

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
December 18, 2018**

MEMBERS PRESENT

Art DePasqua, Chairman
Gerald Dolan
Jack Auspitz
Tracie Ruzicka
Robert Marrapodi
Paul Thomas

MEMBERS ABSENT

ALSO PRESENT

Secretary – Arlene Campbell

Liaison Officer is not in attendance

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Levine Site Plan for Ground Mounted Solar System – property located at 364 Schoolhouse Road, Tax Grid No. **Tax Grid No. 6368-00-875164.**

The applicant proposes 12.6 kW, 619 square feet and 10’1” in height Ground Mounted Solar System.

Rick Irizarry appeared on behalf of the property owners. Also present with the public were the property owners.

Mr. Irizarry briefly explained their proposal as indicated above. The site plan was modified per map dated 12-10-18 as requested from the previous meeting.

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

Hearing no comments from the public, the board closed the public hearing. Mr. Auspitz motioned to close the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.

Malcarne Site Plan for Ground Mounted Solar System – property located at 89 Rymph Road, **Tax Grid No. 6266-00-948870.**

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The applicant is seeking Site Plan Review to allow installation of Ground Mounted Solar Electric System.

Rich Galbart from Malcarne Contracting appeared on behalf of the property owners. He briefly explained their proposition as indicated above.

Ms. Ruzicka motioned to open the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.

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

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

APPLICATIONS:

Levine Site Plan for Ground Mounted Solar System (continuance) – property located at 364 Schoolhouse Road, Tax Grid No. **Tax Grid No. 6368-00-875164.**

The applicant proposes a 12.6 kW, 619 square feet, 10'1" in height, 1 complete array Ground Mounted Solar System.

Rick Irizarry was back for the conclusion of his application. He recapped what had transpired from the previous meeting. He also explained the modifications that were made on the map.

Chairman DePasqua asked for questions and comments from the board.

Mr. Marrapodi asked how the solar arrays are going to be anchored on the ground. Mr. Irizarry responded that it will be installed through helical piles and ground screws. There will be no foundation.

The board reviewed the Short EAF and issued a Negative Declaration for SEQRA purposes.

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

BE IT RESOLVED the Town of Clinton Planning Board has determined that the **Levine and Abramson Site Plan Approval for Ground Mounted SES on property located at 364 Schoolhouse Road, Tax Grid No. 6368-0-875164** will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED the Town of Clinton Planning Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality

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Review Act 6 NYCRR 617.6 (g) and in accordance with Article 8 of the Environmental Conservation Law.

Seconded by Mr. Dolan,

Discussion. None.

All Aye, Motion carried, 6-0.

After all the reviews and comments were made, the board passed another resolution, to wit:

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

Whereas, David Levine/Gerda Abramson have applied for site plan approval to install a proposed ground-mounted solar energy system (SES) to be constructed on a 22.1 acre site in an AR-5 Zoning District at 364 Schoolhouse Road in the Town of Clinton, parcel number 6368-00-875164, site plan prepared by NYS Solar Farm, Inc. dated Oct. 22, 2018; and

Whereas, the applicants seek to install a 12.6 kW, 691 sq. ft. ground mounted SES, as described in the submitted drawing, and which will service the residence on the referenced parcel; and

Whereas, Section 250-49A of the Town of Clinton Zoning Law provides that an applicant must submit for Planning Board review and approval of a proposed site plan prior to installation of ground mounted SES; and

Whereas, applicants have submitted sufficient information to demonstrate that the SES conforms to the required setbacks in the Town of Clinton Zoning Law; and

Whereas, the Planning Board has concluded that, with respect to the specific facts of this application, the public health or safety will not be threatened by the proposed action; and

Whereas, a public hearing on this application was held on Dec. 18, 2018, and

Whereas, a completed Short Form Environmental Assessment Form has been submitted, the Planning Board has declared itself lead agency for this unlisted, uncoordinated action, the Planning Board has issued a negative declaration on Dec. 18, 2018 and SES units are otherwise in compliance with the requirements of the Town of Clinton Zoning Law and the Town Master Plan; and

Whereas, applicants shall be required to obtain a building permit prior to commencing construction and to comply with all applicable building and fire codes;

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Therefore, Be It Resolved, that the Planning Board hereby grants approval of the proposed Site Plan., conditioned upon payment of all fees.

Seconded by Mr. Marrapodi.

Discussion. Mr. Marrapodi asked about the height of the proposed system. The applicant responded that the height is 10 feet.

Mr. Thomas asked about any proposed screening. Mr. Irizarry responded that this property is not visible from the road. It is a flag lot.

All Aye, Motion carried, 6-0.

Malcarne Site Plan for Ground Mounted Solar System – property located at 89 Rymph Road, **Tax Grid No. 6266-00-948870.**

The applicant is seeking Site Plan Review to allow installation of Ground Mounted Solar Electric System.

