

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
August 6, 2019**

**MEMBERS PRESENT**

Art DePasqua, Chairman  
Gerald Dolan  
Jack Auspitz  
Justin Carroll

Tracie Ruzicka

Secretary – Arlene Campbell

Chairman DePasqua called the meeting to order at 7:30 pm.

**MEMBERS ABSENT**

Sara Love  
Paul Thomas

**ALSO PRESENT**

Eliot Werner, Liaison Officer

**VARIANCE APPLICATION:**

**Oyen and Ulstad Variance** – property owned by **Ola Ustad and Margaret A. Oyen** located at 12 Fourth Ave, **tax grid number 132400-6469-10-284628-0000** in the C zone.

The applicants are seeking the following area variances to build an addition to an existing house to house an elderly relative.

Sec. 250 Attachment 2 of the Zoning Regulations

- Side yard setback reduction – 50’ to 8’
- Side yard setback reduction - 50’ to 21.5’
- Front yard setback reduction – 100’ to 40’
- Building Coverage from 7% total of 275 sq feet to 1,118 square feet.

Margaret Oyen appeared for the above application. She explained that this is a pre-existing nonconforming property in a C Zoning district. She indicated the history about the next door neighbor’s property that she bought from the Dutchess County Tax Auction. She originally bought the property next to her to house her mother. Due to the pending outcome of the legal proceedings against the County and the neighbor, Ms. Oyen stated that she needs to build an addition to her house to house her mother. She underscored that the pending litigation about the purchase of next door neighbor’s property to house her mother triggers the construction of an addition to her house that requires variances due to the small size of her lot.

Ms. Oyen explained the details of her proposal. She wishes to build a 15’ x 20’ and 5’ x 7’ addition to her existing house. She noted that the total number of bedroom in this house will remain unchanged. She noted that the proposed addition might not even happen if she gets the ruling from the court granting her rights and possession of the

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Chairman DePasqua asked for questions and comments from the board.

Mr. Dolan indicated that he doesn't have any problem with the application. This is common in the area.

Chairman DePasqua asked the applicant if there is any intention of adding a bathroom. Ms. Campbell noted that the Board of Health approval requirement depends on the number of bedrooms and not the number of bathrooms. The size of the septic depends on the number of bedrooms. Ms. Oyen affirmed that she is not adding a bedroom to her house.

The board passed a resolution.

Mr. Dolan motioned the following resolution, to wit:

**BE IT RESOLVED**, that the Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of appeals on the requested 4 area variances to Section 250-Attachment 2 to build an addition to the primary single family dwelling in order to house an elderly relative. The property, owned by **Ola Ustad and Margaret A. Oyen** is located at 12 Fourth Ave, **tax grid number 132400-6469-10-284628-0000** in the C zone.

**WHEREAS;**

1. The applicant wishes to build an addition with variances requiring a max. bldg. Coverage of 7% for a total 275 sqft to 1,118 sqft; two side yard setbacks from 50', one to 8' and the other to 21.5'; and a front yard setback from 100' to 40'.
2. The original plan for housing the relative was to purchase the adjacent dwelling but that has been tied up in litigation making the planned addition a necessity.
3. This is a .09 acre parcel located in the C zone...
4. The lot is not in an Ag District.
5. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
6. The site does not contain Federal wetlands.
7. An undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties.
8. The requested variance is substantial.
9. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood as all the lots in the Silver lake community are noncompliant and the homes are small.
10. The alleged difficulty is self-created.
11. The application fee has been paid.
12. Per the Zoning Enforcement Officer, that are no known violations associated with this property

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**NOW THEREFORE, BE IT RESOLVED, that** the Town of Clinton Planning Board provides a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals.

Seconded by Ms. Ruzicka.

**Discussion.** Chairman DePasqua suggested contacting the DEC to make sure that there is need to get a DEC Permit for the required action. He also noted that this application will need Wetlands Permit due to proximity of Silver Lake. The board agreed.

All Aye, Motion carried, 5-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Daniels Site Plan and Special Permit for an Accessory Dwelling - 78 Germond Road,  
Tax Grid No. 6567-00-255054**

Applicant seeks site plan and special permit approval to allow a one bedroom apartment above a detached garage.

Tom Daniels appeared for the above application. They originally owned 5 acres of land and acquired another 5 acres from the neighboring lot. The total acreage of their property is 10.83 acres in the AR5 Zoning District.

Mr. Daniels explained that he has a 1,000 square feet detached garage that was built in 1995 that didn't have a Certificate of Occupancy. He is proposing to get a Special Permit to legalize the one bedroom living space above the garage. He noted that he wasn't aware that the permit didn't have C of O. He added that the property is Board of Health approved for up to 8 bedrooms.

Chairman DePasqua solicited questions and comments from the board.

Mr. Auspitz asked about the proposed use of tis dwelling. He asked, "Is this going to be an AirBnB?" Mr. Daniels responded that he doesn't have any intention of doing an AirBnB.

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Mr. Auspitz stated that the site plan that was presented to the board is not required to be professionally done or stamped by a licensed professional. The board agreed.

Mr. Auspitz motioned to accept the site plan submitted by the property owner, all Aye, Motion carried, 5-0.

The board agreed to declare lead agency for SEQR purposes.

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

**Be it Resolved**, that the Town of Clinton Planning Board hereby declares itself lead agency for review of the project pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617, in the matter of **Dewitts House Special Permit Application** for Bed and Breakfast on property located at 18 Hollow Road, **Tax Grid No. 6267-00-227660** for this Type II, unlisted uncoordinated action.

**BE IT FURTHER RESOLVED**, the Planning Board hereby directs the copies of Special Permit Application Short Form EAF and Site Plan be sent to the identified interested agencies as noted on Attachment "A".

Seconded by Mr. Carroll, All Aye. Motion carried, 5-0.

**Attachment "A"  
Identified Interested Agencies**

**INTERESTED AGENCIES**

Dutchess County Department of Planning and  
Economic Development  
85 Civic Center Plaza Suite 107,  
Poughkeepsie, NY 1260127 High St.

Mr. Auspitz suggested waiving the public hearing. The structure is already there and complies with the Department of Health.

After a lengthy board discussion and exchanged of opinions, the board agreed that a public hearing is required per Special Permit requirement, Sec. 250-97. The public hearing can be waived on Site Plan approval but not Special Permit.

Mr. Auspitz motioned to set the public hearing for August 20, 2019, seconded by Ms. Ruzicka, all Aye, Motion carried, 5.0

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**BOARD DISCUSSION:**

Mr. Werner gave an update about the proposed Events Center Law and Short Term Rentals Law.

**APPROVAL OF MINUTES:**

No minutes were approved.

**ADJOURNMENT:**

Mr. Carroll motioned to adjourn the meeting at 8:20 pm, seconded by Mr. Dolan, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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