

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
January 21, 2020**

**MEMBERS PRESENT**

Art DePasqua, Chairman

Jack Auspitz  
Justin Carroll  
Sara Love  
Paul Thomas

Secretary – Arlene Campbell

**MEMBERS ABSENT**

Gerald Dolan

Tracie Ruzicka  
**ALSO PRESENT**  
Dean Michael, Liaison Officer

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

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

**Rhodes Site Plan and Special Permit (continuance)** – property located at 600 Clinton Hollow Road, **Tax Grid No. 6467-00-125140.**

Applicant proposes a one-bedroom accessory dwelling.

Teri Rhodes and her friend Gene Heninger were back for this application. Ms. Rhodes briefly explained her proposal and gave a recap of what had transpired at the previous meeting. It is notable that the addition above the garage was built in 2009. Ms. Rhodes also indicated the letter from the Department of Health stating that the SDS on this property is sufficient for four bedrooms. The principal residence contains 3 bedrooms and the space above the garage contains one bedroom. The well completion report is on file. She stated that she is now before the board to get a special permit to turn this space to a living space.

The board agreed to open the public hearing.

Mr. Carroll motioned to open the public hearing, seconded by Ms. Love, all Aye, Motion carried, 5-0.

Hearing no comments from the public, the board agreed to close the public hearing. Mr. Carroll motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

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**APPLICATIONS:**

**Rhodes Site Plan and Special Permit** – property located at 600 Clinton Hollow Road, Tax Grid No. **6467-00-125140**.

Applicant proposes a one-bedroom accessory dwelling.

Ms. Rhodes was back for the conclusion of her proposal. This is a 6.99-acre property in the AR3 Zoning District. A building permit was issued in 2009 to build an addition above the garage. She indicated the hardship that she had after her husband died. Due to the boiler and pipes freeze up that her house suffered to a year ago, Ms. Rhodes decided that this is now the time to turn the permitted space above the garage into a useful living space. She described the details of the proposed dwelling above the garage (910 square feet).

Ms. Rhodes underscored that the proposed action will not change the character of the neighborhood due to the two-family dwelling homes that are within 500 feet of the property. She also noted that the house is set farther back from the road and not visible from any of the neighboring properties.

Chairman DePasqua asked for questions and comments from the board.

Mr. Carroll asked the applicant if there will be a change in the exterior of the garage. Ms. Rhodes responded, “None.”

The board agreed to review the Short Form EAF and issued negative declaration, to wit:

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

**WHEREAS**, the Town of Clinton Planning Board declared itself lead agency pursuant to SEQRA for the environmental review of the Rhodes Site Plan and Special Permit for an Accessory Dwelling,

**NOW THEREFORE, BE IT RESOLVED**, that, based upon the information and analysis in the short environmental assessment form, the Town of Clinton Planning Board has determined that the proposed action does not result in any significant adverse environmental impacts; and

**BE IT FURTHER RESOLVED**, the Town of Clinton Planning Board hereby issues a Negative Declaration pursuant to the requirements of SEQRA and in accordance with Article 8 of the Environmental Conservation Law.

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

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

Mr. Carroll motioned that the Town of Clinton Planning Board motioned the following:

**WHEREAS**, the applicant seeks a special permit, pursuant to Sec. 250-29 of the Town of Clinton Zoning Code, for an accessory dwelling unit on their property at 600 Clinton Hollow Road in the Town of Clinton (6467-00-125140); and

**WHEREAS**, the accessory unit in question is a one bedroom apartment above applicants' garage; and

**WHEREAS**, the accessory unit is the only accessory unit on the property and is clearly subordinated to the principal use on the lot;

**WHEREAS**, the owner of the property occupies at least one of the dwelling units; and

**WHEREAS**, the Applicant states that the accessory unit is 910 square feet, which square footage is less than 1,000 square feet and 35% of the approximately 4,100 square feet of floor space in the principal structure; and

**WHEREAS**, the accessory unit is self-contained with separate cooking, sleeping and sanitary facilities and a safe and proper means of entrance from the exterior located within the walls of the building; and

**WHEREAS** applicants have demonstrated that the water supply and sewage disposal systems serving the building meet current Dutchess County Department of Health requirements and will continue to meet such requirements; and

**WHEREAS**, a public hearing was held pursuant to proper notice on January 21, 2020 and no objection was heard; and

**WHEREAS**, the Applicant submitted a site plan meeting the requirements of Section 250-96(C) of the Town of Clinton Zoning Code;

**NOW BE IT RESOLVED** that the Planning Board hereby grants applicants' application for site plan approval and a special permit so that a certificate of occupancy may be obtained for the accessory building unit in question, **PROVIDED** that all applicable fees are paid.