Mr. Galbreth was back before the board for the conclusion of his application. He explained that they are proposing 320 modules Solar Ground Mounted Energy system behind the shed. This is the best location since the panels will not be visible from the road due to the topography of the land. He also explained the revised site plan dated December 6, 2018.

Mr. Galbreth discussed how the poles are going to be anchored on the ground. They will build the entire array and set the anchors in. Each anchor is estimated to be 2,400 lbs.

Chairman DePasqua asked for comments and questions from the board.

Mr. Marrapodi commented that the proposed location is unscrupulous.

The board agreed to review the Short EAF and issued a Negative Declaration for SEQRA purposes.

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

Whereas, the Town of Clinton Planning Board has received an application from Jennifer Malcarne for approval of a ground mounted Solar Array measuring approximately 868.5 Square Feet located on Rymph Road in the Town of Clinton, and

Whereas, the site is identified as tax parcel number 6266-00-948870, and

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Whereas, the Planning Board has reviewed the Site Plan Approval application, Site plan, the Short Form Environmental Assessment Form (EAF), and other information provided by the applicant for the ground-mounted solar array installation, and

Whereas, the Planning Board has determined the proposed site plan review is an Unlisted, Uncoordinated Action under Article 8 of the Environmental Conservation Law, and

Whereas, the Planning Board has compared the action with the “Criteria for Determining Significance” in 6 NYCRR 617.7, and has determined that no significant adverse impacts associated with the project have been identified.

Therefore, Be It Resolved, the Planning Board has determined that the Malcarne ground-mounted solar array installation will not have a significant impact on the environment, and

Be It Further Resolved, the 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. Auspitz.

Discussion. None.

All Aye. Motion carried, 6-0.

After all the reviews and discussions were made, the board passed another resolution, to wit:

Mr. Marrapodi motioned that the Town of Clinton Planning Board grants conditional approval of a Site Plan to **Jennifer Malcarne** for the purpose of installing a ground-mounted solar electric system array on a 23.34-acre site located at 89 Rymph Road, which is in an AR-3 Zoning District in the Town of Clinton, **tax grid #132400-6266-00-948870.**

WHEREAS:

- 1) The applicant wishes to install a ground -mounted solar electric system (SES) with 48 -320 Watt Panel array for a total of 15.36KW. Measuring approximately 868.5 Square Feet.
- 2) The location of the solar array on the property will be screened from the road by the main house and the storage shed and the adjacent neighboring properties by the natural topography of the land.

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3) The Town of Clinton Planning Board declared itself Lead Agency on 12/4/18 for this unlisted, uncoordinated action.

4) A SEQRA review of this unlisted, uncoordinated action (and the public hearing held on 12/18/18) has resulted in a negative declaration. Declared in accordance with the New York State Environmental Quality Review Act on 12/18/2018.

5) The applicant has been advised that per Section 250.96.B.3.i of the Town of Clinton Zoning Law, approval of the site plan will expire within 18 months unless extended by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants approval of the requested Site Plan when the following **condition** is met:

- All Fees are paid.

Seconded by Ms. Ruzicka,

Discussion. None.

All Aye. Motion carried, 6-0.

Daly and Thorpe Lot Line adjustment – properties located at 115 and 121 N. Creek Road with **Tax Grid Nos. 6466-00-861415 and 6267-00-287825.**

Applicants wish to do a land swap of 0.038 acres.

Both property owners were present for this application. Mr. Thorpe explained that he used to own both of these parcels. He agreed to do the lot line adjustment to legalize the Daly's two family dwelling. Ms. Daly indicated that the Thorpe's pond is also intruding on the property lines.

Ms. Daly gave an update about the structures on her property. It was noted that Ms. Daly was before the board a couple of months ago for a Demolition Plan Approval application. The above ground pool shed and outbuilding were now all removed. The main house is currently renovated and she is working with a committee of the Historical Society about the renovation of the historical portion of the house. She underscored that the footprint of the main house is a little smaller now.

The board reviewed the map. The outbuilding shed and above ground pool are still shown on the map.

The board agreed that the map needs to be modified to reflect the true picture of the property. Site plan needs to show what is currently on site.

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Mr. Thomas asked Ms. Daly about the access on her property. Ms. Daly responded that the access to her property is through N. Creek Road.

The board discussed the requirement of Agricultural Data Statement. Mr. Thorpe questioned the need of an Agricultural Data Statement. He noted that the Adriance Farm is no longer a working farm. This property is under new ownership.

The board agreed that the Agricultural Data Statement need not be circulated.

Mr. Dolan stated that 7a and 7b (Ag Data Statement requirement) should be checked “No” instead of “Yes.”

The board agreed to put a condition on the lot line approval that non-existing structures should be removed from the map.

