

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
August 3, 2021**

MEMBERS PRESENT

Art DePasqua, Chairman
Jack Auspitz
Gerald Dolan
Justin Carroll

Katarina Maxianova
Paul Thomas

MEMBERS ABSENT

Sara Love

ALSO PRESENT

Secretary – Arlene Campbell

Chairman DePasqua called the meeting to order at 7:31 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARINGS:

Mer-kill Site Plan and Special Permit for an Accessory Dwelling – 77 Rymph Road, Tax Grid No. 6266-00-803790.

Applicant wishes to convert an existing pool house to an accessory dwelling.

Elizabeth Cobb, owner of Mer-kill LLC along with her attorney, Rebecca Valk appeared for this application. Ms. Valk submitted the documentation stating Elizabeth Cobb as the owner of Mer-kill LLC.

Ms. Valk explained that this is a 31.61-acre property in the AR5 Zoning District. Her client bought this property in 2019 with the understanding that the use of the guest cottage (pool house) is legal.

Ms. Valk indicated the history of the property. Per the minutes of the ZBA meeting in 1999 when the variance was granted for the number of accessory structures, a determination was made by the ZBA that the pool house shall not contain a kitchen or bedroom. The previous owner converted the pool house to a living

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space. Ms. Valk noted that the current owners removed the kitchen and bedroom to put the structure into compliance. They are seeking a special permit to legalize the use of the existing structure. She indicated the variance granted by the ZBA dated June 24, 2021 for the square footage of the ADU as the square footage exceeded the threshold of 1,000 square feet.

Ms. Valk indicated the septic system capacity of the pool house. Per Dave McDougall from the Department of Health, this septic system is adequate for two bedrooms. She stated that she will submit that letter from the Department of Health as soon as she receives it. They are now back before the board to continue the process.

Mr. Auspitz asked the applicant if they are okay if they condition the board of health approval to the special permit. He stated that he doesn't have a problem with the application since the Department of Health seems to be okay with it.

Sec. 250-29 B-9 states that "No special use permit for an accessory unit shall be granted unless the applicant can demonstrate that the water supply and sewage disposal systems serving the building or buildings in question meet current County Health Department requirements and shall continue to meet such requirements. "

Ms. Campbell attested to the above statement regarding the septic system per her phone conversation with Mr. McDougall. She added that the SAN 34 is still required to be signed off by the Department of Health before a building permit can be issued. The letter from the Department of Health is on file.

Ms. Valk asked the board if the building permit can be issued before the SAN 34 and make the Board of Health approval a condition before the C of O can be issued. She noted that they need the building permit to assist them in obtaining a renovation loan. This property has been neglected for a while and in desperate need of rehab.

Mr. Carroll motioned to open the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 6-0.

Hearing no comments from the public, the board closed the public hearing.

Mr. Carroll motioned to close the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.

The board discussed the application.

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Ms. Maxianova asked how many bedrooms does the main house have? Ms. Valk responded that at some point the number of bedrooms in the house was turned to six bedrooms. The plan is to renovate the house to make it four bedrooms.

Ms. Maxianova asked, "What's the size of the septic? Ms. Valk responded that the size of the septic system is 2,000 gallons.

Mr. Thomas remarked, "The pool house is on a separate septic system."

Ms. Maxianova asked, "What's the size of the septic system for the pool house?" Ms. Valk responded that the letter from the Department of Health stated that the total wastewater flow used in the approved SDS was 260 gal per day. This flow is equivalent to a 2-bedroom residential dwelling (See Department of Health letter dated 8-3-2021).

After a lengthy discussion, the board agreed to condition the board of health approval.

The board reviewed Short Form EAF and issued a Negative Declaration.

Mr. Carroll motioned that the Town of Clinton Planning approves the following resolution in the matter **Mer-Kill Site Plan and Special Permit Application** to convert the existing pool house to an accessory dwelling on property located at 77 Rymph Road in the Town of Clinton, parcel number 132400-6266-00-803790-00 in an AR3 Zoning District.

WHEREAS, the Town of Clinton Planning Board declared itself lead agency pursuant to SEQRA for the environmental review of the Mer-Kill 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. Thomas.