Seconded by Mr. Auspitz.

**Discussion.** None.

All Aye. Motion carried, 5-0.

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**Paul Smithyman and Garrett Long Site Plan and Special Permit Application- 5 Lake Drive, Tax Grid No. 6368-00-752443.**

Applicant wishes to convert the existing garage to an accessory dwelling.

Mr. Smithyman and Ms. Long both appeared for their application. Mr. Smithyman explained their proposal as indicated above. The requested variances were granted by the Zoning Board of Appeals in December 2019. They are now back before the board to continue the process of their application.

Chairman DePasqua asked for questions and comments from the board.

Mr. Thomas asked about the square footage of the proposed building. Mr. Smithyman responded that the garage is 736 square feet.

Mr. Thomas asked about the size of the septic. Mr. Smithyman responded that based on their research and conversation with the Department of Health, the County does not have a record of any approvals of the septic. (Note that the house on this property predates the zoning). Mr. Smithyman noted that they are in the process of addressing this issue.

The board exchanged opinions about the issue and agreed that this concern can be a condition to the special permit approval.

The board agreed to declare lead agency.

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 a Special Use Permit and Site Plan approval from **Paul Smithyman and Garrett Long** for the purpose of converting an existing 736 s.f. building into an accessory dwelling located at 5 Lake Drive in the Town of Clinton as shown on drawings submitted by the applicants (the "Site Plan"); and

**Whereas**, the requested Special Use Permit would authorize the use of an existing outbuilding, septic system and well, such that extensive excavation will not be required on the site; and

**Whereas**, the applicants will be required to demonstrate, as a condition of final approval, that the water supply and sewage disposal systems serving the dwelling meet current County Health Department requirements and are otherwise adequate to service both the primary residence and the accessory dwelling; and

**Whereas**, the subject property is identified as tax parcel number 132400-6368-00-752443 and is located in the C Zoning District; and

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[**Whereas**, the property is within 500 feet of an Agricultural District containing a farm operation and an Agricultural Data Statement is required; and]

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

**Whereas**, the Planning Board has granted the following waivers from the Site Plan requirements set forth in Section 250-96(C)(3) of the Town of Clinton Zoning Law: vicinity map; site plan prepared by a licensed design professional at a scale of 1" = 50'; (b) (names of adjacent owners of record); (c) (structures and uses on adjacent properties within 100 feet); (d) (existing public streets and easements within 500 feet); (e) (existing zoning boundaries within 500 feet); [(l) (location, description, design of all existing and proposed site improvements)]; (o) (location and description of existing or proposed sewage disposal and water supply systems); (t) (lot area in acres and measurements of lot boundaries with bearings); and (v) (building setbacks); and

**Whereas**, all applicable fees have been paid; and

**Whereas**, the Planning Board has determined the proposed project is an Unlisted Action and that an uncoordinated review of the action will be undertaken.

**Now, Therefore Be It Resolved**, the Planning Board determines that the application is sufficient for purposes of commencing the selection of a Lead Agency pursuant to 6NYCRR 617; and

**Be It Further Resolved**, that the Planning Board hereby declares its intent to assume the role of Lead Agency for this unlisted, uncoordinated action pursuant to Article 8 of the Environmental Conservation Law and Sections 617.6 (2) and (3) of 6 NYCRR Part 617 and directs that a copy of the Short Form EAF Part 1, the application and related documents be sent to the following interested agencies: [Dutchess County Department of Planning,] and West Clinton Fire District; and

**Be It Further Resolved**, that the Planning Board will hold a public hearing on this application at its meeting scheduled for February 18, 2020.

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

Public hearing is set for February 18, 2020. Ag Data Statement also needs to be circulated.

No other action taken.

**BOARD DISCUSSION:**

Mr. Michael discussed and gave an update about the proposed Events Local Law and Short Term Rentals.

Chris Juliano, a Town Board member also joined the panel for discussion.

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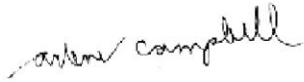
**APPROVAL OF MINUTES:**

Mr. Carroll motioned the minutes of January 7, 2020, seconded by Mr. Auspits, all Aye, Motion carried, 5-0.

**ADJOURNMENT:**

Mr. Carroll motioned to adjourn the meeting at 8:47 pm, seconded by Ms. Love All, Aye, Motion carried, 5-0.

Respectfully Submitted,



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