

**TOWN OF CLINTON  
PLANNING BOARD VIRTUAL MEETING  
FINAL MINUTES  
February 1, 2022**

Governor Kathy Hochul signed legislation (S.50001/A.40001) extending virtual access to public meetings under New York State's Open Meetings Law, which allows New Yorkers to virtually participate in local government meetings during the COVID-19 pandemic. The legislation, which was initially implemented by Executive Order during last year's State of Emergency, allows state and local government meetings that are normally held in person to be held remotely instead, as long as the public has the ability to view or listen to the meeting and as long as the meeting is recorded and later transcribed. This statutory change will reduce the need for congregation at public meetings while the Delta variant is prevalent, while ensuring public business can continue.

Members of the public may also view the Board meeting on the Planning Board video page on the [www.townofclinton.com](http://www.townofclinton.com)

**MEMBERS PRESENT**

Art DePasqua, Chairman  
Jack Auspitz

Justin Carroll  
Michael Galantich  
Katarina Maxianova  
Paul Thomas

**MEMBERS ABSENT**

Gerald Dolan

Secretary – Arlene Campbell

**ALSO PRESENT**

Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:30 pm and read the legislation regarding NYS Open Meetings Law during COVID as indicated above.

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

**Riegert 2 Lot subdivision** - property owned by Peter Riegert located on Browning Road and Ruskey Lane, **Tax Grid No. 6366-350305** in the AR5 Zoning district.

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The applicant wishes to subdivide a vacant ±63.85-acre parcel into two parcels. Lot 1 is 5.995 acres and Lot 2 is 57.895 acres.

Mr. Auspitz motioned to open the public hearing, seconded by Mr. Thomas, all Aye, Motion carried, 5-0.

Kurt Schollmeyer from Homewood Engineering PLLC appeared on behalf of the property owner. Mr. Riegert lives on 73 Browning Road and owner of this 63.85 parcel. This lot has frontages on Browning Road and Ruskey Lane. The purpose of this subdivision is to create a separate parcel (Lot 1- 5.995 acres) fronting upon Ruskey Lane that meets the requirement of the Town Zoning Ordinance. They're proposing to carve out 5.995 acres out of the 63.85-acre parcel. There is no proposed development for the remainder of the lot. This will be forever wild for the time being. He explained how the lot is going to be created as shown on the map. Sketch plan was approved in January 18, 2022.

Mr. Schollmeyer stated that there will be no major environmental impact. This is just a simple carving off a large parcel.

Mr. Schollmeyer indicated that the Town Engineer's only comment was that the driveway entrance should include an infiltration trench to infiltrate water before it reaches the Town road. This comment was incorporated into the current version of the plan and profile. He stated that they will gladly incorporate any future changes requested by the Highway Department.

Chairman DePasqua solicited questions and comments from the public.

Gail Kurten, 36 Browning Road spoke and said she originally had a question about where exactly on Browning Road the subdivision is proposed. She stated that her question was just answered from the presentation.

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

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

**APPLICATIONS:**

**Riegert 2 Lot subdivision** (Preliminary and Final approval) - property owned by Peter Riegert located on Browning Road and Ruskey Lane, **Tax Grid No. 6366-350305** in the AR5 Zoning district

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The applicant wishes to subdivide a vacant ±63.85-acre parcel into two parcels. Lot 1 is 5.995 acres and Lot 2 is 57.895 acres.

The applicant was back for the conclusion of his application.

Mr. Gallantich joined the panel at 7:44 pm.

Mr. Thomas gave his comments regarding the above application. He indicated the CAC comment letter dated January 296, 2022 indicating satisfactory comments. He also explained the draft resolution that he crafted. The resolution will be subject to a couple of items including recreational fees.

The board reviewed the short form EAF and passed a Negative Declaration for SEQR purposes.

Mr. Thomas 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 for Subdivision from Peter Riegert for the purpose of subdividing a vacant +/-63.85 acre parcel located at Ruskey Lane and Browning Road in the Town of Clinton into two lots consisting of 5.995 acres (Lot 1) and 57.895 acres (Lot 2), as shown on a map entitled "Preliminary Subdivision Plat for Peter Riegert" prepared by Heidecker Land Surveying dated July 17, 2021 and revised on January 19, 2022 (the "Map"); and

**WHEREAS**, the application involves tax parcel number 6366-00-350305, which parcel is located in the AR-5 Very Low Density Agricultural Residential Zoning District; and

**WHEREAS**, the Planning Board has acted as Lead Agency in the uncoordinated review of this Unlisted Action; and,

**WHEREAS**, the Planning Board has reviewed the environmental impacts that may be associated with this action:

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board has determined that the proposed action will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be required, and

**FURTHER BE IT RESOLVED**, that the Planning Board cites the following reasons in support of this determination of non-significance.