Discussion. None.

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All Aye, Motion carried, 6-0.

After all the deliberations were made, the board passed a resolution.

Mr. Carroll motioned that the Town of Clinton Planning approves the following resolution in the matter **Mer-Kill Site Plan and Special Permit Application** to convert the existing pool house to an accessory dwelling on property located at 77 Rymph Road in the Town of Clinton, parcel number 132400-6266-00-803790-00 in an AR3 Zoning District.

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 31.61 acre property at 77 Rymph Road in the Town of Clinton, parcel number 132400-6266-00-803790-00; and

WHEREAS, the accessory unit in question is an existing pool house constructed in the early 2000s that the applicant is seeking to convert into an accessory dwelling unit with approximately 1,859 square feet of habitable space; and

WHEREAS, the accessory unit is the only accessory dwelling unit on the property and is 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 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, the Applicant received a variance from the Town of Clinton Zoning Board of Appeals ("ZBA") on June 24, 2021 for the square footage of the accessory dwelling, which at 1,859 exceeds the maximum permitted square footage for an accessory dwelling of 1,000 square feet; and

WHEREAS, the Applicant has acknowledged and agreed to satisfy conditions in the ZBA approval for the above-mentioned variance;

WHEREAS, the Applicant submitted a site plan as required pursuant to Section 250-96(C) of the Town of Clinton Zoning Code, and to the extent the site plan does not satisfy one or more of the requirements of Section 250-97(C), the Planning Board has agreed to waive such requirements since the structure is a pre existing building and the exterior of the accessory dwelling is not being **altered**;

WHEREAS, a public hearing was held pursuant to proper notice on August 3, 2021; and

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WHEREAS, the Applicant provided the consent of both members of the 2-member LLC;

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 the following conditions are satisfied:

- 1) all applicable fees are paid,
- 2) all conditions in the June 24, 2021 ZBA variance approval have been satisfied, and
- 3) applicants have provided a professional report demonstrating 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.

Seconded by Mr. Thomas,

Discussion. None.

All Aye, Motion carried, 6-0.

Krolak dba Centre Road Realty LLC Non-Hosted Short Term Rental - 1579 Centre Road, Tax Grid No. S 6469-00-323455.

Applicant wishes to utilize a 3 bedroom, 3 bath house to a Non-hosted Short Term Rental limiting 6 guests per stay.

Justin motioned to open the public hearing, seconded by Mr. Carroll, All Aye, Motion carried, 6-0.

Ms. Krolak briefly explained that she wants to rent out her home part time of the year.

Chairman DePasqua solicited questions from the public.

Michael Dickett, 1567 Centre Road spoke and said that there were deed restrictions on these properties when the subdivision was approved in 1988 to 6 lots. He indicated his strong concerns and read the restrictions on the deed (no commercial use of the property except for the home occupation as described therein, no sublet or sharing space, etc). Mr. Dickett noted that they bought their property for privacy reasons. They've been living here for 10 years and are now concerned about the different people who will be coming in and out of this property. There's been an increase in traffic on their driveway ever since Ms. Krolak moved into her property. He indicated the number of people who ended

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up at his driveway trying to find the Krolak's property. He underscored that he doesn't want any stranger in his driveway.

Mr. Dickett expressed his strong opposition about Short Term Rentals and cited some of the AirBnB cases that happened in Red Hook who were having parties and ended up with people getting arrested. He also indicated his strong concern about the 50-foot drop at the back of their property next to the pond that is a safety issue. He is worried about the liability if anybody falls off the cliff.

Gina Kantor, 1565 Centre Road, spoke and expressed her concerns about security and wishes to see the property lines clearly delineated. She doesn't want people wandering through her woods. She wanted to know the screening process of the potential renters.

Michael Dickett echoed Ms. Kantor's concern about the screening process given the nature of his job. He added that he is concerned about his wife's safety when she's home alone.

The board closed the public hearing. Mr. Auspitz motioned to close the public hearing, seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

Ms. Krolak underscored that she shared the neighbor's concern about safety and security. This is her home too. She accentuated that she was not aware of the deed restriction when she purchased the property. This is not included in her deed. She noted that she will be happy to discuss this matter with her attorney.

