

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
June 4, 2013**

**MEMBERS PRESENT**

Mike McCormack, Chairman  
Art DePasqua  
Gerald Dolan  
Tracie Ruzicka  
Robert Marrapodi  
Paul Thomas  
Eliot Werner

**MEMBERS ABSENT**

**ALSO PRESENT**

Arlene Campbell, Secretary

Dean Michael, Liaison Officer

Chairman McCormack called the meeting to order at 7:30p.m.

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

None

**APPLICATION:**

**The Ridge School** (Amendment of Approved Site Plan) – property located at 86 Allen Road, **Tax Grid No. 6466-00-590235.**

The applicant proposes to remove the condition of the approved site plan dated December 18, 2012 requiring the installation of the north boundary landscaping.

The Kondors, who own this property, along with the adjoining property owners, the Atchers/Everetts of 102 Allen Road, appeared for this application.

Ms. Kondor explained why they were back before the board as indicated above.

Ms. Everett explained that the condition of the site plan about the installation of ten evergreen trees along the northerly property line, which was intended to screen the school from the neighboring property owners, will adversely affect their solar panel. The system's ability to gather sunlight will be impacted by these trees.

Mr. Atcher noted that they are the neighboring property owners who are directly affected by the proposed screening. He stated that they would rather see a fence instead of the trees.

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Chairman McCormack asked about the location of the solar panel. Mr. Atcher pointed out to the map the location of the solar panel. He added that the solar panel is about 50 feet from the property line.

Chairman McCormack questioned the setback of the solar panel. He asked if this was measured from the base to the pole of the solar panel. Ms. Everett responded, "Yes." The solar panel was installed by Hudson Valley Clean Energy. She noted that the town approved this location.

The panel had a lengthy discussion about the setback. Ms. Everett reiterated that the town approved this site and issued a building permit.

The board reviewed the site plan. There was a solar panel, chicken coop, and a barn. The solar panel is parallel to the chicken coop. The Atchers are the ones affected by the screening trees.

Mr. Werner noted the intention of the screening trees, which is to protect the adjoining property owners.

Ms. Ruzicka asked, "What if the future adjoining property owners decide to take the solar panel down and put up trees instead, will they look into the site plan and bring this issue up?"

Chairman McCormack commented that the future property owners have the option to buy this property or not because of the solar panel.

After a lengthy discussion, the board agreed to pass a resolution, to wit:

Mr. Dolan motioned that the Town of Clinton Planning Board amends the approved resolution dated December 18, 2012 to remove the condition requiring the installation of the north boundary landscaping and refund the \$1,500 escrow deposited for the trees

Seconded by Ms. Ruzicka,

**Discussion.** The board agreed to refund the \$1,500 escrow that was deposited recently in relation to the screening trees.

All Aye except for Mr. Werner who abstained, Motion carried, 6-0-1.

**Forever Ivy Acres 4-lot Subdivision** (Sketch Re-Approval) – property located at East Fallkill Road, **Tax Grid No. 6266-00-935470.**

The applicant is requesting sketch re-approval of the subdivision process after failing to request an extension of the final approval.

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The Wowakas along with their Surveyor, Joe Berger from Berger Engineering Co., were back before the board to re-start the process of the subdivision application. It was noted that this subdivision received a conditional final approval in April of 2012.

Mr. Berger explained how they lost their subdivision approval. He noted that they were very close to completing the project except for the two outstanding issues regarding DEC. Mr. Berger also brought up the issue about the town fees that they are trying to waive.

The board discussed the application. Mr. Werner indicated the area variance for the driveway that was granted on this property. He asked, "Is the variance still good?"

Chairman McCormack asked the applicant if the construction of the driveway was started. Mr. Berger responded, "Yes." The driveway was rough cut.

Sec. 250.98 D-(3) of the Town of Clinton Zoning Regulation states that ..."Expiration – unless construction or use is diligently commenced within one year from the date of the granting of a variance, such variance shall become null and void without further rehearing or action by the Zoning Board of Appeals."

After exchanging opinions about the above issue, the board agreed that the variance is still valid.

The board issued sketch re-approval.

Mr. Thomas motioned that the Town of Clinton Planning Board grants approval of the attached resolution as prepared by the town consultant, Neil Wilson, seconded by Ms. Ruzicka.

**Discussion.** Mr. Berger asked if the board can issue a recommendation to the Town Board about waiving the town fees. The board responded that it is going to discuss this concern.

All Aye, Motioned carried, 7-0.

Public hearing was set on June 18, 2013

**OTHER MATTERS:**

The board discussed Stewart's shop application.

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**APPROVAL OF MINUTES:**

Mr. DePasqua motioned to approve the minutes of May 21, 2013 as amended, seconded by Ms. Ruzicka, All Aye, motion carried, 7-0.

**ADJOURNMENT:**

Chairman McCormack motioned to adjourn the meeting at 8: 45 pm, seconded by Mr. DePasqua, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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