310 --> 00:14:51.030

Paul Thomas: You know, in order to

104

00:14:51.390 --> 00:14:52.950

Kathy Motashami: See, you're going to write that out for me.

105

00:14:53.010 --> 00:14:55.350

Paul Thomas: It's, it's, yeah I typed it out and

106

00:14:57.420 --> 00:15:08.370

Paul Thomas: You know all this board is going to do is give a recommendation and then the CBI is the one that's really gonna, you know, make the decision and they may say with some of this stuff. They may say, Well, you know, we don't agree.

107

00:15:09.600 --> 00:15:15.480

Paul Thomas: They may say we read it differently, you know. You don't know what they're gonna do, but this is the way I was, you know, this is kind of the way I was looking at it.

108

00:15:16.380 --> 00:15:21.840

Kathy Motashami: Okay I all I can do is try. I'm not trying to do here is do the right thing. So

109

00:15:22.230 --> 00:15:24.270

Paul Thomas: Yeah. Now that's, I think,

110

00:15:24.510 --> 00:15:31.890

Kathy Motashami: Fortunately, you know, circumstances or circumstances, I don't want to have to lose this house just because I can't afford to stay here.

111

00:15:32.580 --> 00:15:41.790

Paul Thomas: Yeah, you know what, I let me say two things. One is occurred to me before the meeting. I really appreciate that you are trying to do the right thing because some people just

112

00:15:42.150 --> 00:15:44.880

Kathy Motashami: Yeah, I mean, so it was just, yeah, I do know.

113

00:15:44.940 --> 00:15:49.710

Kathy Motashami: What it was a long time what people do and don't do. So yeah, I mean,

114

00:15:50.520 --> 00:15:51.390

Kathy Motashami: The whole thing.

115

00:15:52.320 --> 00:16:06.660

Kathy Motashami: I can do is the best that I can do and I can only hope that you guys will work in my behalf and and say, you know, this is a single person. I have no other income. Nobody else who's going to help me. And this was my only solution.

116

00:16:08.160 --> 00:16:14.370

Paul Thomas: Yeah, you know, the other part is going to make is, I think, you know, this is the zoning laws being reevaluated and they may

117

00:16:16.260 --> 00:16:25.680

Paul Thomas: They may want to take a look at this, because they're going to be more and more people in a position where either they have parents or relatives.

118

00:16:26.160 --> 00:16:32.640

Paul Thomas: You know who need this kind of setup or they need additional income and I understand the policy of you do not want to

119

00:16:33.450 --> 00:16:38.820

Paul Thomas: Increase the density of, you know, these room, you know, these foreign country, you know, rural neighborhoods.

120

00:16:39.540 --> 00:16:52.800

Paul Thomas: Too much by everybody having, you know, multiple dwellings on a single property. I completely get that, but they're on the other hand, there may be a need to loosen this up a little bit to allow something like this in the appropriate case.

121

00:16:52.860 --> 00:17:02.280

Kathy Motashami: Right. But that's the funny part and this is what I told our lien. I said, what's really silly is that right next door to me there's 150 acres

122

00:17:02.640 --> 00:17:13.920

Kathy Motashami: That they cannot build on because it's part of the conservancy and it's been part of my property for the 13 years I've been here. And I'm going to just, like, give me a couple of acres away.

123

00:17:15.360 --> 00:17:20.970

Kathy Motashami: Nobody can build on it, nobody can do anything over there and it's right there.

124

00:17:22.800 --> 00:17:25.800

Kathy Motashami: So I said that would definitely you know pass

125

00:17:26.430 --> 00:17:27.060

Paul Thomas: That would help with

126

00:17:27.330 --> 00:17:28.710

Kathy Motashami: Have enough acreage

127

00:17:29.670 --> 00:17:31.170

Paul Thomas: That would help with some of this.

128

00:17:34.710 --> 00:17:38.400

Paul Thomas: So, you know, I don't know if the board has any comments or but

129

00:17:39.060 --> 00:17:45.960

art depasqua: Does anybody have anything to say, or are you leaning in any specific direction here.

130

00:17:51.270 --> 00:18:00.420

Justin Carroll: Justin I don't know anything constructive to say, I mean, I'm very sympathetic to the circumstances. And I want to try to find a way

131

00:18:00.990 --> 00:18:17.910

Justin Carroll: To help out the applicant, but at the same time, it really, it's kind of a variance of every single part of the law. Right, so it's hard to see how you make a positive recommendation. When you know none of the sub sections are being met, but I don't like that result.