Ms. Krolak explained the vetting process of her potential renters. She stated that she will be using the screening process on the AirBnB website and will turn down applicants who have bad reviews. She also addressed Ms. Kantor's request about property lines delineation. She stated that the Kantors' property is a little bit farther from her property but she shared the Kantors' concern about people walking through the woods. Ms. Krolak stated that she will have fencing up to avoid people crossing to the neighbor's property. She added that she wants the neighbors to see her property before she rents it out.

Mr. Dickett remarked that this vetting process is not enough. Just because one person gave a good review does not mean that this person is a good tenant. Ms. Krolak noted that she will also set up security cameras.

It was noted that the public hearing is closed so any comments exchanged between the applicants and the neighbors are not part of this record.

The board discussed the application.

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Mr. Carroll noted that the town is not involved in every deed restriction. Per the town attorney, the board has to proceed with the review of the application on hand. The town has a regulation about short term rentals. The deed restriction matter is between the neighbors and not a town matter.

Mr. Dickett remarked that this restriction is bound by law.

Mr. Auspitz, who is also a lawyer, stated that the deed restriction doesn't bind the board. This is not the board's purview. He cited a case in the past that he had in New Rochelle about a property that received approval from the Zoning Board of Appeals and Planning Board to be subdivided into twelve lots when a deed restriction was in place for six lots since 1932. The court ruled that the lot should be consistent with the zoning and not with the deed restriction.

Mr. Auspitz opined that it is an area that discussion and compromise seem to cry out a reasonable approach. Mr. Dickett disagreed. These are deed restrictions.

Mr. Carroll stated that the board is allowed to consider these factors but the Supreme Court states that they cannot consider deed restrictions by themselves. Everything else is part of the discussion. He noted that the board discussed this matter with the town attorney.

Ms. Krolak noted that she was not aware of the deed restriction. She stated that she will discuss this matter with her attorney. She added that her attorney knew about her intention in using the house as part time AirBnB when she bought the property.

Mr. Thomas noted that short term rentals are good for a year and renewable for a year. If any complaints are received and violations are cited by the town, Mr. Thomas stated that all these factors will affect the renewal process of the short term rental.

Mr. Dickett reiterated his strong concern about security and anybody falling off the cliff and getting sued. He asked, "What will they do if somebody falls on the cliff?"

Mr. Thomas responded that part of the review process is providing insurance. He commented that Mr. Dickett also has the right to seek a legal opinion to find out about his rights.

Mr. Auspitz asked the applicant about the details of the fence. He asked, "How high is it?" Ms. Krolak responded that she wants to put up a taller perimeter fence that will contain the house and would block people from looking at the Dicketts' property. She will also add natural screening.

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The panel discussed fencing. Mr. Auspitz asked the applicant if she had a problem with the board conditioning the approval in reference to the fencing. Ms. Krolak responded, "None".

Mr. Dickett asked Ms. Krolak how she is going to address the people getting lost and ending up in the neighbor's property. Ms. Krolak responded that people normally used Google maps to find a property. She stated that she will talk to google to make sure that the address will point to her location. She added that she will also advise the renters to make sure to not go on the neighbor's property.

Ms. Maxianova asked the applicant if she wanted to consult her attorney before proceeding with the application. Ms. Krolak responded that she will definitely talk to her lawyer and asked why the issue about the deed restriction never came up during the sale of the property but asked the board to continue the process of the approval at this time.

The board discussed the issue about the deed restriction. Mr. Carroll noted that the court is clear that the deed restriction cannot be a part of the discussion of the approval process. The other two lawyers on the board agreed with Mr. Carroll. The screening, signage and instructions to renters are part of the discussion of the approval process.

Mr. Thomas asked the applicant and the neighbors if this is something they can agree (fencing, signage and instructions) on before doing the resolution. Ms. Krolak responded, "Yes." She noted that she likes her neighbors.

Mr. Dickett vocalized his aversion about STR. He remarked, "It's like having a motel next door." He said that the Krolaks don't know who's going to be in and out of this house.

