

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
August 2, 2016**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**ALSO PRESENT**

Secretary – Arlene Campbell

Eliot Werner. Liaison Officer

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

**VARIANCE APPLICATION:**

**Jan and Melanie Bonanza Area Variance** – property on 204 Rhynders Rd, Tax Grid No. 6367-00-675871.

The applicant proposes the following area variances to allow placement of a ground-mounted solar electric system array, to wit:

Sec. 250 Attachment 2 (District Schedule of Area and Bulk Regulations)

Animal Shed – rear yard setback reduction from 75 feet to 19.2  
Garage – side yard setback reduction from 50 feet to 24’6”

Sec. 250-22A (4) – increase the number of allowed accessory structures from 3 to 4.

Ms. Bonanza along with Carlos Newcomb and Nicholas Poindexter from Hudson Solar all appeared for this application.

Mr. Newcomb briefly explained their application as indicated above.

Chairman McCormack asked for questions and comments from the board.

Mr. DePasqua asked the board if the requested setback variances are necessary since this lot is a nonconforming lot. Chairman McCormack and Mr. Marrapodi responded that it is better to include these with the board’s recommendation. It cleans up the property.

The board discussed the application.

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Ms. Ruzicka indicated the structures that are already in the setback. The requested variances are merely to correct the violation on this property. This is just a cleanup so that the applicant can move forward to Site Plan approval.

Mr. Marrapodi discussed the number of accessory structures on this property. It seems that the number of accessory structures on this property exceeded the allowed number. He itemized the structures as the following: garage, wood shed, animal shed, and barn. The proposed ground mounted solar energy system would be the fifth accessory structure.

Mr. Werner, Zoning Committee member, noted that ground-mounted solar energy systems are not counted as accessory structures under the recent local law.

Mr. Thomas asked if the applicant has an Ag Exemption. He explained that farm properties are exempt from the allowed number of structures. Ms. Bonanza responded, "No." These structures were already on the property when she acquired this property. She was told that they were pre-existing.

Mr. DePasqua questioned the requirement of the said variances. These buildings already had Building Permits and Certificates of Occupancy. Mr. Marrapodi remarked that the board is reviewing this property anyway, so, they might as well include these variances. It cleans up the property. Chairman McCormack agreed.

After a lengthy discussion about the number of accessory structures, the board agreed that the variance to the number of accessory structures is from three to four.

Mr. Marrapodi asked, "What's the capacity (kilowatts) of the proposed solar electric system?" Mr. Newcomb responded that it is going to be 8.55 KW consisting of (30) LG 285 W modules. Mr. Marrapodi explained the rationale of his question. There is a limitation with the capacity per the newly adopted solar energy system code.

The board agreed to pass a resolution, to wit:

Ms. Ruzicka motioned the following resolution:

***BE IT RESOLVED*** that the Town of Clinton Planning Board provide a **positive** recommendation to the Zoning Board of Appeals on the requested area variances to Sec. 250 Attachment 2 reducing the sideline setback to 24'6" for the garage and a rear yard setback reduction to 19'2" for the Animal shed and a variance to section 250-22(4) to increase the number existing accessory structures from 3 to 4, as requested by Jan and Melanie Bonanza on property located at 204 Rhynders Rd, **Tax Grid No. 6367-00-675871** in an AR 3 Zoning District.

***WHEREAS:***

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1. The applicant is requesting 3 variances to install a ground mounted solar electric system reducing the sideline setback for the garage 24'6" from the required 50' and the rear yard setback for the Animal shed of 19'2" from the required setback of 75 feet and a variance to section 250-22(4) of three existing accessory structures to 4.
2. Lot is not in an Ag District.
3. The property is not within the Ridgeline, Scenic and Historic Protection Overlay District
4. The neighboring property owners have been notified and have no concerns with the installation of the solar array.
5. There will be no undesirable change in the neighborhood as the structures have been in place for many years.
6. The garage, 2 animal sheds, and barn are pre-existing, non-conforming, both in their setbacks and their number (4) but require these three variances to bring the property into compliance to proceed with the site plan for the proposed solar array.