132

00:18:24.630 --> 00:18:31.080

art depasqua: I'm not. I'm more just personally more in favor of up a neutral.

133

00:18:32.760 --> 00:18:34.800

art depasqua: And let the Zoning Board.

134

00:18:35.940 --> 00:18:42.210

art depasqua: Figure this out. Maybe they can help the applicant because we can't, we can't make the decision. Anyways,

135

00:18:43.680 --> 00:18:44.010

Paul Thomas: Right.

136

00:18:44.340 --> 00:18:47.100

art depasqua: That's, that's kind of my feeling on this.

137

00:18:49.800 --> 00:19:00.900

Paul Thomas: But I feel, I feel the same way that you guys there and Justin, you're kind of Expressway I kind of like a like this, it'd be great to help. On the other hand, it's you're

138

00:19:01.350 --> 00:19:13.170

Paul Thomas: Rewriting the zoning law if you allow all these exceptions. So, and then the next person who comes in, has the right to get the same relief. So you basically read written the policy and I don't know that we're in a position to do that so

139

00:19:14.640 --> 00:19:16.830

Paul Thomas: I would be I would be fine with neutral as well.

140

00:19:17.340 --> 00:19:32.190

Justin Carroll: I think neutral. Right. I think right it was like oh no this deep pockets and just trying to get a few extra bucks. And I'd say negative, but given the answers here. Right. That kind of ways in favor and I don't want to give a negative I think neutrals. I'd be okay.

141

00:19:33.330 --> 00:19:33.810

Justin Carroll: Yeah, and

142

00:19:33.900 --> 00:19:46.830

Kathy Motashami: Somebody was saying earlier about, I am not going to be the first one coming and and trying to do this because of the way the world is changing and with the idea of

143

00:19:47.370 --> 00:20:00.840

Kathy Motashami: People, as you said, the older people will mean their families to be able to figure out a way to get things, you know, so that they can have that happen and it has started across the country where families are now making

144

00:20:02.310 --> 00:20:13.470

Kathy Motashami: A mother daughter situation so that the mother can come and live with them. I am hoping to have a situation where somebody will go up here, who will take care of me.

145

00:20:14.430 --> 00:20:23.370

Kathy Motashami: So that I don't have to worry about. I'm sorry. So be difficult. After. Think about when you get to a certain age.

146

00:20:23.670 --> 00:20:37.320

Kathy Motashami: Of worried about somebody to take care of me and I don't have to end up in a nursing home and all the horrors, especially now that you've heard about the nursing homes and where people have not been able to

147

00:20:38.490 --> 00:20:51.870

Kathy Motashami: Take care of them with this coven and how you know people had been dying. And so you do get to a point where you really fear having to be in that situation, especially with what has happened with this.

148

00:20:53.820 --> 00:20:54.270

art depasqua: All

149

00:20:55.500 --> 00:20:57.420

art depasqua: You, you have your resolution.

150

00:20:58.620 --> 00:21:00.570

Paul Thomas: And I do. Did you want you want me to

151

00:21:02.040 --> 00:21:03.090

Paul Thomas: Read through it or

152

00:21:03.330 --> 00:21:04.230

art depasqua: Yeah, this

153

00:21:06.330 --> 00:21:07.860

art depasqua: I'd appreciate it. Okay.

154

00:21:08.730 --> 00:21:10.440

Paul Thomas: So I'm gonna I'll read it.

155

00:21:10.500 --> 00:21:11.040

With a

156

00:21:12.630 --> 00:21:21.810

Paul Thomas: I'll put neutral in when I read it, so be it resolved that the town of Clinton planning board is making neutral recommendations, the Zoning Board of appeals

157

00:21:22.680 --> 00:21:38.700

Paul Thomas: With respect to the variances requested or required by Kathy J modish me from section 215 29 of the town Clinton zoning laws to allow construction of an accessory dwelling in a principal structure located at 15 red cedar lane.

158

00:21:39.840 --> 00:21:49.770

Paul Thomas: With the tax parcel number which is located in the air five zoning districts in the town of Clinton, whereas one the applicant seeks to construct an accessory apartment.

