

JUNE 10, 2025

Schultzville, NY

A public hearing on Articles 7, 8, 9 of the revised zoning law, Section 250, was held on this day in the Town Hall. Present were Supervisor Whitton, Deputy Supervisor Werner, Councilman Dykas, Councilwomen Mustello and Councilwoman Auspitz as well as Town Clerk Carol-Jean Mackin. There were approximately 25 people in the audience.

PLEDGE OF ALLEGIANCE

At 6:05 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance.

LEGAL NOTICE

This is a continuation so no legal notice required to be read.

PUBLIC HEARING

MM Supervisor Whitton, 2nd Councilwoman Mustello to open the floor to public comments. All aye. Motion carried.

Supervisor Whitton opened the Public Hearing with a statement:

There are many people here to discuss the Six Senses project, which is scheduled to be considered by the Town of Clinton Planning Board. There has been much activity on social media and emails that are not disseminating accurate information. I feel that if there are valid opinions about this project, and there are, then accurate information needs to be provided to residents.

- This Town Board approved a resolution in March that discontinued litigation commenced by CECNY to set aside a determination issued by the Hyde Park Zoning Administrator. It is incorrect to believe that this resolution nullified the decision of the Town of Clinton ZBA. The ZBA decision of June 4, 2024, contained a condition - the CECNY project could not move forward to Planning Board review until the Hyde Park denials were reversed under a final non-appealable decision. By approving this Resolution, the Town of Clinton Town Board said, in its judgment, the ZBA's conditions have been met. If anything, the Town Board's approval of this resolution supports the autonomy and decision-making process of our ZBA.
- This Zoning Revision process resulted from a Comprehensive Plan that was approved in 2012. A Town is required to revise its zoning code after a comprehensive plan. However, this process has taken about 12 years. Much longer than anticipated. Of course, that belies the accusation that this Town Board is attempting to fast-track these zoning changes. I would note that over those years, many people have been involved with this revision. Multiple Town Board members, Planning Board and ZBA members, at least two engineers, and many

residents who attended our multiple workshops. Throughout this process, most of those opposing this current project did not attend those workshops.

- A recent email contains an opinion that this Zoning Revision will allow clear-cutting of trees throughout the Town, including the Ridgeline Protection Overlay Area that the Sixth Senses project would be located in. The revision to our Zoning Code states: “In the Ridgeline Protection Overlay Area, the maximum area permitted to be Clear Cut shall be no more than seventy-five (75) feet in extent from the outer edge of the primary structure's footprint. During construction and installation of facilities and structures, only the minimum amount of existing vegetation may be cleared.” This wording has been reviewed by the Town Board, multiple members of the public, and the Town Attorney. The assertion that this Town Board is allowing clear-cutting feels like an outright lie to generate emotions against this project. However, I also believe that our neighbors would not resort to lies for this purpose. So I will chalk this up to being misinformed.
- The Conference Center Law was amended in 2021. These changes tightened up that law tremendously. It was also handled separately from this Zoning Revision process, due to the fact that it was more pressing and needed to be done sooner than the end of the Zoning Revision.
- Common Senses Hudson Valley keeps claiming that the Conference Center law contains “loopholes”. This term is used simply to stir up emotional responses. While that law may have some provisions that need to be fixed, those are not loopholes, and it is irresponsible to suggest otherwise.
- I saw a recent email that called every member of this Town Board “Vladimir Putin’s.” I would like to remind our residents that we are all neighbors. We are allowed, and encouraged, to have differing opinions. Calling people names is unacceptable and shameful. This practice needs to end immediately.
- At this public hearing, we will discuss the revision to the Zoning Code, except for definitions. Those will be discussed at the July meeting. A new law is being worked on to tighten the law regarding hotels, inns, and conference centers.
- Tonight's Public Hearing is in regard to the Zoning Revision we have been working on for 12 years. I would like to give priority to those who have comments regarding that process. This hearing should not be taken over by those with an axe to grind concerning one issue. The proper place to discuss those concerns would be during the Planning Board public hearings considering the application for the Six Sense project.

Deputy Supervisor Eliot Werner: we are working on a law that will incorporate into one law the hotels, motels, conference centers and inns. We may consider removing conference centers all together. It is a confusing concept; many don't

seem to understand. There is a legitimate concern where these will be located. Hotels are limited to hamlets right now; we have a plan to correct this.

Cynthia Koch - President Historical Society, comments on the Historic district and Landmark Protection section. Found a minor discrepancy between the workshop minutes and this draft. Word 'property lines' replaced 'properties', under standards. She prefers property lines. Looked at entities that can bring a designation, please put town of Clinton Historical Society in this section. There is no mention of a designation of local landmark if the property is already on the state or national register. We should fast-track that.

Michael Berlin – appreciates the rural nature of the town. Encourages the Board to take conference center language to strike it in this revision and go back and fix the language at a later date. Feels it would stop Six Senses and put it to bed.

