

The Clinton Town Board held their zoning revision meeting on this day in the Town Hall. Present were Supervisor Ray Oberly and Council people Nancy Cunningham, Dean Michael, Michael Whitton, and Eliot Werner. There were six people in the audience.

Councilman Michael called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

### **Councilmember Michael's Comments**

**Councilmember Michael** asked Cynthia Koch was asked to read her email to the board. Attached hereto as appendix A

**Michael** then discussed items removed from 250-11 (5) i-v requesting we leave the items returned. Supervisor Oberly said they burdensome.

**Rise Cross** asked if people would have a right to go to the ZBA for acceptance which was explained that they would.

**Whitton** suggested that Oberly come up with changes since he didn't like them.

**Russ Tompkins** questions why Whitton is changing what was already agreed on. Whitton said he had time to process the changes.

**Art Weiland** says the standards are addressed in 6A & B

**Chip Holman** suggest we choose 5 plan from the historic society book as the visual standards with pictures.

**Charles Canham** says it's more important to have details so that the Planning & ZBA have less to interpret a better idea of the law.

**Rise Cross** said we should have architect to create the 5 parameters

**Art Weiland** thinks we should have the **use the pictures**

Whitton, Warner and Cunningham voted to add it back, Oberly and Michael voted against so they will be added back in.

**Russ Tompkins** This will go on forever and we need to trust the Planning and ZBA are reasonable.

### **250-13**

**Russ Tompkins** Paragraph A schedule of use doesn't have camp ground & Mobile home as allowable use

**Michael** items where crossed out and rename and organized

**Werner** items where crossed out because they were moved to pg 8 as accessory

**Michael** I made a note to fix when we get to the schedule use

**Obery** what are the restriction in the flood plain

**Michael** FEMA sets the standards

**Charles Canham** the comp plan speaks to the need to have affordable housing and that this should be on a single parcel with the minimum lot size to clarify the intent

“on a single parcel subject to the minimum lots size, may contain, 1 family, 2 family

**Rich Morris** Bob Fennel said the wording is not clear but it should say that (on a single parcel multi 1 fam, 2 family..) and does each home the same rights of a single home. MR1 should allow multiple homes on a parcel at the rate 1 per acre.

**Eliot Werner** speaking about camp or campgrounds on schedule use they did not show in the schedule for MR-1 Russ said we need to make those changes.

**Art Weiland** said all of these zoning where set by soil samples

**Rise Cross** wanted to understand if it was 1 ac/ 1 parcel? It's each dwelling unit per acre. You need to clarify it better. Why is mobile home Park crossed out Werner said it was moved from accessor use and it's now a principle use. Doesn't think we should have them at all in Clinton and was questioning why it's on the Hollow road corridor.

**Supervisor Oberly** concerned with the height of berm or fence. Werner and Oberly discussed the issue.

**Arthur Weiland** said this was old language, and in A the campground language was not found in use variance and doesn't mention what the setbacks should be and should not exclude the house from the wetland. Also leave natural vegetation.

**Rich Morris** the land was set aside for low income housing.

**Charles Canham** Said the he figured it out that a 13' high hedge for 6' tall person would shield a 35' structure from 100' from away.

**Michael Whitton** wanted to go back over that the buffer

**Oberly** concerned as to where the high watermark is measured from.

**Arthur Weiland** said it's on the map which was part of the comp plan on the website

**Ray Oberly** wants it defined as to where the map is and add the number for the aquafer section 250-15d

**Arthur Weiland** wanted the lettering changed to numerical (ie. 250-15a,b,c to .1,.2,.3) so 250-15.4 would be the new number which Charles Canham agreed. He also spoke about sec. 7 and 8 should leave out the first sentence.

## Section 250-14

**Russ Tompkins** said take out most from Paragraph 3 seems to contradict itself.

**Arthur Weiland** suggest taking out the second sentence and he also thinks also says C is the only section that allow commercial

**Oberly** wanted know in B why we don't allow commercial use? Take out None. Also fix noise and dust with the DEC or EPA definition.

**Charles Canham** agrees with defining what is odor, dust etc. and they are vague by the state

**Rise Cross** said we should just ban it and want to know if there are set back requirements.

**Arthur Weiland** agrees with federal standards and the county has hazmat units. Thinks Trailer parks could be lovely.

**Charles Canham** said the general performance standards address these issues

**Oberly** pg2 #2 multiple uses should be allowed and pg2 #5 uses of one driveways

**Chip Holman** they should just figure it out

Councilmember Michael said we will discussed the sections 250-19, 250-29, 250-29.1 and 250-33A at the next meeting on March 7<sup>th</sup> at 7pm.

**ADJOURNMENT**

MM Oberly, 2nd Michael that the Town Board adjourns the meeting. at 9:10 PM.

Respectfully Submitted,  
Dean Michael,  
Councilmember & Zoning Revision Chair

Addendum A

Email date February 20<sup>th</sup> 2019

I want to begin by thanking you and the members of the zoning revision committee and the town board for all of your hard work in producing the zoning revisions and making it accessible to the public. I appreciate the opportunity to participate. During the the past few weeks, as we have been communicating about various aspects of the process for zoning revision review in the public workshops, I apologize for my delay in registering my thoughts about the decisions that were made at the initial public workshop, which follow below.

I would also like to note at this time that preparing the comments that follow was unduly onerous. Neither the posted minutes of the workshop nor the posted version of the zoning law that were produced by the workshop indicates the language that was omitted. Therefore, I had to read the “before and after” versions of the committee revisions and the workshop revisions to understand exactly what had been changed. As I mentioned before, I strongly suggest that some method of “track changes” be used to indicate the revisions introduced after the workshop.

The following are my comments on Section 250-11, Hamlet and Residential Hamlet District Regulations

C. General Standards. 1. Access. Since the opening sentence states “to the extent practical (probably should be practicable),” it is unnecessary to replace all the words “shall” in the original text with “should” thereby weakening the standard. I recommend restoring the original language of “shall.”

2. Off-street Parking. Again it is unnecessary to replace the words “shall” with “should” because deviations from the standard are allowed with the language “except where specific site conditions make such locations impractical.” What other circumstances should be permitted? Again, “shall” is better than “should” for the following reason:

*In general, it is preferable to make the standards as clear and specific as possible in order to guide the work of the planning and zoning boards and the Town staff of these offices.*

*Imprecise language opens the matter to interpretation and possible law suits.*

D. Design Standards. 5. Architectural Standards

a. Guidelines for new structures, i., ii., iii., iv., v.: The removal of all architectural standards for new construction in the hamlets significantly inhibits the ability of the zoning and planning boards to implement the zoning law. Worse than vague or imprecise standards, the absence of standards leaves Town boards and staff with no guidance when confronted with questionable proposals. To avoid involving the Town in a possible lawsuit, both the boards and the staff may be inclined to let proposals “slide,” thereby permitting questionable projects to be built in the hamlets, which will detract from rather than enhance the historic hamlets, which are one of our Town’s most prized scenic and historic treasures.

Again, many thanks for your hard work on behalf of our Town. All best wishes,  
Cynthia Koch