159

00:21:50.460 --> 00:22:00.540

Paul Thomas: cleaning the bathroom and kitchen in the basement of an approximately 1500 and four square foot single family dwelling located on a 3.183 acre lot

160

00:22:01.350 --> 00:22:15.450

Paul Thomas: Zoning Administrator denied the application for a building permit on the grounds that the project requires issuance with special use permit authorizing construction own accessory dwelling and then an area variance is required from the requirements with section.

161

00:22:17.190 --> 00:22:20.130

Paul Thomas: Of the zoning law, paragraph two section.

162

00:22:21.450 --> 00:22:33.420

Paul Thomas: Governs accessory dwelling units located within or attached to principal structures you 5029 31 states that quote the total acreage required for the single family dwelling.

163

00:22:34.770 --> 00:22:44.220

Paul Thomas: With the accessory dwelling unit within the principal structure is the same as the acreage required for a single family dwelling unit in the district in which is located and quote

164

00:22:45.270 --> 00:22:53.280

Paul Thomas: The subject parcel consists of 3.183 acres where five acres is the minimum lot area required pigeonholing unit in the air five zoning district.

165

00:22:54.060 --> 00:23:02.010

Paul Thomas: Or the district schedule very involved regulations. Accordingly, the applicant requires a variance from the minimum lot area requirement set forth and to

166

00:23:04.410 --> 00:23:16.170

Paul Thomas: From five acres to 3.183 acres, paragraph three, in addition section 215 29 beat be two states that quote a lot may not be an existing onto farming lot

167

00:23:16.740 --> 00:23:23.880

Paul Thomas: Of less than the prescribed a lot area or a lot with required in the district unquote parcel appears to be an existing non conforming what

168

00:23:24.990 --> 00:23:37.440

Paul Thomas: Is noted the southern a parcel does not contain the minimum prescribed lot area, for they are five district Nord has to comply with the minimum lot with requirements and 400 feet. Accordingly, a variance from requirements to

169

00:23:39.270 --> 00:23:42.480

Paul Thomas: Will also be required for the application.

170

00:23:43.980 --> 00:23:52.500

Paul Thomas: does not specify the square footage of the proposed department, although from the drawing supplied, it appears that the accessory dwelling will occupy most of the basement area of the

171

00:23:52.500 --> 00:23:52.890

Principal

172

00:23:54.330 --> 00:24:01.410

Paul Thomas: Principal structure comprises about 1500 and four square feet of total force base her parcel access

173

00:24:02.580 --> 00:24:03.180

Paul Thomas: Section to

174

00:24:04.410 --> 00:24:16.350

Paul Thomas: Be six states that quote the accessories unit shall contain no greater than 35% of the total habitable space of the existing structure prior to the construction of such accessory apartment.

175

00:24:16.920 --> 00:24:27.750

Paul Thomas: Or 1000 square feet of floor space, whichever is more restrictive and, quote, to the extent that the proposed department will exceed the size limitations and additional area variances will be required.

176

00:24:28.920 --> 00:24:29.910

Paul Thomas: Paragraph five

177

00:24:30.960 --> 00:24:31.860

Paul Thomas: Finally section.

178

00:24:33.390 --> 00:24:34.560

Paul Thomas: States that quote

179

00:24:35.580 --> 00:24:50.610

Paul Thomas: Know accessory dwelling unit within a principal structure Shelby allowed and buildings issued a certificate of occupancy after the effective date of this chapter, except buildings covered by section 250 92 he in quote

180

00:24:52.710 --> 00:25:03.660

Paul Thomas: Section 250 104 states that quote the words in the in this chapter, show me in this local law number three of 1991 or amendments there too and quote

181

00:25:04.170 --> 00:25:12.810

Paul Thomas: Parcel access indicates that the principal structure was built in 1994 after the effective date of the current zoning law accordingly section.

182

00:25:14.430 --> 00:25:26.640

Paul Thomas: precludes the issuance of a special use permit. In this case, in the absence of a variance a variance from the requirements of Section 250 29 see to should be classified as a use variants

183

00:25:27.630 --> 00:25:33.330

Paul Thomas: Paragraph six. Alternatively, the applicant might seek a special use permit for to family dwelling.

184

00:25:33.930 --> 00:25:43.950

Paul Thomas: pursuant to Section 250 76 which would eliminate the size limitation on the proposal department, but would require a variance from section to 5076 B.