Katherine Mustello – we can discuss a timeline, understands the thought process, our current revision and the conference center revision will probably be done at the same time.

Adam Dyksal wants clarification, are we talking about definitions. Mike said yes, but they have not been completely reviewed by the attorney. We will revisit them in July. Appreciates Mike's comments about being civil. Not fair for Mike to imply that civically-engaged people are speaking up now vs five years ago. Thrilled to hear from Eliot that work is being done on a new law for hotels, conference centers and inns. Hopes the process to draft law will be inclusive. We stand at risk now; seems the Board feels once an application is accepted that it has to move forward. He says if the applicant has not broken ground it can be stopped and have to adhere to a new set of regulations. Explained how a 135 room hotel can be built in a hamlet. Feels we are at risk of out of scale development. asks board to move on the new conference center hotel law and to adopt a moratorium to stop any future development of this type.

Katherine Mustello reviewed the process to develop a law. There will be two opportunities to review a draft law. Lovely when people are engaged. Frustrated being insinuated that we are fast tracking this process for the zoning revision, it has been a 12 year process.

Mike Whitton, asked people to speak to the Town Board not the audience.

Maggie Schimmelpfennig – appreciates the work being done. Concerned to maintain the rural character of town and the historical value, encourages to keep the historic value. Re: the section on subdivisions it says to remove public hearing prior, she says to keep it in. Wants to be part of the committee to work on the conference center law. Eliot said she is a member! She does not want Six Senses grandfathered in.

Graham Trask - heartened to see movement in the right direction around changing the conference center hotel laws. Re: moratorium, feels the board deflects the key issue. Seems the board feels the law is broken, so asks why wouldn't you consider a moratorium? Mike Whitton said the assumption that it has not been considered is wrong. Mike Whitton said the moratorium would be forward looking, it would not affect the Six Senses. Mr. Trask said: You can make the moratorium as narrow as you would like. Mike Whitton reviewed the rules of a public hearing where we are not here to have a back and forth. Mr. Trask commented that it seems there is no will for the Board to address Six Senses. Charlie Dykas reviewed the process to get six senses to the Planning Board, we are not overturning the ZBA decision - is not going to happen, that would be a massive lawsuit. Graham Trask then threatened a lawsuit. The back and forth continued and Mr. Whitton moved to the next person.

Paul Fuerman – thanked the Board for their service. Asked for those who are here for Six Senses, and the majority raised their hands. Its an important issue to the people. Concerned about the clear cutting issue in the law.

Nick Sacerdote - thanked the Board. Concerned about the clear cutting issue in the new law.

Mike Whitton - addressed the clear cutting issue, it was not an intended change and we will address it next public hearing.

Jeff Newman - Zoning Administrator many laws have been passed outside of the zoning law. Is it necessary to go through the current revision as some of these issues have been addressed also. The revision must be reviewed to be sure any changes made separately do not impact the new law. asked that all new definitions be included in the Zoning law.

It was pointed out that the stand alone laws will be incorporated in to the zoning law.

Discussion over the timing of a comprehensive plan. Katherine asks do we put this zoning law away, instead develop a comprehensive plan and start again? Whitton and eliot said we should go forward and finish this revision then start a comprehensive plan.

Dean Michael - Prior chair of zoning revision for 12 years, talked about conference center law and the addition of the ag events law. We talked about getting rid of hotels and motels as they were not part of the character of the town. We should strip out those from the vote. Should put in moratorium until we finish the new law to stop any further development. Supervisor Whitton expressed immense respect for Dean.

Cynthia Koch noticed people say they value the historical value of the town, one-way to protect this is the local landmark and historic district law, where no demolition or substantial changes can take place unless the property should get pb review.

Adam Dykstal – happy with a moratorium even if it is just forward looking. Said you make laws that limit the use of homes, like regulating the str. It is within power of the Town Board to make the decisions to control Six Senses and look backwards.

Glen Hershon – wants the town to protect its rural character. Against Six Senses.

Nancy Whyte – horrified in the change to clearcutting law. We need a second opinion with a lawyer who specializes in land use on how the rewrites are written. Close the loopholes. Supervisor Whitton said we use the town attorney but he is part of a group and gets other opinions.

Dean Michael – suggested we used a planner like we did when we worked on the zoning revision. Going forward in the next comprehensive plan he suggests to hire a consultant to create a document and then have a committee to review it.

Supervisor Whitton wished Happy Anniversary to the Auspitz's.

At 7:02 PM, MM Deputy Supervisor Werner, 2nd Councilman Werner to keep open the **public hearing to July 8, 2025 at 6:00 PM to hear further comments on the definitions and Article IX and Schedule of Uses.** All aye. Motion carried.

ADJOURNMENT

At 7:03 PM, MM Supervisor Whitton, 2nd Councilwoman Mustello to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Carol-Jean Mackin".

Carol-Jean Mackin,
Town Clerk