

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

MEMBERS PRESENT

Art DePasqua, Chairman

Jack Auspitz

Gerald Dolan

Justin Carroll

Michael Galantich

MEMBERS ABSENT

Paul Thomas

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:32 pm.

VARIANCE APPLICATION:

Louis august Jonas Foundation for Camp Rising Sun Variance - 6 Rising Sun Lane, Tax Grid No. 6469-00-476251.

The applicant requests an area variance to Sec. 250 Attachment 8 Table 2 reducing the front yard setbacks from both Centre Road (from 300' to approximately 162') and Rising Sun Lane (from 300' to approximately 155') in order to construct a Tier 2 Solar Energy System on a 66.9-acre lot.

Nick Clingerman and Martha Dahl both from Plug PV LLC appeared for this application.

Mr. Clingerman explained that they are proposing to install solar canopy that is within 300 feet setback regulation. The solar canopy is proposed to be installed behind the building and will not be visible from the road.

Mr. Clingerman described the details of the proposed solar canopy. This is a raised structure with a panel on the roof. He explained why the variance will not have an adverse effect on the physical or environmental conditions in the neighborhood.

Chairman DePasqua asked questions and comments from the board.

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

Mr. Carroll asked if this structure is connected to one of the roofs of the other buildings. Mr. Clingerman responded "No".

The panel discussed and reviewed the application on hand. The denial letter from the ZEO requires a variance to Section 250-71 E and a front yard setback from Centre Road and Rising Sun Lane.

Sec. 250-71 E states "Tier 2 Solar Energy systems include ground mounted solar energy systems with system capacity up to 25kW AC and that generate no more than 110% of the electricity consumed on the site over the previous 12 months...."

It was noted that the proposed solar canopy has a system capacity of 25.8 kW Ac.

Mr. Clingerman commented that there is no need to get a variance to the system capacity. They are proposing 22.8 AC instead of 22.8 kW. This is under the 25 kW zoning regulations. Ms. Campbell advised the applicant to correct the language of the building permit application.

The board agreed to issue a positive recommendation.

Mr. Carroll motioned that the Town of Clinton Planning Board is making a positive recommendation to the Zoning Board of Appeals on the requested area variances to Sec. 250 Attachment 8 Table 2 reducing the front yard setbacks for a Tier 2 solar energy system (SES) as set forth herein, as requested by Camp Rising Sun on property located at 6 Rising Sun Lane, Rhinebeck NY, Tax Grid No. 6469-00-476250-00 in a Conservation Agricultural Residential Zoning District.

WHEREAS:

1. The Applicant is located on a corner lot and is requesting a reduction in the front yard setbacks from both Centre Road (from 300' to approximately 162') and Rising Sun Lane (from 300' to approximately 155') in order to construct a Tier 2 SES on a 66.9 acre lot.
2. Although the denial letter from the Zoning Administrator states that the proposed SES would have a system capacity of 25.8 kW AC, which is greater than the allowed 25 kW AC capacity permitted in Section 250-71.1.E. of the Town of Clinton Code, the Applicant clarified that the SES capacity is 25.8 kW DC. When converted to kW AC, the system capacity equals 22.8 kW AC, which is under the legal limit and therefore negates the need for a variance for Section 250-71.1.E.
3. The property is in a Conservation Agricultural Residential Zoning District.

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

4. The property is not within the Ridgeline, Scenic and Historic Protection Overlay District and Taconic State Parkway Viewshed.
5. The property is not in a Critical Environmental Area.
6. The area variances requested are very substantial, however the proposed SES location will be screened from view by the road by both a row of tall trees and an existing structure that will be located between the road and proposed location.
7. An undesirable change will not be produced in the character of the neighborhood or be detrimental to nearby properties, as the SES will be fully screened from view by existing trees and structures.
8. The proposed location is being sought by the applicants because they state it is the optimal location for access to sunlight and aesthetic reasons on the property.
9. The proposed variance should not have an adverse effect or impact on the physical and environmental conditions of the neighborhood.
10. The alleged difficulty is self-created as there are other locations on which the SES could be constructed, but this should not preclude the granting of these requested variances.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board is making a positive recommendation for the approval to the Clinton Zoning Board of Appeals for these requested variances.

Seconded by Mr. Auspitz,

Discussion. None.

All Aye, Motion carried 5-0.

PUBLIC HEARING:

None

APPLICATIONS:

Louis August Jonas Foundation for Camp Rising Sun Site Plan Approval for Ground Mounted SES - 6 Rising Sun Lane, Tax Grid No. 6469-00-476251.

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

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

Mr. Carroll asked the applicant if he has a sample picture of the proposed canopy. The applicant presented a couple of pictures and discussed what the proposed ground mounted solar will look like. The height is around 7 feet.

Mr. Carroll stated that there are trees to screen this structure. He asked the applicant if the system will be connected to Central Hudson. The applicant responded, "Yes."

The panel had a lengthy discussion about the application on hand.

Chairman DePasqua indicated that there will be a public hearing. He advised the applicant to address the screening in case the public raises this concern. Mr. Carroll concurred with the chairman and noted that screening needs to be addressed per the regulations.