185

00:25:44.550 --> 00:25:55.860

Paul Thomas: Which provides that quote a two family dwelling show requires twice the acreage specified in the district schedule of area in bulk regulations for single family dwelling in the district in which is located in quote

186

00:25:57.210 --> 00:26:06.000

Paul Thomas: In this case, the variants from the required 10 acres to 3.12 3.183 acres would be necessary.

187

00:26:07.380 --> 00:26:19.920

Paul Thomas: In addition, section 250 7062 states that the lack containing the two family dwelling quote may not be an existing non conforming lot of less than the prescribed lot area with or frontage unquote

188

00:26:21.030 --> 00:26:37.860

Paul Thomas: In Section 250 7061 further provides that a two family dwelling created by conversion rather than new construction must be created through conversion every single family dwelling legally existing on the effective date of this chapter. Unquote.

189

00:26:39.090 --> 00:26:44.310

Paul Thomas: Paragraph seven. There are no known outstanding zoning violations on the property per the zoning.

190

00:26:45.960 --> 00:26:51.810

Paul Thomas: Enforcement Officer eight. The property is not in a CA kind of property is not located

191

00:26:52.590 --> 00:27:07.830

Paul Thomas: In original line Scenic Area store protection overlay 10 eight area variances, a type to action under seeker and requires no further review and application for a use variants requires secret review which will be conducted by the CBI 11

192

00:27:09.000 --> 00:27:13.050

Paul Thomas: Paragraph 11 the factors to be considered in evaluating whether to grant and area Marion's

193

00:27:13.680 --> 00:27:20.520

Paul Thomas: Or whether an undesirable change will be produced in the character of the neighborhood or a detriment to near my properties will be created by granting it

194

00:27:21.120 --> 00:27:26.910

Paul Thomas: Whether the benefits saw by the application can be obtained by other means whether the requested variance is substantial.

195

00:27:27.600 --> 00:27:37.590

Paul Thomas: Whether the proposed variants will have an adverse effect or impact on the physical or environmental conditions in the neighborhood and whether the alleged difficulty is self created 12

196

00:27:40.740 --> 00:27:46.920

Paul Thomas: Given the applicant is not proposing new exterior construction or in addition to principal structure, the proposed variances.

197

00:27:47.460 --> 00:27:52.710

Paul Thomas: will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties.

198

00:27:53.250 --> 00:28:03.450

Paul Thomas: With the exception of a slight increase in population density in traffic. However, the planning board notes that the allowing the applications received will create a precedent that is clearly contrary

199

00:28:04.050 --> 00:28:17.610

Paul Thomas: To the express terms and policy, the zoning law which appears designed to limit the number and size of accessory dwelling in the town 13 the benefits sought by the applicant, the creation of accessory apartment could not be achieved by another method.

200

00:28:19.020 --> 00:28:21.540

Paul Thomas: 14 requested variances are substantial

201

00:28:22.770 --> 00:28:36.330

Paul Thomas: Repeal variances will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood, with the exception of slightly increased population density and traffic 16 the alleged difficulty is self created

202

00:28:37.350 --> 00:28:46.170

Paul Thomas: 17 to 20 use variants. The applicant must show that the applicable zoning rules and restrictions create and quote unnecessary hardship.

203

00:28:46.740 --> 00:28:52.890

Paul Thomas: The applicant was demonstrated by competent financial evidence that it cannot realize a reasonable return

204

00:28:53.430 --> 00:29:06.060

Paul Thomas: From any of the permitted uses in a district that the alleged hardship is unique, that the variants will not alter these central character of the neighborhood, and that the alleged hardship has not been self critical has not been self created

205

00:29:07.530 --> 00:29:13.650

Paul Thomas: At the applicant is not submitted sufficient information demonstrating that she can meet each of the criteria for use variance

206

00:29:14.430 --> 00:29:26.490

Paul Thomas: cited in paragraph 17 above. For example, the applicant is not demonstrated or alleged that zoning law creates an unnecessary hardship. Now let me just say we hadn't had the meeting when I wrote this. So I think we've had some

207

00:29:28.260 --> 00:29:33.540

Paul Thomas: You know, we've had some discussion of that. So I could soften that if we'd like to if we'd like to

208

00:29:35.970 --> 00:29:46.560

Paul Thomas: Demonstrate a religion zoning law creates an unnecessary hardship. In our case, but that the hardship is unique to her, or that the alleged hardship has not been self created 19 the application fees and paid

209

00:29:48.660 --> 00:29:59.760

Paul Thomas: And therefore be resolved town or Clinton planning board is making a neutral recommendation to the Zoning Board of appeals with respect to the applicants requests for falling, falling area news variances a section.

