

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
October 16, 2018**

MEMBERS PRESENT

Art DePasqua, Chairman
Gerald Dolan
Jack Auspitz
Tracie Ruzicka

MEMBERS ABSENT

Robert Marrapodi
Paul Thomas

ALSO PRESENT

Eliot Werner, Liaison Officer

Secretary – Arlene Campbell

Chairman DePasqua called the meeting to order at 7:40 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Stewarts Shop Amendment of Special Use Permit – 2300 Salt Point Turnpike, Tax Grid No. 6566-00-331457.

The applicant requests an Amendment to an existing Special Use Permit for the purpose of extending the hours of operation from 5:00 am to 11:00 pm for the store and gas station.

- Sec. 250.11 C-5 of the Town of Clinton Zoning Law limits the hours of operation for commercial uses to 6:00 am to 10:00 pm.

Chuck Marshall from Stewarts Shop Corporation was back before the board. He briefly explained his application as indicated above. An area variance allowing the extension of the hours of operation was granted by the Zoning Board of Appeals dated September 27, 2018. Mr. Marshall questioned the requirement of an Amendment to the Special Use Permit since the variance to allow the hours of operation outside the regulations was granted.

Chairman DePasqua asked for questions and comments from the board.

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Ms. Ruzicka stated that according to Mr. Thomas who is assigned to this application, the board needs to declare lead agency and do SEQRA.

Mr. Marshall asked about the SEQRA process. This is a Type II Action and there are no changes on the site plan. He also underscored the two Negative Declarations that were issued to this property when the Site Plan and Amendment to the Site Plan Application were reviewed. He opined that the Zoning Board of Appeals' decision as a quasi-judicial body supersedes the Planning Board's Site Plan and Special Permit.

Mr. Auspitz commented that Sec. 250-11 of the Town of Clinton Zoning Law refers to the hours of operation. The Special Use Permit doesn't refer to the hours of operation. He doesn't understand the need of an amendment to the Special Use Permit. He noted that the variance was granted.

Ms. Campbell stated that the hours of operation was a condition to the Special Permit when the approval was originally granted.

The board exchanged opinions about the application and agreed to move forward with the process.

The board discussed whether to have a public hearing as part of the process. Mr. Auspitz commented that he feels more comfortable going through the process in a conservative way. Ms. Ruzicka and Mr. DePasqua agreed. It's just one more meeting.

After all the reviews and discussions were made, the board declared lead agency. Mr. Auspitz read the resolution drafted by Mr. Thomas:

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

Whereas, the Town of Clinton Planning Board has received an application to amend an existing Special Use Permit from Stewart's Shops Corp. for the purpose of extending the hours of operation from 5:00 a.m. to 11:00 p.m. for the store and gas station located at 2300 Salt Point Turnpike, **Tax Grid No. 6566-00-331457**, which is in the Hamlet Zoning District in the Town of Clinton.; and

Whereas, the Special Use Permit previously issued to the applicant authorized hours of operation from 6:00 a.m. to 10:00 p.m. in accordance with Section 250-11(C)(5) of the Zoning Law; and

Whereas, on September 27, 2018, the Zoning Board of Appeals granted the applicant's request for a variance from Section 250-11(C)(5) allowing the store and gas station to operate between the hours of 5:00 a.m. and 11:00 p.m.; and

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

Whereas, the application concerns a parcel located in the Hamlet Zoning District and, pursuant to Section 250-15(F)(1), a full EAF is required and shall be submitted by the applicant prior to the hearing in this matter; and

Whereas, the applicant is not seeking to amend its Site Plan and accordingly site plan review is not required; and

Whereas, all applicable fees have been paid; and

Whereas, the Planning Board has determined the proposed project is an Unlisted Action and that an uncoordinated review of the action will be undertaken.

Now, Therefore Be It Resolved, the Planning Board determines that the application is sufficient for purposes of commencing the selection of a Lead Agency pursuant to 6NYCRR 617; and

Be It Further Resolved, that the Planning Board hereby declares its intent to assume the role of Lead Agency for this unlisted, uncoordinated action pursuant to Article 8 of the Environmental Conservation Law and Sections 617.6 (2) and (3) of 6 NYCRR Part 617 and directs that a copy of the Short Form EAF Part 1, the application and related documents be sent to the following interested agencies: Dutchess County Department of Planning and East Clinton Fire District; and

Be It Further Resolved, that the Planning Board will hold a public hearing on this application at its meeting scheduled for November 20, 2018.