The board agreed to declare lead agency.

Mr. Carroll motioned that the Town of Clinton declared itself lead agency in the matter of Camp Rising Sun, Interested Agencies are West Clinton, DOT, and DC Planning.

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

Public Hearing is set for April 5, 2022.

No other action was taken.

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

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.

Peter Riegert appeared for this application. He respectfully asked the board to modify the resolution that was approved on February 1, 2022. He underscored that they don't have the intention to subdivide the property but the "no subdivision" verbiage will be a cloud to the future owners.

The board discussed the applicant's request. Mr. Carroll suggested adding the word, "currently" before the word "contemplated" in the "Whereas" section. He commented that adding the word "currently", does not affect the future. The board agreed.

Mr. DePasqua explained that the "no subdivision" verbiage was discussed at the last meeting in case of segmentation.

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

Mr. Riegert expressed his understanding of the board's concerns. He noted that they didn't have the intention to sell the portion of the property but somebody approached them in buying some land.

The board agreed to pass a resolution.

Mr. Carroll motioned to add the word "currently" before the word "contemplated" in the Whereas clause about "further discussion" of the resolution made on February 1, 2022, seconded by Mr. Auspitz.

Discussion. None.

All Aye, Motion carried, 5-0.

Long Pond Holdings LLC Demolition Plan approval – 199 Long Pond Road in Tax Grid No. 6468-000-178922.

The applicant wishes to demolish and replace the existing 600 square feet boat shed on the 3.56 -acre parcel.

Janet Cross, the architect explained that her client is a builder. They have a boat shed used for recreation. The property owners wish to replace the existing boat shed due to its condition.

Ms. Cross described the no salvageable condition of the existing boat shed. She stated that the only thing worth saving is the location of this structure. The new shed is proposed to be installed in the same location with the same footprint and same purpose. While both the old and the proposed shed will have electricity, Ms. Cross underscored that they are not proposing any plumbing.

Ms. Cross discussed all the structures on the property. She stated that the property owners will remove the playhouse if the total number of structures on the property becomes an issue.

The panel had a lengthy discussion about all the structures on the property. Ms. Campbell explained that this property was before the board a year ago. These structures were pre-existing.

Mr. Auspitz noted that the board is only addressing the application on hand. They are only giving recommendations about the demolition of the structure.

The board agreed to pass a resolution, to wit:

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

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

WHEREAS:

1. Applicant Long Pond Holdings LLC seeks a permit, pursuant to Section 250-93 of the Zoning Code, to demolish a boat shed at its 3.56-acre property at 199 Long Pond Road in the Town of Clinton (#6468-000-178922)
2. The shed in question is 600 sq ft and the applicant proposes to replace it with a shed of the same size and footprint. The new shed will have the same purpose as the old, seasonal use for boat storage, changing clothes, and "sheltered lakeside relaxation." While both the old and new sheds will have electricity, neither will have plumbing.
3. The applicant states the existing shed is 70-75 years old and has always been used as a boat shed, perhaps originally for residents of a lakeside camp or cottage. The shed appears to have no historical significance. Demolishing the shed for the purpose of replacing it with one of the same size in the same place will not harm the character of the surrounding area.
4. We consider here only the request for demolition and not whether the proposed new construction will or will not require additional action such as wetlands permit or a variance because there will be more than three accessory structures on the property

NOW THEREFORE BE IT RESOLVED THAT the Town of Clinton Planning Board hereby grants applicant's request for demolition of the existing boatshed on its property, subject to payment of all appropriate fees.

Seconded by Mr. Carroll,

Discussion. Chairman DePasqua commented that the existing boat shed was dilapidated 15 years ago. He doesn't have any problem with the proposal.

All Aye, Motion carried, 5-0.

BOARD DISCUSSION:

1. Chairman DePasqua asked Ms. Campbell to get info about Rising Sun Camp. Do they need annual permit? Are there annual inspections made?

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
March 15, 2022**

2. Town Board Councils Mr. Juliano and Mr. Werner joined the panel and discussed zoning revision regarding “two-family dwellings” in relation to accessory dwelling requirements. Mr. Juliano felt that the double the acreage requirement is too restrictive. He asked the board how they feel about revising the current code to make it 1.5 acreages.

After the lengthy discussion, the board agreed to leave the current regulation requirement of double the acreage. Discussions were made about maintaining the character of the town, open space, and being unique. People move to the country to have their space and their privacy. Why change it?

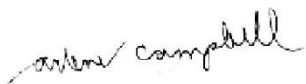
APPROVAL OF MINUTES:

Mr. Dolan motioned to accept the minutes of February 1, 2022, seconded by Mr. Gallantich, All Aye, Motion carried, 5-0.

ADJOURNMENT:

Mr. Auspitz motioned to adjourn the meeting at 9:25 pm, seconded by Mr. Carroll All, Aye, Motion carried, 5-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Arlene A. Campbell".

Arlene A. Campbell, Clerk

Planning & Zoning Board of Appeals