210

00:30:02.550 --> 00:30:06.390

Paul Thomas: Which is minimum acreage five acres to 3.18 acres

211

00:30:08.370 --> 00:30:10.950

Paul Thomas: Second variance would be section.

212

00:30:12.330 --> 00:30:19.050

Paul Thomas: Lot area a lot with five acres to 3.18 acres and 400 feet to approximately

213

00:30:20.220 --> 00:30:21.180

Paul Thomas: 280 feet.

214

00:30:22.500 --> 00:30:23.220

Paul Thomas: Third variants

215

00:30:24.390 --> 00:30:24.960

Paul Thomas: Be

216

00:30:26.490 --> 00:30:30.030

Paul Thomas: Apartment maximum square footage to be determined.

217

00:30:31.230 --> 00:30:32.430

Paul Thomas: To be determined. Once

218

00:30:33.630 --> 00:30:44.970

Paul Thomas: The app and gets gets the numbers. And the fourth one would be the use variants. So from 250 29 see to use variance, allowing accessory dwelling within principal structure that is

219

00:30:44.970 --> 00:30:47.490

Paul Thomas: Not predate effective date of current zoning law.

220

00:30:51.870 --> 00:30:52.050

That's

221

00:30:55.350 --> 00:30:56.430

Justin Carroll: Just another second.

222

00:30:57.930 --> 00:30:58.620

art depasqua: Discussion.

223

00:31:00.840 --> 00:31:05.880

Justin Carroll: Yeah, Paul, can you just say, I think you should add a sentence or just tweak 18 about the hardship.

224

00:31:06.360 --> 00:31:07.140

Paul Thomas: Yeah, okay.

225

00:31:08.610 --> 00:31:09.360

Paul Thomas: That's, yeah.

226

00:31:17.160 --> 00:31:24.990

Arlene Campbell: In it you have on the fourth one that you said about the use variance. So are you making a recommendation.

227

00:31:25.920 --> 00:31:38.130

Arlene Campbell: For them to do to whether to determine whether this is a huge variance or that that's I know, isn't it, you have to make a determination whether this is the area maintenance or use today.

228

00:31:38.670 --> 00:31:39.960

Paul Thomas: Well, I think we're

229

00:31:41.580 --> 00:31:49.140

Paul Thomas: We're if we passed the resolution, we're saying we think we're using parents is required, and I think I thought everybody was saying we're going to be neutral. Yes.

230

00:31:49.170 --> 00:31:52.080

Arlene Campbell: Yeah, but then include the UCB is under the foot.

231

00:31:53.280 --> 00:31:55.080

Arlene Campbell: So for the

232

00:31:55.500 --> 00:31:55.980

Arlene

233

00:31:57.240 --> 00:31:58.770

art depasqua: Arlene, I think what

234

00:31:59.820 --> 00:32:11.670

art depasqua: Paul is doing is he's giving them options and different ways to go on this. We're not making a recommendation for us. Mary's we're giving them the options. That's it.

235

00:32:12.150 --> 00:32:18.630

Arlene Campbell: I just want to go because I have to do the legal and I want to move the exact verbiage of the recommendation of the plan and what

236

00:32:19.800 --> 00:32:23.790

art depasqua: We're neutral recommendation on the application.

237

00:32:24.060 --> 00:32:26.580

Arlene Campbell: I have to spell out there, all those ways

238

00:32:29.670 --> 00:32:32.220

Paul Thomas: Well, I mean, I think the Zoning Administrator didn't

239

00:32:32.460 --> 00:32:39.210

Paul Thomas: Flag all the issues. So if you want to go back to him and say this is what the plain weird things, you know,

240

00:32:40.410 --> 00:32:41.760

Paul Thomas: He can recommend is

241

00:32:42.990 --> 00:32:45.510

Paul Thomas: Referral, you know, but

242

00:32:47.130 --> 00:32:53.130

Paul Thomas: I think this is what we're saying. I hear what you're saying. I don't know how you're going to wear the ad. I hear what you're saying. I just

243

00:32:56.940 --> 00:32:59.400

Arlene Campbell: I just do. I'll just put whatever you have.