After a very lengthy discussion, Chairman DePasqua stated that the parties should talk these issues out. They should each consult their lawyers about the issue on hand. He reiterated that the board cannot consider the deed restriction on this application. The board will be breaking the law if they do.

Mr. Dickett reiterated his strong concerns about having a short term rental in his backyard.

Mr. Thomas asked the applicant if she had talked to her lawyer about the matter. Ms. Krolak responded that she will consult her lawyer about this issue. She noted that her lawyer knew her intention about the use of having part time short term rental when she bought this property. She underscored her intention about mitigating the issues of the neighbors.

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Mr. Auspitz, a lawyer, indicated his personal past experience in one of his cases in New Rochelle. Covenants are equally cleared to what the Krolaks have. He noted that given the cost and grief of the litigation, sometimes, it makes sense to explore whether there might be a compromise to achieve something in addressing the neighbors' concern. He commented that it can be a very costly and long process.

Mr. Dickett once again reiterated that his opposition is about safety and security concerns.

Mr. Auspitz noted that there are a number of properties operating short term rentals in the town who most likely share the same concerns. He understands that the Dicketts' concerns are different due to the nature of his job. He feels that friendly neighbors can chat about these issues.

Ms. Krolak asked if they could at least try this out. She noted that she also has concerns about safety issues. This is her house. She definitely doesn't want parties in her house and loud noise.

Mr. Dickett and Ms. Krolak exchanged opinions. Mr. Dickett said that Ms. Krolak will not be around if there are any issues. She will be in Brooklyn. Ms. Krolak responded that she will be accessible 24/7. She also has people around who can be around anytime.

Ms. Campbell asked the applicant how often she is planning to rent out her property. Ms. Krolak responded that she honestly doesn't know yet. Ultimately, it might become a long term rental. This is just a side business and not purely business.

The board agreed to table the application and leave the public hearing opened.

Mr. Auspitz motioned to re-open the public hearing, seconded by Carroll, all Aye, Motion carried, 6-0.

Mr. Thomas asked Mr. Krolak to give fencing details, signage and instructions for tenants.

Ms. Kantor asked Ms. Krolak if she can also submit the vetting process for her tenants. Ms. Krolak agreed.

No action taken.

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Aull and Fite Non-Hosted Short Term Rental - 62 E. Meadowbrook Lane, Tax Grid No. 6367-00-501394

Applicants wish to utilize a 4 bedroom, 3 bath house to a Non-Hosted Short Term Rentals.

Both property owners were present for this application. Mr. Aull explained that this is a 9.33-acre property in the AR3 Zoning District. They moved here from Kentucky in November of last year. They are planning to rent this out 120 days a year. They installed security cameras and noted that they are willing to do whatever the board asks to make everyone happy.

Mr. Aull indicated what had transpired at the previous meeting and explained the insurance policy that they have.

Mr. Dolan asked the applicants about the number of weeks the house can be rented out per the insurance policy. Mr. Aull responded that the insurance policy indicates 12 weeks for the entire year.

The board agreed to open the public hearing.

Mr. Auspitz motioned to open the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.

One letter from the neighboring properties was received. Karen Friedman, 82 E. Meadowbrook Lane sent a letter expressing her concern about the increase in road traffic.

Mr. Aull noted that they have wood line fencing. They are not looking to do short term rentals all the time. He noted that this is their primary home and they want to do everything right. He added that he also spoke with Ms. Friedman this morning about their intention to do Short Term Rentals.

Mr. Auspitz asked the number of bedrooms in the house. Mr. Aull responded that this is a four bedroom house. He explained the photo that he submitted showing the parking area that can accommodate a number of cars.

Hearing none 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, 6-0

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The board discussed the application. Ms. Maxianova asked how many weeks is he requesting to do STR. Mr. Aull responded that they are requesting to host STR up to 120 days but the insurance only allows 90 days.

Mr. Dolan asked if the Short Form EAF was submitted. Ms. Campbell responded, "Yes, and it is on file." No comments received from the Fire Department and DC Planning takes no position in their reply.

The board agreed to pass a resolution, to wit:

Mr. Dolan motioned that the Town of Clinton Planning Board approve the following resolution in the matter of **Aull and Fite NonHosted STR** on property located at 468 Lake Drive, **Tax Grid No. 6367-00-501394**.