Motion:
Jack Auspitz

Second:
Tracie Ruzicka

Arthur DePasqua, Chairman

Aye

Jack Auspitz

Aye

Tracie Ruzicka

Aye

Gerald Dolan

Aye

Paul Thomas

Absent

Robert Marrapodi

Absent

Seconded by Ms. Ruzicka.

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Discussion. None.

All Aye, Motion carried, 4-0.

The board agreed to have a Short form EAF for this application. Public hearing is set on November 20, 2018.

No other action was taken.

Hart Steep Slopes Permit - property on 192 Schultz Hill Road, **Tax Grid No. SBL Nos. 6368-00-164630.**

Applicant is seeking a Steep Slopes Permit to allow placement of an in-ground absorption trenches for the septic system.

Donald Hart and his architect, Jordan Valdina from Synergy Design Architecture and Engineering PLLC, both appeared for this application.

Mr. Valdina explained their application. This is a 20.8-acre undeveloped land that is part of the recently approved 4-Lot Hart subdivision. The associated 4" plastic effluent pipe will need to pass through the steep slopes. The proposed site is the most feasible location for a septic system. The other possible locations for a septic system would require large quantities of fill and will create a significant economic and energy consumption impact.

Mr. Valdina indicated the minimal impact to the steep slopes. The length of trench and pipe proposed to pass through the steep slopes is approximately 177'. The total volume of fill is approximately 30 cubic yards. A silt fence is proposed entirely surrounding all areas of construction. He noted that the slopes are under 200'.

Chairman DePasqua indicated the preliminary review of Mr. Marrapodi who is assigned to this application. Mr. Marrapodi doesn't think that a Steep Slope Permit is needed for a septic waste pipe to be run in a trench. He feels that the end result doesn't change the steep slope contour once the trench is filled in. He recommended getting the Town Engineer's opinion about this matter.

The board discussed the application and agreed with Mr. Marrapodi's determination. Maybe the proposed project triggers Steep Slopes Permit. Maybe not. It's better to be sure.

The board agreed that an escrow amounting \$500.00 be established for this project.

No other action taken.

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Aberdeen Farm Site Plan for Ground Mounted SES – property located at 193 Hollow Road, Tax Grid No. 6267-00-640517

Applicant proposes Site Plan Application to install a Ground Mounted Solar Energy System.

Lea Springstead from Sun Common Co. appeared on behalf of the property owners. Ms. Springstead explained the site plan that she submitted. This is a 61-acre lot in an Agricultural District. They are proposing a 24.14-kW (DC)-Ground Mounted Solar Array. It comprises of 68 panels broken into two separate arrays consisting of 36 solar panels. The proposed array will be sited in the middle part of the property and will be surrounded by the existing vegetation. The arrays are comprised of four rows of nine and four rows of eight panels. The proposed array will power the main house.

Chairman DePasqua asked for questions and comments from the board.

Mr. Dolan asked about the height and dimension of the proposed array. Ms. Springstead responded that the dimension is 52' x 10' and 59' x 11'.

Ms. Ruzicka asked if this application needs an area variance. Mr. Dolan responded that this property is a working farm. They can have as many structures as they want. They are under Ag and Markets ruling.

Mr. Werner noted that ground mounted solar arrays are not classified as structures. They are subject to the setback and “Accessory Structures” regulation.

Mr. Auspitz asked if the proposed arrays will be visible from the road and neighboring properties. The applicant responded, “No, they are totally hidden.”

Ms. Ruzicka asked what’s zoning district is this property at. Mr. Dolan responded that this property is in the AR5 Zoning District.

The board reviewed the site plan. Based on the amount of the acreage of this property, the building coverage is still within the threshold.

The board declared lead agency for SEQRA purposes.

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 Aberdeen Farm Site Plan Review application to allow installation of

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Ground Mounted Solar Electric System on property located at 193 Hollow Road, **Tax Grid No. 6267-00-640517** for this unlisted and uncoordinated action.

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

Attachment "A"

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

Dutchess County Department of Planning
And Economic Development
27 High St
Poughkeepsie NY 12601
Seconded by Mr. Auspitz, All Aye. Motion carried, 4-0.

Seconded by Mr. Auspitz.

Discussion. None.

All Aye, Motion carried, 4-0.

Public hearing is set on November 20, 2018.

No other action is taken.

OTHER MATTERS:

Mr. Werner gave an update about the Town Planner's position. The Town Board is in the process of gathering candidates for the said position.

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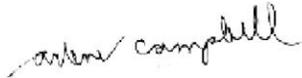
APPROVAL OF MINUTES:

Mr. Dolan motioned to approve the minutes of August 21, 2018, seconded by Ms. Ruzicka, All Aye, Motion carried, 4-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:48 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 4-0.

Respectfully Submitted,



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