

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
January 7, 2020**

MEMBERS PRESENT

Art DePasqua, Chairman

Justin Carroll
Sara Love
Paul Thomas
Tracie Ruzicka

Secretary – Arlene Campbell

MEMBERS ABSENT

Gerald Dolan
Jack Auspitz

ALSO PRESENT

Dean Michael, Liaison Officer

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Boucher Horse Barn Demo Plan - property located at 304 Clinton Avenue, Tax Grid No. 6366-00-837288.

Applicant proposes to demolish a horse barn due to its unviable and economic condition.

Robert Nielsen from RA Nielsen appeared on behalf of the property owner. He briefly explained his application as indicated above. He described the conditions of the proposed building to be removed. The foundation has been compromised by time and weather, the roof is unsound and the walls have been renovated over time with poor grade material. Mr. Nielsen explained the pictures of the building showing the conditions. He noted that this building does not have architectural significance.

After all the discussions were made, the board passed a resolution. Ms. Ruzicka read the motion that was crafted by Mr. Auspitz.

Ms. Ruzicka motioned the following resolution, to wit:

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BE IT RESOLVED, that the Town of Clinton Planning Board recommends approval of the Demolition Permit application on property owned by **Rebecca Boucher** for the purpose of demolishing a farm building located on a 18.19-acre parcel at 304 Clinton Avenue, **Tax Grid 132400-6366-00-837288** and refers the matter to the Building Inspector for review and approval of a demolition plan to be submitted by the applicant.

WHEREAS:

1. Applicant Rebecca Boucher seeks permission, pursuant to Sec. 250-93 of the Town of Clinton Zoning Law, to demolish an accessory dwelling unit at 304 Clinton Ave, Salt Point NY 12578 within the Town of Clinton (Parcel #132400-00-837288-00000; and
2. The structure is immediately adjacent but not connected to the main house on this 18.19-acre agricultural property and is in poor condition; and
3. Applicant states the building was used in part for storage and for an apartment not registered with the Town. She states the structural integrity of the building has been compromised and that it would have to be rebuilt from the foundation up to be useful. The application does not say when the accessory unit was built. However, the Parcel Access form submitted by the applicant states the main building was constructed in 1850. Even if we assume the age of the accessory dwelling unit is similar, it does not appear to have either historic or architectural significance; and
4. No statement is made as to the intended future use of the land on which the building sits but demolition in and of itself would not harm the character of the surrounding area and buildings;
5. a short form EAF has been submitted.

NOW THEREFORE BE IT RESOLVED, That applicant's request for a demolition permit be granted subject to the conditions that an appropriate demolition plan be submitted to and approved by the Building Inspector and that all applicable fees be paid

Seconded by Mr. Thomas.

Discussion. None.

Aye, Motion carried, 5-0.

Boucher Demo Plan - property located at 293 Clinton Avenue, Tax Grid No. 6366-00-774208.

The applicant proposes to demolish a pole barn built in 1970 with no historic significance.

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Robert Nielsen from RA Nielsen presented his second application. He explained that this barn needs some repair but the property owner wishes to remove it. The barn is no longer needed. The current footprint of the demolished building will be an open space.

The board agreed to pass a resolution. Ms. Ruzicka read the motion that was prepared by Mr. Auspitz, to wit:

Ms. Ruzicka motioned the following resolution, to wit:

BE IT RESOLVED, that the Town of Clinton Planning Board recommends approval of the Demolition Permit application on property owned by **Rebecca Boucher** for the purpose of demolishing a farm building located on 293 Clinton Avenue, **Tax Grid 132400-6366-00-774208** and refers the matter to the Building Inspector for review and approval of a demolition plan to be submitted by the applicant.

WHEREAS:

1. Applicant Rebecca Boucher seeks permission pursuant to Sec. 250-93 of the Town of Clinton Zoning Code to demolish a barn located at 293 Clinton Ave in the Town of Clinton (Parcel #132400-6366-00-774208-0000); and
2. The barn was constructed in 1970 and has no architectural significance and is not a historic building; and
3. Applicant states that the barn is in poor condition, would be expensive to repair and is not needed; and
4. Applicant owns the adjacent property with the best view of the barn and states the ground will be left as open space after demolition; and
5. A short form EAF has been completed and is on file and
6. The demolition will not harm the character of the surrounding area or buildings

NOW THEREFORE, BE IT RESOLVED that demolition approval is hereby granted subject to the conditions that applicant prepare and submit to the Building Inspector a plan of demolition and obtain the approval of the Building Inspector of that plan and that all applicable fees are paid.

Seconded by Mr. Carroll

Discussion. None.

All Aye, Motion carried, 5-0.

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Wiedman Wetlands Permit (continuance) - property located at 176 Schoolhouse Road,
Tax Grid No.
6467-00-058730.

Applicant proposes deer fencing that is in the controlled area.

Mr. Flack submitted the revised map and the Short Form EAF per the Town Engineer's comment. He gave the board a recap of what had transpired at the previous meeting.

Mr. Thomas indicated the comments received from the CAC (letter on file).