***NOW THEREFORE, BE IT RESOLVED***, the Planning Board is making a positive recommendation for approval to the Town on Clinton Zoning Board of Appeals

Seconded by Mr. Dolan.

Discussion. None.

All Aye, Motion carried, 6-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Jan and Melanie Bonanza Site Plan Approval for Ground-Mounted SES** - property on 204 Rhynders Rd, Tax Grid No. 6367-00-675871.

The applicants wish to install 8.55 KW Ground-Mounted Solar Electric System.

The applicants were back before the board.

Mr. DePasqua commented that the proposed location is the most logical site to put the solar array. This property is very private and well maintained. Nobody can even see it unless you're in a plane.

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The board agreed to declare lead agency for SEQRA review.

Ms. Ruzicka 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 Bonanza Site Plan Review application to allow installation of Ground Mounted Solar Electric System on property located at 204 Rhynders Road, **Tax Grid No. 6367-00-675871** for this unlisted and 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”.

Seconded by Mr. Thomas, All Aye. Motion carried, 6-0.

**Attachment “A”  
Identified Interested Agencies**

**INTERESTED AGENCIES**

West Clinton Fire District  
219 Hollow Road,  
Staatsburg, NY 12580

Clinton Scenic and Historic Roads Committee  
Town of Clinton  
1215 Centre Road  
Rhinebeck NY 12572

The board agreed to schedule the public hearing. Ms. Ruzicka motioned to set the public hearing for the above subject application on September 20, 2016, seconded by Mr. DePasqua, all Aye, motion carried, 6-0.

Mr. DePasqua asked the board for any comments about the site plan. After reviewing the site plan, the board agreed that the map looks good and doesn't need any modification.

No other action taken.

**Kegan & Neuman Lot Line Adjustment – property on 835 Hollow Road & 256 E Meadowbrook Lane, Tax Grid Nos. 6367-00-988295 & 944370**

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The applicants wish to move the lot line.

The Kegans appeared for this application. Mr. Kegan explained that the Neumanns approached them in buying an acre of their land to combine with their land.

Chairman McCormack asked for questions and comments from the board.

Mr. Marrapodi asked about the intention about the 1.003-acre lot that is being conveyed to the Neumanns. He noted that the Kegans' property is in a Hamlet while the Neumanns are in the AR3 Zoning District. Mr. Kegan responded that the Neumanns will combine this portion of the Kegans' lot with their lot. They own the surrounding lots. They are buying the land for privacy purposes.

Ms. Ruzicka expressed her comment. This is a pretty straightforward application. The proposed action is not creating a nonconforming lot.

The board passed a resolution.

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

***BE IT RESOLVED THAT*** the Town of Clinton Planning Board grants approval for a Lot Line Adjustment of the lands owned by **Sandra Kegan**, located at 835 Hollow Road, tax grid #6367-00-988295 (Parcel A), lands owned by **Michael Neumann and John Heist**, located at 256 East Meadowbrook lane, tax grid #6367-00-944370 (Parcel B),

***WHEREAS:***

- 1) The intent of this action is to transfer land among the two properties as shown on the Lot Line Adjustment plat created by J. Charles Boolukos, NYS license #049494, dated 6-20-16.
- 2) As a result of the transfer of properties, the lands of tax grid #6367-00-944370 (Neumann/Heist) will increase in size from 13.154 acres to 14.157 acres; the lands of tax grid #6367-00-988295 (Kegan) will decrease in size from 3.231 acres to 2.228 acres.
- 3) Since a lot line adjustment is a Type II action under SEQRA, no further SEQRA review is required.
- 4) The proposed lot line adjustment does not create a substandard lot or render any lot more substandard than it may already be.
- 5) The properties are not located in the Ridgeline, Scenic, and Historic Protection Overlay district.

