

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
December 21, 2021**

MEMBERS PRESENT

Art DePasqua, Chairman
Jack Auspitz
Gerald Dolan

Michael Galantich
Katarina Maxianova
Paul Thomas

MEMBERS ABSENT

Justin Carroll

ALSO PRESENT

Secretary – Arlene Campbell

Chairman DePasqua called the meeting to order at 7:31 pm.

VARIANCE APPLICATION:

Letson and Nelligan Area Variance – property located at 21 E. Meadowbrook Lane, **Tax Grid No. 6467-00-408433.**

Applicants seek an area variance to Sec. 250 Attachment 2 to reduce the side yard from 50 feet to 45.5 feet in order to construct a wraparound deck on the north and east side of the house.

Ms, Letson appeared for their application. She handed a letter of authorization signed by her husband to speak on his behalf.

Ms, Letson explained that they want to build a deck on the east side of the house. She noted that the house was built in 1971 and predates the zoning. The house is already in the setback. This is a 1.3 acre lot in the AR3 Zoning District.

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

BE IT RESOLVED, the 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 side yard setback reduction to 45.5 feet for a wraparound deck to be constructed on the north and east side of the residence from the required 50 feet for property owned by **Timothea Letson and Patrick Nelligan** and located at 21 E. Meadowbrook Lane, **tax grid number**

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132400-6467-00-408433 in the AR3A zone.

WHEREAS;

1. The applicant wishes to construct a wraparound deck on the north and east side of the home within the 50-foot side yard setback

made necessary by the limited distance between the home and the side yard lot line on the east. The applicants are seeking a variance from Section 250 Attachment 2 as stated above with a side yard setback reduction from 50' to 45.5'.
2. This is a 1.3-acre site located in the AR3A zoning district.
3. The property is located within the Ridgeline, Scenic and Historic Preservation Overlay District with a portion of the parcel being over 500'.
4. The lot is not in an Ag District or a CEA.
5. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
6. The site does not contain a NYSDEC wetland.
7. The site is on a Clinton Scenic/Historic Road, that being E. Meadowbrook Lane, and must conform to Local Law #3 of 2001.
8. With this lot line reduction, an undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties as the porch is not visible from the road or adjoining properties due to trees.
9. The benefit sought by the applicant cannot be achieved by any other feasible method.
10. The requested variance is substantial.
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.

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14. Per the Zoning Enforcement Officer, that 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 Mr. Auspitz,

Discussion. None.

All Aye, Motion carried, 6-0.

Boyd and Morse Area Variance – properties located at 636 Hollow Road and 124 Sodom Road, with **Tax Grid Nos. 6366-00-570998 & 538971** (respectively).

Applicants seek an area variance from the requirements of Section 206-13(B)(1) of the Town of Clinton Subdivision and Lot Line Adjustment Regulations to allow Lot Line Adjustment between their properties.

Section 206-13(B)(1) provides that a “proposed lot line adjustment shall not create any substandard lot, or render any lot more substandard than it may be.”

Mr. Boyd and Mr. Morse both appeared for their application. Mr. Morse explained that the Morses Parcel consists of 2.60 acres and is located at 124 Sodom Road, and the Boyd's parcel consists of 2.886-acres and is located at 636 Hollow Road. Mr. Morse stated that the Boyds is buying .553 acre of his parcel. Both parcels are pre-existing, non-conforming lots in that they do not contain the minimum acreage required in the AR3 Zoning District.

Mr. Morse noted that the proposed action will render the Boyds Parcel conforming though will render his lot more substandard.

Chairman DePasqua asked for questions and comments from the board.

Mr. Thomas explained the two nonconforming parcels in the AR3 Zoning District. This requires a variance to do the lot line.

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Both property owners appeared and explained. Paul explained and indicated the variance to get the lot line adjustment. He recommended a positive recommendation.

Chairman DePasqua asked how nonconforming are these lots. Morse explained how the lot line changed. He pointed on the map the shape of his lot. He noted that it makes more sense to give the back portion of his lot to the Boyds.

