

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
June 18, 2019**

**MEMBERS PRESENT**

Gerald Dolan  
Jack Auspitz  
Justin Carroll  
Sara Love  
Paul Thomas  
Tracie Ruzicka

Secretary – Arlene Campbell

Deputy Chairman Paul Thomas called the meeting to order at 7:30 pm.

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Silver Lake lot 7 Amendment of Site Plan** (Discussion) – property on Silver Lake Road, Tax Grid No. 6469-00-296724.

Applicant wishes to discuss the option of revising the approved site plan of a property that he is interested in purchasing.

Walter Plumm, a potential buyer for the above subject property, appeared for this application. He explained that he is interested in buying this property under the stipulation that they can move the approved house location closer to the lake. The proposed location is within the zoning setback and doesn't violate the 100' foot buffer from the lake. The septic system will still conform to the 200-foot distance from the water's edge.

Deputy Chairman Thomas underscored that this is not a formal application. This is just a discussion requested by the potential buyer on how to move forward with their proposal. Mr. Thomas asked for questions and comments from the board.

Ms. Ruzicka indicated that this lot is part of the approved subdivision in 2006. The town consultants were involved with this project. She noted that there were reasons why these setbacks were in place. The previous owner spent a lot of money doing all the

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engineering plans for these lots. Inputs and comments were received from the DEC, CAC, and other interested agencies. She suggested involving the town consultants with this proposal. An escrow account needs to be established.

Mr. Thomas concurred with Ms. Ruzicka. This subdivision was before the board in 2006 and several years were spent going through this process. The burden is on the applicant to show that there is some alternative that can be worked out there. It might or might not be doable but that is the risk that the applicant is going to take. There will also be fees and expenses involved in going through the process. An escrow will be established for the town consultants to review the application. The board cannot tell the applicant what and what not to do.

Mr. Thomas stated that if the applicant decides to move forward, the board will need an engineering plan showing the details of the proposed construction, septic, well, driveway, etc.

Mr. Carroll asked if there was a consistent effort made to have a house away from the water when the subdivision was approved. Ms. Ruzicka responded, "Yes."

Mr. Thomas responded that the town engineer will have to review that. Ms. Ruzicka stated that locating the septic was pretty tough back then.

Mr. Plumm asked if putting a dock on the lake is permitted. What is the sense of having lake frontage if you cannot dock boats or kayaks? Ms. Ruzicka suggested contacting the chairman of the board, Mr. DePasqua. He is the chair of the Silver Lake Association.

No action was taken.

**Solomon Solomon Wetlands Permit** - property owned by Adam Solomon located on 105 Longview Road, Tax Grid No. 6569-00-040085.

Applicant wishes to construct an in-ground gunite pool 75' from the edge of the pond.

Jessie Conklin from Conklin Pools appeared on behalf of the property owner. He explained that he has a building permit to install an in-ground pool that meets all the setbacks including the 100-foot setback from the edge of the pond. During the process of installation, Mr. Conklin explained that they found an existing drain field that is in the proposed location. The only feasible location is to move it 75 feet from the pond.

Sec. 250.78 Sec. 2 defines Controlled Area as (a) Any area within one (100) feet of a watercourse, lake, or pond.

© - Any wetland between 1/2 acre and 5 acres and the area within fifty (50) feet of the boundary of such wetland.

Mr. Thomas asked, "How big is the pond?" Mr. Conklin responded that the size of the pond is roughly 70 feet long and 20 feet wide.

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Mr. Thomas stated that this water body is not a “pond” by definition of a “Pond” under the Town of Clinton Zoning Regulations. This waterbody is less than an acre. He opined that the Wetlands Permit is not required based on the size of this so-called "pond".

**Sec. 250.105 Definition of Pond** – an inland body of water that, for the purpose of this chapter, has a surface water area at the mean high water mark of one acre or larger.

Mr. Dolan shared Mr. Thomas’ views. It is basically a pond but not by definition of Pond per the zoning code. The wetland buffer is 50 feet.

After all the reviews were made, the board agreed that Wetlands Permit is not required since the proposed location of the in-ground pool is 75 feet per Sec. 250-78 Sec.2-C. The applicant still needs to file a building permit to install an in-ground pool.

No action was taken.

**Primrose Hill Farm Site Plan for Ground Mounted SES (Board Discussion)– 203 Fiddlers Bridge Road, Tax Grid No. 6367-00-158736**

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

No applicant is in attendance of this matter. It was noted that the above subject application received a Site Plan Approval on May 7, 2019 subject to a condition that Certificate of Compliance will not be issued without further action from the Planning Board.

Mr. Auspitz recapped what had transpired at the previous meeting. As agreed at that meeting, the contractor/applicant will circulate letters to the surrounding neighbors once the solar arrays are up. There were no comments received after these mailings were circulated.

Mr. Auspitz stated that he spoke with the property owner of the property abutting Primrose Hill and received no concern. The arrays were installed back of the property and are screened by evergreens. No visibility from the neighboring properties.

Mr. Carroll suggested doing another resolution to satisfy the first resolution that was made.

The board agreed.

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

**WHEREAS**, at its meeting on May 7, 2019, the Planning Board approved the application of Primrose Hill Farm to build a ground-mounted solar energy system (SES) on its property at 203 Fiddlers Bridge Road, Town of Clinton (parcel number 6367-00-158736) conditioned on, among other things, applicant notifying neighboring landowners when the SES was completed and giving them ten days to notify the Building Department of any concerns they had concerning the SES; and

**WHEREAS**, the May 7, 2019 resolution stated that the Certificate of Compliance shall not be issued without further action of the Planning Board; and

**WHEREAS**, the applicant mailed such notices to all persons who were sent notice of the original public hearing; and

**WHEREAS**, no comments were received by the Building Department and one neighbor raised questions with a member of the Planning Board; and

**WHEREAS**, in response to such questions, subsequent physical examination of both the SES and the views from the neighbor's property confirmed that the SES was not visible from the neighbor's property and applicant stated that it would not disturb an existing row of evergreen trees in front of the SES which block the SES from view and the neighbor agreed that the SES was not visible from the neighbor's property and agreed further that the neighbor's questions were resolved;

**NOW, THEREFORE, BE IT RESOLVED** that the condition regarding notice and screening in the Planning Board's May 7, 2019, has been satisfied and the Certificate of Compliance may be issued.

Seconded by Mr. Carroll.

**Discussion.** None.

All Aye, Motion carried, 6-0.

**BOARD DISCUSSION:**

Mr. Werner discussed an update about the proposed Events Local Law.

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**APPROVAL OF MINUTES:**

Mr. Auspitz motioned to accept the minutes of May 21, 2019, seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

**ADJOURNMENT:**

Ms. Love motioned to adjourn the meeting at 8:48 pm, seconded by Mr. Thomas, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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