After all the deliberations were made, the board passed a resolution.

Mr. Dolan motioned that the Town of Clinton Planning Board grants conditional approval for a Lot Line Adjustment of the lands owned by **Gerald D. and Carla M. Thorpe** located at 121 N. Creek Rd, **tax grid #6267-00-287825** (Lot 1), and adjoining lands owned by **Denise Christine Daly, tax grid #6466-00-861415** (Lot 2),

WHEREAS:

1. The intent of this action is to adjust lot lines to reflect the conveyance of a total of 0.038 acres from Lot 1 to Lot 2 as shown on the Lot Line Adjustment plat created by John H. Decker, LS #050572 dated November 15, 2018
2. The action is accomplished by the movement of one lot line conveying 0.094 acres from Lot 2 to Lot 1 and a different lot line conveying 0.132 acres from Lot 1 to Lot 2. The net result of these lot line changes is an increase of Lot 2 by 0.038 acres and a decrease in Lot 1 by the same 0.038 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 applicants’ Lot Line Adjustment plat has met all the requirements of the Town of Clinton’s Subdivision and Lot Line Adjustment Regulations.
- 6) The properties are not in a designated wetland.
- 7) The site is on a Clinton Scenic/Historic road, that being N Creek Rd and therefore

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must conform to Local Law # 3 of 2001.

8) All appropriate fees have been paid.

NOW, THEREFORE, BE IT RESOLVED, The Lot Line Alterations are granted approval by the Town of Clinton Planning Board when the following **condition** is met:

- Removal from the plat drawing those structures that do not currently exist.

Seconded by Ms. Ruzicka.

Discussion. None.

All Aye, Motion carried, 6-0.

Studley Demolition Plan Approval – property owned by Patrick Studley located at 168 E. Meadowbrook Lane, **Tax Grid No. 6367-00-766326**.

Applicant wishes to demolish a 20' x 20' single story garage due to its disrepair condition.

Gerry Thorpe, owner of Bayhorse, Gazebos, and Barns, appeared on behalf of the property owner. He explained that the Studleys wish to demolish the garage on this property due to its ramshackle condition. They want to build a 28' x 24' detached, one story garage. They will use the same concrete and foundation of the existing garage. This garage will not be visible from the road or any neighboring properties.

Chairman DePasqua asked for questions and comments from the board.

Mr. Marrapodi asked about the proposed location of the garage in relation to the side yard setback.

The board had a lengthy discussion about the setback. Ms. Campbell noted that the house and the garage on this property were just built in 2016. These buildings comply with all the setbacks. This is a 35-acre parcel.

The board reviewed the map and agreed that the proposed location meets the side yard setback.

Ms. Ruzicka expressed her comments about this application. The garage is shabby and the roof is leaking. It needs to come down.

The board discussed whether to do the SEQRA process. After exchanging opinions, the board agreed to waive the SEQRA process and move on to the approval of the application.

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Mr. Ruzicka motioned that the Town of Clinton Planning Board grants approval of a Demolition Permit to **Patrick Studley** for removal of a 20 x 20 single story shed/ garage circa pre-1950 deemed in too much disrepair for refurbishment, on a 35.7 acre site located at 168 Meadowbrook Lane Staatsburg NY 12580 which is in an AR3 Zoning District in the Town of Clinton, **Tax Grid #6367-00-766326**

WHEREAS:

1. The garage is deemed by the owner to be in too much disrepair for refurbishment.
2. A map is in the file of the site.
3. The demolition will not harm the character of the surrounding area and buildings.
4. A new shed/garage (28' x 24') is proposed to replace the demolished structure.
5. A Consent of Authorization to Act is on file for Bay Horse Gazebos and Barns
6. All fees have been paid.
7. The Town of Clinton here by grants conditional demolition approval to apply for a demolition permit.

Conditions:

A sketch of the location on the property will be added to the file

Seconded by Mr. Auspitz,

Discussion. Mr. Thomas noted that the board is not issuing the demolition permit. They are merely giving a recommendation of demolition plan approval to the Building Department per the zoning regulations.

Chairman DePasqua asked if the board needs to mention in the resolution about the waiver of the SEQRA process. Mr. Thomas responded that there is nothing in the code about this being a mandatory requirement. The board agreed not to include this in the resolution.

All Aye, Motion carried, 6-0.

BOARD DISCUSSION:

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Chairman DePasqua wants the board to get a copy of all the violation/determination correspondences that are sent out by the Zoning Administrator. Ms. Campbell responded that she will furnish the board with a copy of the Zoning Administrator's monthly report. The board was delighted.

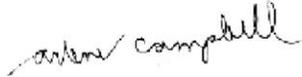
APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Mr. Auspitz motioned to adjourn the meeting at 9:30 pm, seconded by Mr. Thomas, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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