Ms. Maxianova asked the applicants if the primary reason for the lot line adjustment is to create a buffer. Mr. Boyd responded, "Yes". Mr. Boyd said that it's difficult for both owners and it creates awkwardness and creating these lots make it more reasonable for both parties.

After all the comments were made, the board agreed to issue a positive recommendation.

Mr. Thomas motioned the following resolution, to wit:

BE IT RESOLVED, that the Town of Clinton Planning Board is making a positive recommendation to the Zoning Board of Appeals with respect to the area variance requested by Richard Morse and James Boyd from Section 206-13(B)(1) of the Town of Clinton Subdivision and Lot Line Adjustment Regulations to allow a proposed lot line adjustment for the purpose of conveying a ± 0.553 acre portion **of tax parcel no. 6366-00-538971 (Morse Parcel) to tax parcel no. 6366-00-570998 (Boyd Parcel)** creating new parcel sizes of ± 2.052 acres (Morse Parcel) and ± 3.439 acres (Boyd Parcel), as shown on the Lot Line Adjustment – Lands of Boyd & Morse, dated November 18, 2021 prepared by John H. Decker L.S. (the "Map").

WHEREAS,

1. The Morse Parcel consists of 2.60 acres and is located at 124 Sodom Road, and the Boyd Parcel consists of 2.886 acres and is located at 636 Hollow Road, and both are located in the AR3 Zoning District; and
2. Both parcels are pre-existing, non-conforming lots in that they do not contain the minimum acreage required in the AR3 Zoning District; and
3. The requested Lot Line Adjustment will render the Boyd Parcel conforming, but will render the Morse Parcel more substandard than it currently is, by reducing its total acreage by approximately 0.553 acres; and
4. The Zoning Administrator has determined that a variance from the requirements of Section 206-13(B)(1) of the Town of Clinton Subdivision

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and Lot Line Adjustment Regulations is required in connection with the Lot Line Adjustment application. Section 206-13(B)(1) provides that a "proposed lot line adjustment shall not create any substandard lot, or render any lot more substandard than it may be."; and

5. The parcels are located in or within 500 feet of an Agricultural District containing working farms and an Agricultural Data Statement is required; and
6. There are no known outstanding zoning violations on the property per the Zoning Administrator; and
7. The properties are not in a CEA; and
8. An area variance is a Type II action under SEQRA and requires no further review; and
9. 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; and
10. The requested variance will not produce an undesirable change in the character of the neighborhood or a detriment to nearby properties; and
11. The benefit sought by the applicants could not be achieved by another method; and
12. The requested variance is substantial, but that should not preclude the granting of the variance; and
13. The requested variance will not have an adverse effect or impact on physical or environmental conditions in the neighborhood; and
14. The alleged difficulty is self-created; and
15. The application fee has been paid.

NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board is making a positive recommendation to the Zoning Board of Appeals with respect to the applicants' request for an area variance.

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Seconded by Mr. Auspitz.

Discussion. None.

All Aye, Motion carried, 6-0.

PUBLIC HEARING:

Safriet 2- lot subdivision – property located at 140 Sunset Trail, Tax Grid No. 6467-00-378494.

The applicant proposes to subdivide a 75-acre parcel into 2 lots consisting of Lot 1 – ±45 acres, and Lot 2 -±30 acres pursuant to Sec. 250.95 C of the subdivision regulations of the Town of Clinton.

Kirk Horton, Land Surveyor appeared on behalf of the property owners.

Mr. Auspitz motioned to open the public hearing, seconded by Mr. Gallantich, all Aye, Motion carried, 6-0.

Mr. Horton explained his proposal to the public. The Safriets proposed to subdivide a ±75-acre lot into two lots. Lot 1 is comprised of ±45 acres and Lot 2 is ±30 acres. This parcel is intersected by an existing town road (Sunset Trail).

Mr. Horton stated that Lot 1 is already developed by a house, garage, barn, pool, and pool house. There is a DEC wetland on this lot. He noted that there will be no changes or improvements in the current use of this lot. Lot 2 is currently a vacant lot comprised of an open field and 1/3 woodland and a .60 acre pond. He underscored that the lot is not proposed to be developed at this time.

