

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
December 6, 2022**

**MEMBERS PRESENT**

Art DePasqua, Chairman  
Jack Auspitz

Gerald Dolan  
Justin Carroll

Paul Thomas

Secretary – Arlene Campbell

**MEMBERS ABSENT**

Tom Bonnano

Alex Ferrini

**ALSO PRESENT**

Eliot Werner, Liaison Officer  
Jeff Newman, MCEI

Chairman DePasqua called the meeting to order at 7:30 pm. He explained the two step process of the variance application to the applicants.

**VARIANCE APPLICATION:**

**Pressner and Gerrity Area Variance** – property owned by Stan Pressner and Margaret A. Gerrity located at 72 Bowman's Glen Ln, Tax Grid No. 6568-00-169564.

Applicants seek an area variance to Sec. 250 Attachment 2 to reduce the front yard setback from 100 feet to 87 feet in order to construct an addition to the existing garage as a workshop.

Stan Pressner and her contractor, Carl Diesing of Metro Builders appeared for this application. Mr. Pressner briefly explained his application as indicated above. They want to install an addition to an existing garage on a 15-acre lot in the AR 2 Zoning District.

It was noted that this is lot 4 of the Bowman's Glen 4 lot subdivision that was approved in 2006. This is a flag lot.

The board agreed to issue a recommendation to the Zoning Board of Appeals.

Mr. Dolan motioned that the Planning Board approves the following resolution:

**BE IT RESOLVED**, the Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals on the requested area variances to Section 250 Attachment 2 for a front yard setback reduction to 87

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feet from the required 100 feet for a 389 sq ft heated addition to the existing garage to be used as a workshop for property owned Margaret Anne Gerrity and Stan Pressner and located at 72 Bowmans Glen Ln, tax grid number 132400-6568-00-169564 in the AR5A zone.

***WHEREAS;***

1. The applicants wish to expand an existing garage with a 389 sq ft addition for use as a heated workshop. The applicants are seeking a variance from Section 250 Attachment 2 for a front yard setback to 87 feet from the required 100 feet. Although a rear lot, the variance is required due to the Building Envelop location on the final approved subdivision map.
2. This is a 15.02-acre site located in the AR5A zoning district.
3. The lot is not in an Ag District or a CEA.
4. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
5. The site does not contain a NYSDEC wetland.
6. The site is on a Clinton Scenic/Historic Road, that being Nine Partners Road and must conform to Local Law #3 of 2001.
6. With this lot line reduction, the applicants state that an undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties.
7. The benefit sought by the applicant cannot be achieved by any other feasible method without the variance.
8. The requested variance is substantial.
9. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
10. The alleged difficulty is self-created.
11. The application fee has been paid.
12. Per the Zoning Enforcement Officer, that are no known violations associated with this property.

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***NOW, THEREFORE, BE IT RESOLVED***, the Town of Clinton Planning Board provides a positive recommendation for approval to the Town of Clinton Zoning Board of Appeal:

- (a) All fees must be paid.

Seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

**PUBLIC HEARING:**

**Stylman Site Plan for Ground Mounted SES** – property owned by **Joshua and Robyn Stylman** located at 126-128 Schultz Hill Road, **Tax Grid No. 6368-00-436492.**

The applicant is seeking Site Plan Review to allow installation of two Ground Mounted Solar Electric System and a solar canopy/carport pursuant to Sec. 250-49A.

Mr. Stylman and Becky Waver from Suncommon both appeared for this application. Mr. Stylman indicated the variance granted per the ZBA meeting dated 12-1-2022 for the number of accessory structures. As noted at the previous meeting, the system capacity of the Meter A was reduced to comply with the 25kW system regulation. They are now back before the board to continue the process.

The board agreed to open the public hearing. Mr. Carroll motioned to open the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

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

Mr. Carroll motioned to close the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 5-0.

**APPLICATIONS:**

**Stylman Site Plan for Ground Mounted SES** – property owned by **Joshua and Robyn Stylman** located at 126-128 Schultz Hill Road, **Tax Grid No. 6368-00-436492.**

The applicant is seeking Site Plan Review to allow installation of two Ground Mounted Solar Electric System and a solar canopy/carport pursuant to Sec. 250-49A.

The board discussed the application.

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Mr. Carroll asked the applicants about any plans for the screening to the north east of the property.

The board discussed screening. Mr. Stylman responded that he will add evergreens on the northeast corner of the property. He added that he will maintain the mature trees on the property that provide screening between the road and neighboring properties.

The board reviewed the Short Form EAF and agreed to issue a negative declaration.

Mr. Carroll 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 Stylman Site Plan for Ground Mounted SES on property located at 126-128 Schultz Hill Road, **Tax Grid No. 6368-00-436492** 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 Review Act 6 NYCRR 617.6 (g) and in accordance with Article 8 of the Environmental Conservation Law.

Seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

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

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

**WHEREAS**, Josh Stylman has applied for site plan approval to install a proposed Tier 2 ground mounted solar energy system (SES) to be constructed on a 10.1 acre site in an AR5 Zoning District at 126-128 Schultz Hill Road and site plan prepared by Suncommon; and

**WHEREAS**, the Town of Clinton has received a letter of authorization permitting Suncommon to represent the property owner; and

**WHEREAS**, the applicant seeks to install a ground mounted SES, as described in the submitted application consisting of a ground mounted solar

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array and carport, which together will service the house and guest house 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 a proposed site plan prior to installation of a ground mounted SES; and

**WHEREAS**, applicant has submitted a site plan and the SES conforms to the minimum required setbacks in the Town of Clinton Zoning Law, and

**WHEREAS**, applicant was granted a variance from the Zoning Board of Appeals on December 1, 2022, permitting the construction of the carport, which will be the fourth accessory structure on the property; and

**WHEREAS**, the Planning Board has concluded that, with respect to the specific facts of this application, the public health and safety will not be threatened by the proposed action; 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, and the Planning Board issued a negative declaration for purposes of Article 8 of the Environmental Conservation Law on December 6, 2022; and

**WHEREAS**, the proposed SES is otherwise in compliance with the requirements of the Town of Clinton Zoning Law and consistent with the Town of Clinton Comprehensive Plan; and

**WHEREAS**, applicant shall be required to obtain a building permit prior to construction and to comply with all applicable building and fire codes; and

**WHEREAS**, the SES will be screened from view from the road by mature trees on all sides, and applicant has represented that he will add evergreens on the northeast corner of the property and has otherwise agreed to maintain the mature trees on the property that provide screening between the road and neighboring properties, and the Planning Board has determined that additional screening is not necessary based on these facts and visual inspection; and

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NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants site plan approval for the Stylman Tier 2 Ground Mounted SES, conditioned upon 1) payment of all fees, and 2) that the carport structure shall remain as a carport, and not be enclosed to be used as a typical garage structure.

Seconded by Mr. Auspitz, All Aye. Motion carried, 5-0.

**Discussion.** Ms. Campbell asked the board to include the variance condition per ZBA motion dated 12-1-2022. The board agreed.

Mr. Auspitz suggested including in the “Whereas” section a statement stating that the applicant agreed to put up a screening.

All Aye, Motion carried, 5-0.

**Maloney Special Permit for an ADU** – property owned by Michael and Molly Maloney on property located at 511-521 Schultzville Road, **Tax Grid No. 6567-00-257398.**

Applicant seeks Site plan and Special Permit to construct an ADU on a 41.4 acre horse farm property in the AR 5 Zoning District.

The Maloneys were back for their application. Mr. Maloney explained that the ZBA granted his variance per the last ZBA meeting. They wish to construct 2,050 square feet accessory dwelling to house themselves and move their daughter and her family to the main house. She noted that the ADU that was approved in the past year was never built by the previous owners. The apartment above the barn will house a farm worker.

Mr. Thomas indicated the interpretation made by the ZBA dated 12-1-2022 regarding their question about having a second ADU on a working farm property.

It was noted that the board asked for an interpretation of the following: The responses are underlined.

(1) whether Section 250-29B(1) of the Zoning Law, allowing only one accessory dwelling per lot, applies to this application (necessitating a second variance), or - **NO**

(2) whether the stated use of the existing accessory dwelling as farm worker housing renders Section 250-29B(1) inapplicable, or – **YES**

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(3) whether the presence of three dwellings on the lot meets the definition of "Multifamily Dwelling" under the Zoning Law invoking the requirements of Section 250-62. – **NO.**

The board discussed the special permit application on hand. The proposed ADU will have a new septic. Mr. Auspitz commented that the zoning regulations state that they need to demonstrate that the septic system is adequate for the proposed ADU.

After a lengthy discussion, the board agreed that the applicant needs to submit an SDS system signed off by the county. The access to the proposed guest cottage also needs to be shown on the site plan, house square footage and the elevation of the land.

No action taken.

**OTHER MATTERS:**

Mr. Werner discussed the Cornerstone matter with the board.

**BOARD DISCUSSION:**

The board had discussion about accessory dwelling units and accessory structures.

**APPROVAL OF MINUTES:**

Mr. Dolan motioned to approve the minutes of 11-15-22, seconded by Jack, 5-0.

**ADJOURNMENT:**

Mr. Carroll motioned to adjourn the meeting at 8:15 pm, seconded by Mr. Carroll All, Aye, Motion carried, 7-0.

Respectfully Submitted,



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