244

00:33:00.960 --> 00:33:01.410

art depasqua: Okay.

245

00:33:02.670 --> 00:33:04.380

art depasqua: Okay. Any further discussion.

246

00:33:06.960 --> 00:33:08.820

art depasqua: All in favor of the resolution.

247

00:33:12.450 --> 00:33:13.290

art depasqua: Or I

248

00:33:18.150 --> 00:33:18.900

art depasqua: So moved.

249

00:33:20.550 --> 00:33:22.290

art depasqua: Okay, well,

250

00:33:24.060 --> 00:33:25.350

art depasqua: Thank you very much.

251

00:33:27.420 --> 00:33:30.870

art depasqua: And good luck with the good luck with the Zoning Board.

252

00:33:32.220 --> 00:33:34.230

Arlene Campbell: Next Thursday. Can I call you.

253

00:33:38.700 --> 00:33:39.810

Arlene Campbell: September 24

254

00:33:40.980 --> 00:33:41.490

Arlene Campbell: CASEY

255

00:33:41.880 --> 00:33:47.760

Kathy Motashami: You okay, I gotcha. My thing is going a little wacky right now are leaving. So you said September 24

256

00:33:48.180 --> 00:33:48.600

Yes.

257

00:33:49.710 --> 00:33:50.610

Kathy Motashami: All right. Um,

258

00:33:51.810 --> 00:33:53.280

Kathy Motashami: I'll talk to you tomorrow.

259

00:33:55.710 --> 00:33:56.100

Arlene Campbell: Yes.

260

00:33:56.910 --> 00:34:01.320

Kathy Motashami: Okay. Thank you, guys. I appreciate all your help. Thank

261

00:34:01.590 --> 00:34:01.890

You

262

00:34:03.270 --> 00:34:06.750

Kathy Motashami: Good. Well, I, I could use luck. I can get

263

00:34:07.410 --> 00:34:08.040

Okay.

264

00:34:10.410 --> 00:34:21.540

Kathy Motashami: Good luck and I, we can only hope for the best for me. Thank you for all your work, guys. Thank you for listening to me and I hope it goes in my favor. That's all I can do.

265

00:34:22.170 --> 00:34:26.190

art depasqua: That's it. Okay, thank you. Good night. Now,

266

00:34:26.610 --> 00:34:27.210

Tonight.

267

00:34:29.760 --> 00:34:30.930

art depasqua: Okay, does anybody

268

00:34:32.670 --> 00:34:34.290

art depasqua: Anybody else have anything

269

00:34:35.070 --> 00:34:41.130

Arlene Campbell: I have something the DLC that just lengthened service. He wants to do a presentation.

270

00:34:42.750 --> 00:34:44.730

Arlene Campbell: Once the chairman to give

271

00:34:46.500 --> 00:34:54.480

Arlene Campbell: A recommendation or something. But so I'm not splitting it till we come back on the second meeting on October.

272

00:34:54.930 --> 00:34:59.790

art depasqua: That's fine, that's fine. I bet it's, it sounds like a good thing.

273

00:35:00.540 --> 00:35:03.240

Arlene Campbell: Oh, you heard about it, you know, because

274

00:35:04.650 --> 00:35:07.110

Arlene Campbell: They're going to go to before the tomboy for us.

275

00:35:07.440 --> 00:35:10.350

art depasqua: Okay, good. So we'll do it not on the six

276

00:35:10.350 --> 00:35:11.430

art depasqua: But on the

277

00:35:12.540 --> 00:35:13.530

art depasqua: Okay, okay.

278

00:35:15.060 --> 00:35:17.340

art depasqua: Terrific. Okay, anybody else.

279

00:35:19.350 --> 00:35:20.280

art depasqua: Okay. Do we have

280

00:35:21.570 --> 00:35:22.980

art depasqua: A motion to adjourn.

281

00:35:25.980 --> 00:35:28.140

Paul Thomas: Persinger dirt. Okay.

282

00:35:28.830 --> 00:35:32.820

art depasqua: One second. Okay, discussion. All in favor.

283

00:35:34.380 --> 00:35:34.860

art depasqua: Aye.

284

00:35:35.400 --> 00:35:37.080

art depasqua: Art I okay

285

00:35:38.610 --> 00:35:40.170

art depasqua: Thank you, Paul. That was, that was