Chairman DePasqua solicited questions or comments from the public.

Rosemarie Lamadore of 766 Centre Road asked about the intent of the subdivision. Mr. Horton responded that the Safriets intend to sell the vacant lot.

Ms. Lamadore asked about any plans regarding the pond on the property. She expressed her concern about water runoff coming from the pond. This is already creating an issue on her property. She noted that her property is next to the power lines. She commented that she never had any water issues on her property until after the pond was created.

Sharon Kotler, 174 Sunset Trail spoke and said that she walks on this trail and noted that it's never wet on this field.

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Steve Solinski, 103 sunset trail, said that this is a beautiful hayfield. His understanding, - is the intent is to sell the lot. He wants to know the intent of separating the parcel. They are fearful that the vacant lot is going to be subdivided.

Mr. Auspitz noted that the property owner needs to go back before the board if they propose such action. Per the applicant, they do not have any intention of developing the vacant lot.

Mr. Solinski suggested selling the whole property instead of subdividing the parcel. He expressed his strong concern about the subdivision. This would change the character of the property.

Mr. Auspitz asked the applicant how long was the property on the market as one lot. He commented that maybe the property owner had a hard time selling the property.

Ms. Mortensen, 177 Sunset Trail asked what's the minimum acreage in this area. Mr. Auspitz responded that this is a 3-acre zone district.

Mr. Solinski remarked that the board can avoid all these concerns if the board denies the subdivision proposal.

Mr. Thomas responded that the board does not have the discretion to deny the application if the proposal is reasonable. It is legally allowed.

Mr. Solinski asked about the intention of the vacant parcel. Mr. Auspitz responded that the letter from the applicant indicates "No future development".

Mr. Thomas commented that the board will have grounds to put restrictions if the future owners decide the develop the property. He underscored that there will be another public hearing.

Mr. Solinski noted that this property used to be a farm. Mr. Thomas opined that maybe the future owners might put the property on the land conservancy. Mr. Solinski concurred. This is a good way to preserve the land and the character of the neighborhood.

Hearing no more comments from the public, the board closed the public hearing.

Mr. Auspitz motioned to close the public hearing, seconded by Mr. Gallantich, all Aye, Motion carried, 6-0.

APPLICATIONS:

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Safriet 2- lot subdivision – property located at 140 Sunset Trail, Tax Grid No. 6467-00-378494.

Applicant proposes to subdivide a ±75-acre parcel into 2 lots consisting of Lot 1 – ±45 acres, Lot 2 -±30 acres pursuant to Sec. 250.95 C of the subdivision regulations of the Town of Clinton.

Kirk Horton, Land Surveyor appeared on behalf of the property owners.

The board reviewed the short form EAF and passed the following resolution.

Mr. Auspitz motioned that the Town of Clinton Planning Board approves the following, to wit:

Be it Resolved, that the Town of Clinton Planning Board has determined that **the Safriet 2 Lot subdivision** on property located at 140 Sunset Trail an AR5A zone in the Town of Clinton with **Tax Grid No. 6467-00-378494** will not have a significant impact on the environment; and;

BE IT FURTHER RESOLVED, that 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.

Seconded by Mr. Thomas.

Discussion. None

All Aye, Motion carried, 6-0.

After all the reviews were made, the board passed another resolution.

Mr. Auspitz motioned that the Town of Clinton Planning Board approves the following resolution in the matter of Safriet 2 Lot subdivision on property 140 Sunset Trail, to wit:

WHEREAS

1. Applicant Jason Safriet seeks preliminary and final approval, pursuant to Sections 206-11 and 12, to create a two-lot subdivision at his 75 acre property at 140 Sunset Trail in an AR5A zone in the Town of Clinton (6467-00-378494) as shown on the plat created by Kirk Horton, Land Surveyor, 9 Broadway, Amenia NY (the “Map”).