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1. The proposed subdivision contemplates the conversion of one parcel comprising some 63.85 acres into two lots, resulting in the net addition of one new lot. The new lot exceeds the minimum lot size in the AR5 zoning district.
2. The proposed subdivision and addition of one new lot is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. The Planning Board has concluded that the subdivision would not result in the removal or destruction of vegetation or fauna, and would not interfere with the movement of any resident or migratory fish or wildlife species. No disturbance to or substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such species, or other natural resources, has been identified.
4. The subdivision of land in the manner proposed is permitted under the Town Zoning Law and Town Subdivision Regulations. The proposed activity is consistent with all current development plans and goals as officially approved and adopted, and will not result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.
5. There will be no impairment of the environmental characteristics of a critical environmental area as designated pursuant to section 617.14(g) of this Part. No CEA will be impacted.
6. The proposed activity will occur in a rural, low density, residential/agricultural area and is not expected to impair the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character. Accordingly, the proposed project would have no known adverse impact on historic or pre-historic cultural resources of local, state or federal significance.
7. The Town of Clinton Conservation Advisory Council, in a letter to the Planning Board dated January 26, 2022, stated that it had not identified any potential significant adverse environmental impacts resulting from the proposed subdivision.

Seconded by Mr. Carroll.

**Discussion.** None.

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All Aye, Motion carried, 6-0.

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

Mr. Thomas 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 for Subdivision from Peter Riegert for the purpose of subdividing a vacant +/- 63.85-acre parcel located at Ruskey Lane and Browning Road in the Town of Clinton into two lots consisting of 5.995 acres (Lot 1) and 57.895 acres (Lot 2), as shown on a map entitled "Preliminary Subdivision Plat for Peter Riegert" prepared by Heidecker Land Surveying dated July 17, 2021 and revised on January 19, 2022 (the "Map"); and

**Whereas**, the application involves tax parcel number 6366-00-350305, which parcel is located in the AR-5 Very Low Density Agricultural Residential Zoning District; and

**Whereas**, the parcel is within 500 feet of a working farm in an Agricultural District and an Agricultural Data Statement has been submitted; and

**Whereas**, the Planning Board previously granted Sketch Plan approval for the application on January 18, 2022; and

**Whereas**, the Planning Board held a public hearing on February 1, 2022 concerning the proposed subdivision and closed said public hearing on February 1, 2022; and

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

**Whereas**, the Planning Board, as Lead Agency, has determined that the proposed subdivision would not result in any significant adverse impacts and has issued a Determination of Non-Significance pursuant to the requirements of the State Environmental Quality Review Act (ECL 8-0101 et seq.) for this Unlisted Action; and

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**Whereas**, after review of the Map, the Planning Board has determined the proposed subdivision is in compliance with the requirements of the Town of Clinton Zoning Law, Subdivision and Lot Line Adjustment Regulations and Master Plan; and

**Whereas**, the Town of Clinton Highway Department has approved the proposed driveway entrance; and

**Whereas**, the applicant has represented that no further subdivision or development on Lot 2 is contemplated; and

**Whereas**, the Town of Clinton Conservation Advisory Council has reviewed the application and has not identified any likely significant adverse environmental impacts from the proposed subdivision; and

**Whereas**, the Planning Board previously granted the following waivers from the Submission Requirements set forth in Appendix C to the Town of Clinton Subdivision and Lot Line Adjustment Regulations: Part I, Submission Requirements for Sketch Plans, Item 6 (general location of existing structures, wooded areas, streams and other significant physical features on Lot 2), Item 11 (delineation of wetlands on Lot 2) and Item 16 (conceptual future plans for the parcel) and Part II, Submission Requirements for Preliminary Plats, Item 1 (g), (h) and (i) (property line survey and mapping of existing wetlands, significant features and soils on Lot 2), Item 2 (information on proposed site development except Item 2.b. (lot layout) is required for Lot 1) and Item 3; and

**Whereas**, pursuant to §277(4)(b) of the NY Town Law and Section 206-18 of the Town of Clinton Subdivision Regulations, the Planning Board has determined that a proper case exists for requiring that a park suitably located for playgrounds or other recreational purposes within the town be required for this development. However, pursuant to §277(4)(c) of the Town Law, the Planning Board has determined that a suitable park or parks of adequate size to meet the additional requirement cannot be properly located on the proposed site, and that

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the applicant shall pay a sum of money in lieu thereof relating to each new lot created, but not to include the original lot, in the total amount of \$4500 (\$4500 per new lot created), representing the amount payable as established by the Town Board:

**Be It Further Resolved**, that the Planning Board hereby grants Preliminary and Conditional Final Subdivision Approval for the Riegert subdivision, provided the following **conditions** are met:

1. Payment of all applicable fees including park and recreation fees.
2. Submittal of a Final Plat for signature prepared in accordance with the requirements of the Town Zoning Law and Town Subdivision and Lot Line Adjustment Regulations.

Seconded by Mr. Auspitz,

**Discussion.** Ms. Kurten asked about the Recreational fees. She asked, "Does it mean there will be recreational facility in this area?"

Mr. Thomas responded that the public hearing is already closed but he will respond to Ms. Kurten's question. He explained to Ms. Kurten that NYS Law apropos subdivision of land provides that towns may require applicants to donate land for recreation but in lieu of lands, fees may be charged and applied to the Town's recreation acquisition and development program.