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Aull and Fite for the purpose of utilizing a dwelling located at 62 E. Meadowbrook Lane in the Town of Clinton as a Non-Hosted Short-Term Rental pursuant to Section 250-69.1 of the Zoning Law; and

Whereas, the subject property is identified as tax parcel number 132400-6367-00-501394 and is located in the AR3A Zoning District; and

Whereas, the applicants do not propose any alteration, excavation or construction on the site in connection with the requested permit; and

Whereas, the applicants have submitted an inspection report, dated within ninety days of the date of the application, stating that the existing sewage disposal system serving the Dwelling Unit is adequately functioning for its intended use at the time of inspection; and

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

Whereas, the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment based on the criteria set forth in 6 NYCRR 617.7(c) and qualifies as a Type II action under SEQRA (6 NYCRR 617.5(c)(18) ("reuse of a residential or commercial structure")); and

Whereas, the Planning Board conducted a public hearing during its regular meeting on August 3, 2021; and

Whereas, the Zoning Administrator has inspected the Dwelling Unit and certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as a Non-Hosted Short-Term Rental and that there are no known zoning violations on the property; and

Whereas, the Planning Board referred the application to the Dutchess County Department of Planning and Development pursuant to General Municipal

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Law, Sections 239-l and m, and has received a response indicating the application is “a matter of local concern”; and

Whereas, the Dwelling Unit will be utilized as a Non-Hosted Short-Term Rental subject to the following conditions and limitations: **Maximum of 90 rental days per year; maximum of 6 off road parking spaces**; and

Whereas, the Planning Board has determined that the maximum number of Lodgers allowed shall be 8 persons and the maximum number of daytime visitors permitted on the property shall be 4 persons; and

Whereas, after review of the application and all other submissions by the applicants, the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

Whereas, this Special Use Permit shall remain in effect for one year from the date of approval by the Planning Board and shall require annual renewal by the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

Whereas, the applicant[s] shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while it is being utilized as a Non-Hosted Short-Term Rental and shall otherwise comply with applicable Town, County and New York State law and regulations governing such use; and

Whereas, all applicable fees have been paid:

Now Therefore Be It Resolved, that the Planning Board hereby grants approval of the requested Special Use Permit, effective as of the date of this resolution.

MAXIMUM NUMBER OF LODGERS PERMITTED: 8

PERMIT REMAINS IN EFFECT UNTIL 8/3/2022 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)

Seconded by Mr. Carroll,

Discussion. The board agreed to issue approval for 8 lodgers and 4 daytime guests.

All in favor 6-0.

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APPLICATION:

Riegert 2 Lot Subdivision (Sketch Plan) – Browning Road and Ruskey Lane,
Tax Grid No. 6366-00-350305

Applicant wishes to subdivide a 6.85-acre lot into 2 lots.
Lot 1 is 5.995 acres and Lot 2 is 57.895 acres.

Kurt Schollmeyer, the Riegerts' engineer, appeared and explained his application. This is a 63.85 acre parcel that spans between Browning Road and Ruskey Lane. Peter Riegert wishes to subdivide a 5-acre parcel from the current 63.85- acre parcel. He explained the sketch plan that he submitted to the board showing a conceptual boundary of the proposed 5-acre parcel. The 5-acre parcel would front on Ruskey Lane, and the northern portion of the remaining parcel fronts Browning Rd.

Mr. Schollmeyer stated that this application started with the previous Land Surveyor, Brian Franks who passed away suddenly. Mr. Franks would typically do subdivision without doing any Board of Health approval and engineering but just metes and bounds. The current buyer who is buying the smaller parcel likes the idea of the proposed layout and this works for him. He explained that the buyer wants to develop the land (engineering and health approval) once he is ready to build a house. He asked the board if this is possible.

Mr. Thomas responded, "Yes". It is not uncommon for applicants to ask for a non realty subdivision for the purpose of developing the lots at a later date. He noted that the board still needs to see that the driveway entrance is feasible and acceptable to the highway department. This can be shown on the preliminary map. He understands if this driveway is changed later but the board needs to see that a feasible driveway is shown on the map where a house is going to be built. The engineering drawing is not necessary for non-realty subdivision. The board needs to discuss what they need to see on the map.