The board reviewed the Short Form EAF and passed a motion, to wit:

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution:

Whereas, the Town of Clinton Planning Board has received an application for a permit pursuant to Section 250-78 of the Zoning Law from Jean Mark Flack on behalf of Mark Wiedman and Dana Kirchman allowing the construction of a 5000-foot deer fence within a wetland, watercourse and/or Controlled Area on a parcel located at 176 Schoolhouse Road in the Town of Clinton; and

Whereas, the subject property is identified as tax parcel number 132400-6467-00-058730 and is located in the AR-5 Zoning District; and

Whereas, a Short Form EAF, Part 1, has been received; and

WHEREAS, the Planning Board has reviewed all available information regarding the proposed action, including the applicant's submission and comments from the Town Engineer and Town of Clinton CAC, and

WHEREAS, the Planning Board has acted as Lead Agency in the uncoordinated review of this unlisted action, and

WHEREAS, the Planning Board has reviewed the environmental impacts that may be associated with this action, and

NOW THEREFORE BE IT RESOLVED, that the Town of Clinton Planning Board has determined that the proposed action will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be required, and

FURTHER BE IT RESOLVED, that the Town of Clinton Planning Board cites the following reasons in support of this determination of non-significance.

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1. The proposed action entails constructing a 5000-foot deer fence in part within the 100-foot buffer around a NYSDEC wetland and crossing a watercourse at two locations on the parcel. There will be no construction or excavation in the wetland itself.
2. Per the Town Engineer's comments, the applicant will be required to utilize non-mechanical measures to dig the post holes and no mature trees will be removed.
3. In the opinion of the Town Engineer, the proposed activity will have little or no impact on the watercourse or wetland. The fence shall be constructed with sufficient clearance such that it does not impede the flow of water within any wetland, watercourse, lake or pond or interfere with the habitat of any aquatic wildlife or plants.
4. The applicant has obtained a permit from NYSDEC pertaining to the proposed activity. The applicant shall comply with the terms and conditions of the NYSDEC permit.
5. The Planning Board has concluded that the proposed activity would not result in the removal or destruction of significant vegetation or fauna, and would not unduly interfere with the movement of any resident or migratory fish or wildlife species. No disturbance to or a substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such a species, or other natural resources, has been identified.
6. The proposed project would have no known adverse impact on historic or pre-historic cultural resources of local, state or federal significance.
7. The proposed activity will occur in a rural, low density, residential/agricultural area and is not expected to impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or the existing community or neighborhood character.

Seconded by Ms. Ruzicka.

Discussion. Mr. Carroll asked if the resolution includes the update from the DEC. Mr. Thomas responded that the DEC comments and updates are included to the Negative Declaration resolution.

All Aye, motion carried, 5-0.

After a very lengthy discussion, the board passed another resolution.

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution:

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Whereas, the Town of Clinton Planning Board has received an application for a Controlled Area Permit pursuant to Section 250-78 of the Zoning Law from Jean Mark Flack on behalf of **Mark Wiedman and Dana Kirchman** allowing the construction of a 5000 foot deer fence within a wetland, watercourse and/or Controlled Area on a parcel located at 176 Schoolhouse Road in the Town of Clinton; and

Whereas, the subject property is identified as tax parcel number 132400-6467-00-058730 and is located in the AR-5 Zoning District; and

Whereas, a Short Form EAF, Part 1, has been received; and

Whereas, the Planning Board determined the proposed project is an Unlisted Action and an uncoordinated review of the action was undertaken; and

Whereas, the Planning Board did not conduct a public hearing; and

Whereas, the Town Engineer has reviewed the applicant's submission and, in a memorandum to the Planning Board dated December 9, 2019, issued his comments. The applicant has revised his submission in accordance with the Town Engineer's comments as reflected in the map dated December 11, 2019, which includes a note indicating that no mechanical equipment or concrete will be used in the installation; and

Whereas, the Planning Board has reviewed and considered the comments and recommendations of the Town of Clinton CAC with respect to the application; and

Whereas, the portions of the fence that cross any watercourse, wetland, pond or lake shall provide sufficient clearance such that the fence will not impede the free flow of water, cause the build-up of branches or debris on the upstream side, or otherwise affect the habitat of any aquatic plants or wildlife; and

Whereas, the installation of the fence posts shall be completed manually without the use of mechanical equipment that might result in ground disturbance and installation shall not entail the removal of mature trees; and

Whereas, the Planning Board has concluded that the proposed fence will not have a significant effect on the ecology of the controlled area and wetlands, the public health and welfare, flood hazards or water supply in the area; and

Whereas, at its January 7, 2020 meeting, the Planning Board reviewed the EAF and related submissions by the applicant, as well as the Town Engineer's and CAC's reports, and issued a negative declaration of significance; and

Whereas, the applicant has received a permit from NYSDEC dated January 3, 2020 relating to the proposed activity; and

Whereas, the Army Corps of Engineers has indicated that the proposed activity will not require a permit from that agency.