Mr. Thomas stated that it's really intended for large subdivision like 20 lots to create a recreational program. They are not going to create any parks so in lieu of that, a fee of \$4,500 will be donated.

Ms. Kurten indicated her understanding and thank the board.

Chairman DePasqua indicated his comment. The applicant had stated that they have no further plans to develop the rest of the acreage. He thinks that this should be mentioned in the resolution. He said, "We're frown upon segmentation for any kind of subdivision." He indicated his concern about segmentation.

Ms. Maxianova echoed the chairman concern given all the subdivision happening in the area recently.

Mr. Thomas agreed to include the concern in the resolution.

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All Aye, Motion carried, 6-0.

Mr. Carroll recused himself for this application.

**Morse to Boyd Lot Line Adjustment** – property owned by Richard Morse and James Boyd located at 124 Sodom Road and 636 Hollow Road, **Tax Grid Nos. Nos. 6366-00-538971 & 570998**

Applicant wishes to move lot line between two nonconforming properties in the AR 3 Zoning District.

Mr. Morse explained his application. The parcel that he owns is shaped like a butcher cleaver and the handle goes back to the Boyds property. The Boyds have been using that area as a buffer to their neighbor to the south and that's why they want to keep that area.

Mr. Morse stated that these parcels are both nonconforming lots in the AR 3 Zone District. His parcel received a variance from the Zoning Board of Appeals dated January 27, 2022 for a reduction of a substandard lot. He underscored that the Boyd parcel will become conforming lot after the lot line adjustment.

The board agreed to pass a resolution.

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

**Whereas**, the Town of Clinton Planning Board has received an Application for Lot Line Adjustment from Richard Morse and James Boyd for the purpose of conveying a  $\pm 0.553$  acre portion of tax parcel no. 6366-00-538971 (Morse Parcel) to tax parcel no. 6366-00-570998 (Boyd Parcel) creating new parcel sizes of  $\pm 2.052$  acres (Morse Parcel) and  $\pm 3.439$  acres (Boyd Parcel), as shown on the Lot Line Adjustment – Lands of Boyd & Morse, dated November 18, 2021 prepared by John H. Decker L.S. (the "Map"); and

**Whereas**, the Morse Parcel is located at 124 Sodom Road and the Boyd Parcel at 636 Hollow Road, and both are located in the AR3 Zoning District; and

**Whereas**, both parcels are pre-existing, non-conforming lots in that they do not contain the minimum acreage required in the AR3 Zoning District; and

**Whereas**, the requested Lot Line Adjustment will render the Boyd Parcel conforming, but will render the Morse Parcel more substandard than it currently is; and



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**Whereas**, on January 27, 2022, the Zoning Board of Appeals granted an area variance requested by applicants Richard and Joyce Morse to Section 206-13(B)(1) of the Town of Clinton Subdivision Regulations thereby allowing a lot line adjustment to reduce the size of the substandard 2.67-acre Morse Parcel by 0.553 acres; and

**Whereas**, the parcels are not located in or within 500 feet of an Agricultural District containing working farms and an Agricultural Data Statement is not required; and

**Whereas**, the applicants have not been granted a special permit, site plan approval, variance or other permit that would be void as a result of this action; and

**Whereas**, the Planning Board has determined that a Lot Line Adjustment is a Type II action under SEQRA and no further SEQRA review is required; and

**Whereas**, after review of the application and the Map, the Planning Board has determined the proposed action is in compliance with the requirements of the Town Zoning Law and the Town Master Plan; and

**Whereas**, there are no known zoning violations on the parcels.

**Therefore Be It Resolved**, that the Planning Board hereby grants the applicants' Application for Lot Line Adjustment, provided the following conditions are met:

1. Payment of all applicable fees.
2. Submission of a final Lot Line Adjustment plat, including a mylar, certified by a surveyor or engineer licensed in the State of New York, that meets the requirements set forth in Section 206-54 of the Subdivision Regulations;

**And Be It Further Resolved**, that the Planning Board grants the following waivers from the Subdivision/Lot Line Submission Requirements Checklist:

Items 1(f) (contours) and 1(i) (soils characteristics).

Seconded by Mr. Thomas,

**Discussion.** Ms. Maxianova asked about the solar panel. She remarked that she wasn't aware of the solar panel. Mr. Morse responded that the solar panel is on the roof of the house of Mr. Boyd.

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All aye, motion carried, 5-0.

**BOARD DISCUSSION:**

Mr. Werner joined the panel for board discussion.

The board has a lengthy discussion about the Short Term Rentals and its impact to the character of the town. It was noted that letters were sent out dated January 21, 2022 to all the violators.

Mr. Werner discussed the latest update about the ongoing zoning revision. He also asked the consensus of the board about changing the meeting time to 7 pm instead of 7:30.

The board agreed that the 7:30 pm meeting schedule stays the same.

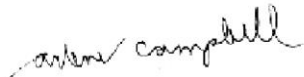
**APPROVAL OF MINUTES:**

None

**ADJOURNMENT:**

Mr. Auspitz motioned to adjourn the meeting at 8:55 pm, seconded by Mr. Carroll All, Aye, Motion carried, 6-0.

Respectfully Submitted,



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