

January 13, 2026

Schultzville, NY

A public hearing on Local Law No. 1 of 2026 "Wetlands law" was held on this day in the Town Hall. Present were Supervisor Whitton, Deputy Supervisor Werner, Councilman Dykas, Councilwoman Auspitz, Councilwoman Mustello as well as Town Clerk Carol-Jean Mackin. There were eight people in the audience.

PLEDGE OF ALLEGIANCE

At 6:25 PM, Supervisor Whitton called the public hearing to order and led the Pledge of Allegiance.

LEGAL NOTICE Town Clerk Read Aloud

PUBLIC HEARING

Katherine Mustello thanked all of those who worked on this law. She explained why we introduced the law and we now have new NRI maps that we chose to use as a resource with this law rather than the maps formerly supplied by the DEC.

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

FireDean Shilling -read the following into the record:

Good evening, Supervisor and Members of the Town Board.

Thank you for the opportunity to speak. I ask for your patience and your full attention. I cancelled a flight to Florida to meet my wife 2 days ago—specifically to be here tonight. I felt I

needed to be present personally because I believe enforcement of these codes has adversely

impacted on my wife and me, on our property, and on our quality of life in this Town.

1. Correction of Record: Comparison to Neighboring Towns

In the Daily Catch yesterday, ZBA member Charles Canham stated that Clinton's rules are

"similar to those in other towns." This is factually incorrect regarding exemptions for homeowners.

- Fact: The Town of Washington Code (§ 165-93 H) explicitly exempts "decorative landscaping, including the addition of trees and plants" from needing a permit.

- Expert Opinion: Steve Marino, Senior Environmental Scientist at Tim Miller Associates,

has noted that Clinton's enforcement is significantly more punitive than peer communities. We should not claim to be "standardizing" our law if we are actually making it more restrictive than the regional norm.

2. Conflict with State Standards (144 Sq. Ft. Exemption)

It is not just our neighbors we are out of step with; it is New York State itself.

- The Conflict: The New York State Uniform Building Code generally exempts accessory structures—like garden sheds—under 144 square feet from requiring a Building Permit because they are considered de minimis. In other surrounding towns, wetland buffer restrictions do not impact this waiver.

- The Implication: Yet, this Board is proposing a law where a resident could be fined for 'disturbing the soil' to place a small garden shed that the State of New York says is too small to even regulate. We are creating a conflict where a homeowner is compliant with State Law but in violation of Clinton's arbitrary "30 cubic foot" soil rule. Why are we regulating what the State has deemed too minor to regulate?

3. Public Health Exemptions (Poison Ivy)

The ZBA previously determined that removing poison ivy was a "regulated activity."

- Request: Section E should be amended to explicitly exempt the removal of toxic, invasive, or hazardous vegetation from permit requirements. Without this exemption, the code prioritizes bureaucratic process over the physical safety of residents, and jettisons the town boards' responsibility to apply fairness and reason to their laws.

4. The "Hidden" Regulated Area (Buffer Zone Transparency)

Town officials cite data that wetlands comprise roughly 14% of Clinton. This figure is misleading

because it excludes the "Controlled Area" (Buffer Zone).

- The Math: The law regulates the water plus a 50-to-100-foot strip of dry land around it. When this buffer is added, the acreage of private property under Town control increases dramatically.

- Transparency: This full "Controlled Area" has not been clearly mapped for the public. Many residents likely do not realize that while they have no "wetlands," their backyards fall entirely within this hidden regulatory zone.

5. Retroactive Application & Selective Enforcement (Section E)

Section E introduces a new exemption for soil disturbance under 30 cubic feet. This creates a

transition where landscaping that was previously a violation becomes compliant.

- The Implication: This change effectively creates a retroactive amnesty. Any property owner—including Town officials—who performed unpermitted landscaping in the past that fits this new description is now "cured."

- The Disparity: I am attaching "Exhibit A" to this written submission, which documents multiple instances where similar unpermitted work by other residents was ignored by the Town. It is essential that this new law be applied to resolve these past disparities in enforcement, rather than selectively benefiting only those who were never targeted.