Now, Therefore Be It Resolved, that the Planning Board grants the requested Controlled Area Permit provided the following conditions are met:

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- a) All appropriate fees have been paid.
- b) Approval from the Town Engineer for the issuance of the requested permit.

Seconded by Mr. Carroll.

Discussion. The board agreed to include the note on the map per the Town Engineer's comment.

All aye, motion carried, 5-0.

Rhodes Site Plan and Special Permit – property located at 600 Clinton Hollow Road, Tax Grid No. 6467-00-125140.

Applicant proposes a one-bedroom accessory dwelling.

Ms. Rhodes and her friend Gene Heninger appeared for this application. Ms. Rhodes indicated the difficulties that she had after her husband died. She was unable to maintain the property without the assistance of a property caretaker. In February 2019, a freeze up of the boiler and pipes occurred while she was away. The house has been uninhabitable since then and is currently undergoing repairs. She needed an extra income and wished to change the use of the garage to a living space. She bought the adjoining vacant lot and merged the two lots giving her a total of 6.99 acres. Ms. Rhodes stated that she now has the ability to turn the permitted space above the garage into a living space. This addition above the garage was built in 2009.

Ms. Rhodes explained that the proposed accessory apartment will have one bedroom. She indicated the letter from the Department of Health stating the sewage disposal system on her property is sufficient for a four-bedroom house. The principal residence contains 3 bedrooms and the accessory dwelling units contains one bedroom. The well completion report is also on file.

Ms. Rhodes explained that the proposed accessory dwelling will not change the character of the neighborhood. There are two separate two-family homes within 500 feet of the premises. The adjoining property to the South contains an accessory apartment. Mr. Heninger added that the structures on these property is not visible from the road.

Chairman DePasqua asked for questions and comments from the board.

Mr. Carroll asked if there will be a change in the exterior of the garage. Ms. Rhodes responded, "None."

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Mr. Thomas asked about the square footage of the dwelling. Ms. Rhodes responded that the house is 2,100 square feet and the addition is 1,080 square feet. The living space above the garage is 910 square feet.

The board agreed to declare lead agency.

Mr. Carroll motioned that the Town of Clinton Planning Board approves the following resolution:

Be it Resolved, that the Town of Clinton Planning Board hereby declares itself lead agency for review of the project pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617, in the matter of **Rhodes Site Plan and Special Permit for an Accessory Dwelling** on property located at 600 Clinton Hollow Road **Tax Grid No. 6467-00-125140** for this Type II, unlisted uncoordinated action.

BE IT FURTHER RESOLVED, the Planning Board hereby directs the copies of Special Permit Application Short Form EAF and Site Plan be sent to the identified interested agencies as noted on Attachment "A".

**Attachment "A"
Identified Interested Agencies**

INTERESTED AGENCIES

Dutchess County Department of Planning and
Economic Development
85 Civic Center Plaza Suite 107,
Poughkeepsie, NY 1260127 High St.

East Clinton Fire District
9 Firehouse Lane
Clinton Corners NY 12514

Seconded by Ms. Love, All Aye. Motion carried, 5-0.

Public hearing is scheduled on January 21, 2020.

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RV Interlake Inc (Annual Permit Renewal) – property located at 428 Lake Drive, Tax Grid No. 6469-00-218434.

Applicant wishes to renew their annual permit.

The board agreed to renew the requested permit.

Ms. Love motioned that the Town of Clinton Planning Board conditionally approves the annual renewal of a special permit for the operation of **Interlake RV Park, Inc.** (Steven R. Dumais, President) located at 428 Lake Drive, **tax grid #132400-6469-00-218434-00.**

WHEREAS:

- 1) The applicant has stated, in a letter dated 12/09/2019, that there are no changes in the operation of the park since the previous renewal.
- 2) The Zoning Enforcement Officer has inspected the site and confirms, by memo to the Planning Board dated 12/30/2019, that (a) the number of sites remains at 159; (b) there are 80 trailers being “wintered over”; and (c) the entire park is “clean and well maintained.”
- 3) The Zoning Enforcement Officer further confirms that there are no known zoning violations on the property.
- 4) A site plan of the campground is on file with the Town of Clinton Zoning Office.
- 5) Interlake RV Park, Inc., has a current Dutchess County Health Department approval to operate the campground, which expires on 3/31/2020

NOW, THEREFORE, BE IT RESOLVED, the Planning Board recommends the approval of the annual renewal of a special permit to the Town Clerk with the following condition:

1. Health Department approval for 2020–2021 is granted.

Seconded by Mr. Carroll.

Discussion. None.

All Aye, Motion carried 5-0.

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BOARD DISCUSSION:

Dean Michael, was back as the Liaison Officer for the board. He gave an update about the proposed Events Local Law and Short Term Rentals.

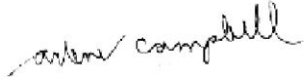
APPROVAL OF MINUTES:

No minutes were approved,

ADJOURNMENT:

Mr. Carroll motioned to adjourn the meeting at 9:02 pm, seconded by Ms. Love All, Aye, Motion carried, 5-0.

Respectfully Submitted,



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