Mr. Thomas asked the applicant if he is doing any septic design. Mr. Schollmeyer responded that they might do perc test and soil test depending on what the board wants. He will discuss it with the property owner.

Mr. Thomas suggested putting this on the map. He asked if there is any development plan on the bigger lot. Mr. Schollmeyer responded, "No". The bigger lot will remain vacant.

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The board had a lengthy discussion about the smaller lot. Mr. Schollmeyer stated that they are planning to put the building envelope at the rear where the lot meets the 400 feet lot width. This is a flag lot. The driveway will come up from Ruskey Lane.

Mr. Schollmeyer stated that the intent of this sketch plan is to find out whether some of the zoning requirements can be waived. Mr. Thomas indicated the requested waiver i.e. showing the outlines and features of the full parcel on the plat which is a very weird shape. He doesn't have a problem with the requested waiver since the applicant is not planning to do anything on the larger parcel. The zoning regulation gives the board capability to waive some of the requirements on the checklist. He asked the applicant if he is requesting any waiver on the smaller lot. Mr. Schollmeyer responded, "No."

Mr. Thomas stated that the applicant needs to show the details of the potential driveway, building envelope, and the perc test on the smaller lot but not the bigger lot.

Mr. Carroll noted that the board's goal in showing the building envelope on the smaller lot is that they are not approving a lot that cannot be built on. This building envelope can be changed in the future.

Ms. Campbell asked Mr. Schollmeyer if he will be doing the board of health process for this lot. Mr. Schollmeyer responded, "Yes." He commented that if this is what it takes to make the process easier, then he will advise his clients to do so.

Mr. Thomas asked the applicant to show the SDS on the map. Mr. Schollmeyer stated that they are planning to do a wider building envelope.

Mr. Schollmeyer indicated the wetlands on the larger parcel. Mr. Carroll asked if there were wetlands on the smaller parcel. Mr. Schollmeyer responded, "None."

Chairman DePasqua asked the applicant to also show the steep slopes on the smaller lot. Mr. Schollmeyer noted that there are only 16% steep slopes on this parcel.

Chairman DePasqua feels that this application needs to be reviewed by the town engineer given the steep slopes on the property. He indicated his concerns about potential water runoff and clear cutting of trees.

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Mr. Thomas summarized what the board needs to see on the map. They need the building envelope, feasible septic location, SDS, the perc test, and driveway location on the map.

The board agreed to establish an escrow of \$1,000.00.

After a very lengthy discussion, the board agreed to issue sketch plan approval.

Mr. Thomas motioned that the Town of Clinton Planning approves the following resolution in the matter of **Riegert 2-Lot Subdivision** on property located at Browning Road, **Tax Grid No. 6366-00-350305** in an AR5 Zoning District.

Whereas, the Town of Clinton Planning Board has received an Application for Subdivision from Peter Riegert for the purpose of subdividing a vacant +/-63.85 acre parcel located at Ruskey Road in the Town of Clinton into two lots consisting of 5.995 acres (Lot 1) and 57.895 acres (Lot 2), as shown on a map entitled "Subdivision of Lands of Peter Riegert" presented by Homewood Engineering, PLLC dated July 17, 2021; and

Whereas, the application involves tax parcel number 6366-00-350305, which parcel is located in the AR-5 Very Low Density Agricultural Residential Zoning District; and

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

Whereas, the parcel is located within 500 feet of a working farm in an Agricultural District and an Agricultural Data Statement has been submitted; and

Whereas, all applicable fees have been paid;

Now, Therefore Be It Resolved, the Planning Board hereby grants Sketch Plan Approval for the Riegert Subdivision; and

Be It Further Resolved, that the applicant will be required to depict a feasible driveway providing access to Lot 1 on the Preliminary Plat and obtain

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approval for the driveway entrance from the Town of Clinton Highway Department prior to approval of the final plat by the Planning Board; and

Be It Further Resolved, that the applicant will be required to depict a building envelope and feasible septic and well locations and designs on Lot 1 prior to approval of the plat by the Planning Board; and