6. Procedural Request: Motion to Table

Given the factual discrepancies regarding neighboring town codes and the lack of a public map

showing the full Buffer Zone impact:

- I formally request that the Board TABLE this vote for 90 days.

- This delay is necessary to conduct a public workshop where the full regulated area (including buffers) is shown to residents, and where the town code is written to be in

alignment with that of other area towns like the Town of Washington / Millbrook, Rhinebeck, and Pine Plains.

Katherine Mustello - said we have been working on this law for a year and has been on the agenda many times.

Victoria Palidoro – read a statement into the record, below. The new map does create new areas of regulation.

Please accept this letter as part of the record of the public hearing on the Proposed Local Law. As you know, this firm represents CECNY Land Holdings, LLC (“CECNY”) which has a pending application for approval of an amended site plan and special use permit for an existing conference center (the “Project”) before the Town’s Planning Board.

The Project has been carefully designed to comply with all applicable laws and regulations, including the updated wetland regulations promulgated by the New York State Department of Environmental Conservation last year.

The Proposed Local Law goes beyond the state wetlands regulations and regulates wetlands as small as 0.5 acre. While CECNY supports the Proposed Local Law generally, it would create a buffer around a wetland area on the Project site that is currently unregulated, resulting in a hardship to the applicant which has spent the last three years designing this Project.

When DEC updated its wetland regulations, it provided approximately one year of notice for all parties to familiarize themselves with the new regulations and make necessary changes before they went into effect. CECNY requests that Clinton provide a similar implementation plan and that the Proposed Local Law be amended to include a provision exempting applications submitted to the Planning Board before January 1, 2026 from its application, or, alternatively, to provide an effective date of January 1, 2027 to provide ample opportunity for existing projects to proceed through review and for new projects to comply with the new law. Thank you for your consideration.

Charlie Canham – ZBA member - The law will make it easier to know where to apply the boundaries for items before the Planning Board. It Eliminates the need to hire wetland consultants. When the State decided not to produce new maps, the CAC completed an NRI (Natural Resources Inventory) mapping for the town. Wetlands are dynamic but the NRI maps will give wetlands protection. Talking to county to incorporate NRI maps on GIS system. Encourages the town board to adopt the law tonight.

Jeff Newman, ZA - read through the law and made many suggestions and pointed out inconsistencies, made clarifications and expressed concern for contradictions he finds throughout the law. He will forward his concerns and comments to the Town Board in writing for further review and consideration. Asks if the maps can be digitized so they can be used to measure as a reference. Lastly, he suggested that the Town should point to the DEC definition of wetland in our local law.

Arlene Campbell, PB/ZBA Clerk- exempt activities are not limited to bridge replacement. The wetland application should go to the ZA, not BI, questioned the

SEQRA type and queried, what is the expiration date of the application, it should be spelled out.

FireDean Shilling - the language in the law has been exploited to mean *any* disturbance. Explained his personal situation with ZBA rulings on disturbance. Feels currently, the wetlands law is selectively enforced and to the nth degree. Wants the town to enforce laws more like other towns, feels we are punitive.

Katherine described the work of the PB and ZBA and the way they work within the law.

Charlie Canham – ZBA member– The NRI maps have property boundaries. Described the process of notifying the DEC of a wetland on one’s property. Added that the law allows you to manage an existing garden in the wetland boundary if it preexists.

Wendy Maitland - there are many confusing factors in the law. She encourages allowing any current projects to continue under the current law.

At 7:00 PM MM Supervisor Whitton, 2nd Councilman Werner to close the public hearing.

MM Supervisor Whitton, 2nd Councilman Werner to rescind and amend the previous motion to keep the public hearing open and **schedule a continued public hearing at 6:15 pm on February 10, 2026 in the Clinton Town Hall**. All aye. Motion carried.

ADJOURNMENT

At 7:02 PM, MM Supervisor Whitton, 2nd Councilman Werner to adjourn the public hearing. All aye. Motion carried.

Respectfully submitted,



Carol-Jean Mackin,
Town Clerk