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- 6) The applicants' Lot Line Adjustment plat has met all the requirements of the Town of Clinton's Subdivision and Lot Line Adjustment Regulations.
- 7) All required letters of authorization to represent any or all property owners are on file.
- 8) The lands involved are not in an Ag District or within 500 ft of a farm in an Ag district therefore an Ag data statement not required.
- 9) The properties involved are partially in a CEA (Clinton Hollow) and therefore must conform to the Town of Clinton Town Board resolution of 12/11/02.
- 10) The properties are not in a designated wetland.
- 11) The site is on a Clinton Scenic/Historic road, that being East Meadowbrook Lane and therefore must conform to Local Law # 3 of 2001
- 12) All appropriate fees have been paid.

Now, therefore, be it resolved, The Lot Line Alterations are granted  
by the Town of Clinton Planning Board.

Second by Mr. DePasqua.

**Discussion.** None.

All Aye, Motion carried 6-0.

**Old Stone Farm Site Plan Amendment** (Board Discussion) – properties on 68 Naylor Drive, Tax Grid No. 6268-00-591367 (Town of Clinton) and 2450 Route 9G Tax Grid No. 6268-03-461408 (Town of Hyde Park).

The applicant wishes to amend the Site Plan and Special Permit approval granted to Kahn Dude Ranch and Conference Center.

Kelly Libolt from KARC Planning Consultants Inc., Jeff Newman, and the Vitaglianos sisters, who are in contract to purchase the "Old Stone Farm" property, attended the meeting.

Ms. Libolt indicated the history of this farm including the Special Permit that was granted in 2004. The site consists of two parcels: 8.3 acres of land under the jurisdiction of the Town of Hyde Park and 228.40 acres of land in the Town of Clinton.

Ms. Libolt noted that the proposal is to continue the agricultural use of this property. She also indicated the Zoning Interpretation that was made by the Zoning Enforcement Officer regarding the use of this property (letter dated June 13, 2016).

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Ms. Libolt explained the details of their application. She indicated the current use of its structures on the property and explained the proposed modification and uses. She noted that the Town of Clinton is very fortunate to have this project. This will create hundreds of jobs in the Town.

Ms. Libolt expressed her hope that the board will start the SEQR review process so that SEQR can be circulated. They want to start this project ASAP.

Chairman McCormack asked for questions and comments from the board.

Mr. DePasqua asked if there will be two kitchens. The applicant responded that there is an existing kitchen and there will be another one open to the public (Culinary Center).

The panel had a very lengthy discussion about the details of the proposed project. Chairman McCormack asked if this is going to be a phased project. Ms. Libolt responded, "No." They will start the project right away if they get the septic approved.

The applicants noted that they develops restaurants for a living. They want to restore the property and continue the use of the farm. The idea is to grow the vegetables on this farm, take them to NYC to cook, and bring them back here.

Mr. Thomas asked if there will be only one entrance to this property. He indicated his concern about the traffic on Route 9G. The applicant responded, "Yes."

Mr. Marrapodi felt comfortable in involving the Town Consultants with this project. This is very complex.

Chairman McCormack commented that the Town Consultants need to review this project.

The board agreed to set up an escrow. Chairman McCormack motioned to establish an escrow in the amount of \$4,000, seconded by Mr. Thomas, all Aye, motion carried, 6-0.

No other action taken.

**BOARD DISCUSSION:**

**Robertshaw project** – The property owner wishes to create a large recreational room. They are not changing anything. This will be connected to the main dwelling.

The board agreed that this project doesn't need board approvals.

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**AirBnB** – Mr. Werner discussed the concern about the growing number of AirBnB's in the area. Mr. DePasqua expressed the problems of having AirBnB's in the area.

After a very lengthy discussion, the board agreed to bring this matter to the Zoning Committee. This is not addressed in the Town's current zoning.

**OTHER MATTERS:**

Mr. Werner also discussed the concern about the speed limit on Salt Point Turnpike. He noted that the Town Board is looking into this issue.

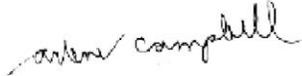
**APPROVAL OF MINUTES:**

No minutes

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 9:35 pm, seconded by Ms. Ruzicka, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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