Be It Further Resolved, that the Planning Board hereby grants the following waivers from the Submission Requirements set forth in Appendix C to the Town of Clinton Subdivision and Lot Line Adjustment Regulations: Part I, Submission Requirements for Sketch Plans, Item 6 (general location of existing structures, wooded areas, streams and other significant physical features on Lot 2), Item 11 (delineation of wetlands on Lot 2) and Item 16 (conceptual future plans for the parcel) and Part II, Submission Requirements for Preliminary Plats, Item 1 (property line survey and mapping of existing features on Lot 2), Item 2 (information on proposed site development except Item 2.b. (lot layout) is required for Lot 1) and Item 3; and

Be It Further Resolved, that the application shall be referred to the Town Engineer for comments and that an escrow in the amount of \$1000 shall be paid by the applicant.

Seconded by Mr. Carroll.

Discussion. Mr. Thomas suggested sending the electronic copy of the preliminary map to the Town Engineer per the Town Engineer's request. The applicant agreed.

All aye, 6-0.

Jueress for Verizon Wireless Special Permit Renewal— property owned by Peter Jueress and Ann Scully Jueress, located at 90 Germond Road, Tax Grid No. **6567-00-209058.**

The property owners request renewal of special permit granted to Verizon Cell Tower pursuant to Sec.250.44-D (4) of the Zoning regulations.

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Sec. 250.44 D-4 (Commercial Communication Facilities) of the Town of Clinton Zoning Law states that “Any applicant who is not an FCC-licensed provider of commercial communication services but who proposes to provide a facility for use by an FCC-licensed carrier shall also acquire a special use permit”

The Jueress appeared for this application.

The board passed a resolution.

Mr. Carroll motioned that the Town of Clinton Planning Board grants approval of a Special Permit to **Peter Jueress and Ann Scully Jueress** in connection with a communications facility operated by Verizon Wireless of the East LP d/b/a Verizon Wireless (successor-in-interest to Orange County-Poughkeepsie Limited Partnership) (“Verizon”) on applicant’s land located at 90 Germond Road in the Town of Clinton, **tax parcel number 132400-6567-00-209058-00**.

WHEREAS:

1. Special use permits for a telecommunications facility were originally approved by the Planning Board on June 3, 2003 for Verizon and the applicants Peter Jueress and Ann Scully Jueress.
2. Pursuant to a Stipulation between Verizon and the Town of Clinton, Verizon has made a one-time payment to the Town in lieu of the Town issuing a notice to remedy the failure to renew the special permits held by Verizon and the applicant.
3. The applicant is hereby informed that the special permit must be renewed every two years, and that failure to file a renewal application may result in late fees, charges or penalties being assessed in the future.
4. In connection with its streamlined review of the Verizon special permit, the Planning Board received a copy of the contract between the applicant and Verizon permitted Verizon’s communications facility.
5. The Planning Board approved a special permit for Verizon’s communication facility on applicant’s property on July 20, 2021.
6. As an existing communications facility, this application is being reviewed pursuant to the streamlined approval process in section 250-44 of the Town Code.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board Chairman is authorized to grant Planning Board approval for a special permit for a two-

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES**

August 3, 2021

year period to the applicant Peter Jueress in connection with the Verizon communications facility.

Seconded by Mr. Dolan.

Discussion. None.

All Aye, Motion carried, 6-0.

Rosenthal and Bledin Special Permit for Steep Slopes and Soil Erosion Control Sediment Plan – property located at 1071 Centre Road, **Tax Grid No. 6468-00-372264.**

Applicant requests Special permit for Soil Erosion Control Plan
In order to construct a single family dwelling.

The board agreed that the applicant does not need to appear before the board for the escrow establishment.

The board passed a resolution.

Mr. Auspitz motioned to establish an escrow of \$2,500 in the matter of Rosenthal and Bledin Special Permit for the review of the Performance Bond legal document by the town attorney, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.


APPROVAL OF MINUTES:

Mr. Dolan motioned to approve the minutes of June 1, 2021, seconded by Auspitz, All Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 9:55 pm, seconded by Mr. Auspitz All, Aye, Motion carried, 6-0.

Respectfully Submitted,



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