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2. Lot A would consist of 45.789 acres and is on the east side of the property. Lot B would contain 29.558 acres on the west side and an additional 0.054 acres on the west side of the power lines.
3. The dividing line between the two proposed lots would be Sunset Trail itself. Thus, the subdivision would follow the existing natural and visual division of the property.
4. Lot A contains a large house, barn, garage, and a pool with two story pool house. There is a DEC wetland on the lot. Lot B contains a 0.6-acre pond and is otherwise vacant, consisting of approximately 2/3 open field and 1/3 woodlands. Applicant says he does not intend to make changes in Lot A or develop Lot B at this time. However, applicant has listed Lot A for sale. This listing has been withdrawn pending these proceedings.
5. Applicant was granted sketch plan approval on Nov. 16, 2021
6. Applicant submitted a short form EAF Part 1 prior to Nov. 16, 2021. The Planning Board determined that the proposed project is an Unlisted Action and that an uncoordinated review would be undertaken and thus declared its intent to be Lead Agency on Nov. 16, 2021
7. As Lead Agency, the Planning Board issued a "Negative Declaration" on Dec. 21, 2021 pursuant to the requirements of SEQRA.
8. A public hearing was held on Dec. 21, 2021. Comments were received about possible effects of a pond on Lot B. However, the pond has been there many years and the proposed subdivision would have no impact on whatever effects the pond may or may not be causing. Comments were also received regarding the possible impact of future development of Lot B on the view from Sunset Trail. However, it was acknowledged that applicant had sought unsuccessfully to sell the property as a whole for two years. As noted, applicant states he does not intend to develop Lot B at this time and the Planning Board takes no position now on any future requests for development which may be made.
9. After a review of the Map, the Planning Board has determined the proposed subdivision complies with the requirements of the Town Zoning Law, the Subdivision Regulations and the Town Master Plan as set forth herein
10. The Dutchess County Department of Behavioral and Community Health reviewed the Application and stated it did not need to be involved with the proposed subdivision. The CAC stated it anticipates no impact on natural

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resources but counsels that the possible presence of Blandings turtles should be considered in connection with any future proposed development. Applicant did not consult with the Highway Department regarding a proposed driveway and this must be done.

11. The Applicant has either satisfied the Submission Requirements for Preliminary Plats or has been granted waivers with respect to specific requests made by applicant.
12. Applicant has either satisfied each of the Submission Requirements for Final Plats set forth in the Town of Clinton Subdivision Regulations or the Planning Board has determined that such requirements are not applicable to this subdivision where no improvements are currently planned on the new lot
13. Pursuant to Section 206-18 of the Subdivision Regulations, the Planning Board has determined that a proper case exists for requiring that a park suitably located for playgrounds or other recreational purposes within the town be required for this subdivision. However, the Planning Board has determined that a suitable park cannot be properly located on the proposed site and that applicant shall pay a sum of money in lieu thereof relating to each new lot but not to include the original lot in the total amount of \$4,500, as established by the Town Board

NOW THEREFORE BE IT RESOLVED THAT the Planning Board hereby grants both preliminary and final subdivision approval for the Saftiel Subdivision as set forth on the Map and related submissions, subject to the following **conditions:**

1. Written approval by the Highway Department regarding a possible driveway and
2. Payment of all applicable fees.

Seconded by Mr. Thomas.

Discussion. None.

All Aye, Motion carried, 6-0.

Neumann Non-Hosted STR – property located at 371 Schultzville Road with Tax Grid No.

Applicant proposes to host Non-Hosted Short Term Rental pursuant to Sec. 250-69.1 of the Zoning Law.

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The applicant was a no-show.

No action was taken.

BOARD DISCUSSION:

Covid is on the rise, the board agreed to go back to meeting via zoom with Ms. Campbell hosting the zoom.

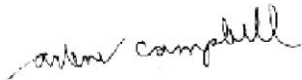
APPROVAL OF MINUTES:

Mr. Dolan motioned to approve the minutes of October 19, 2021, seconded by Mr. Thomas, all Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:59 pm, seconded by Mr. Gallantich, All, Aye, Motion carried, 6-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Arlene Campbell".

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