

**TOWN OF CLINTON  
PLANNING BOARD REPORT  
TOWN BOARD MEETING  
March 9, 2021**

**February 16, 2021 Meeting via Zoom**

Kat and Dog Properties LLC Area Variance – 39 Lake Pleasant Dr, Tax Grid No. 6268-00-778071.

Applicant seeks an area variance to Sec. 250 Attachment 2 for lot width reduction from 400 feet to 387 feet in order to construct a new dwelling in the AR 5 Zoning District.

- This is 3.09 acre lot in the AR5 Zoning District.
- The property owner combined 3 nonconforming lots resulting to 3.09 acre new lot.
- The existing house on the middle lot was demolished and was given an approval to demolish by the Planning Board. The applicant wishes to construct a new dwelling.
- It was noted that that the plan to build a single residence on 3.09 acres was closer to the 5 acre minimum in an AR5 zone than the three houses that could have been built on the property under its pre-existing zoning.

Received a positive recommendation to the Zoning Board of Appeals.

Magnotta Area Variance - 176 Clinton Corners Road, Tax Grid No. 6566-00-563063.

Applicant requests an area variance to Sec. 250-Attachment 2 reducing the rear yard setback from 50' to 11' in order to install a 24' round above ground pool and 10' x 16' deck.

- This is a 0.491 acre lot in an RH Zoning District.
- It was noted that the proposed pool will not be visible from road nor property on the rear due to the tree line.
- There are no other feasible area to locate a pool due to the size and shape of the lot.

Received a positive recommendation to the Zoning Board of Appeals.

DeMello Site Plan and Special Permit for A/D – 13 Mountain View Road, Tax Grid No. 6368-00-070730 & 080753

The applicant wishes to convert an existing detached garage to an accessory dwelling.

- The property owners recently consolidated the two adjoining parcels that they owned resulting to 10.41 acres in the AR 5 Zoning District.
- The applicant's contractor presented an overview of the whole intention of their proposal such as addition to the main house, conversion of the garage to a guest cottage and Installation of an inground pool

After a very lengthy discussion, the board agreed that a variance is required for the number of accessory structures.

No action taken.

Rea Demolition Plan Approval for an Old Barn – 89 W. Meadowbrook Lane, Tax Grid No. 6367-00-154318.

The applicant seeks a permit to demolish an old barn that was built in 1800.

- The structure does not appear on the Historic Resource Survey of 1986 located on Dutchess County Parcel Access and and, as stated in a letter from Cynthia Koch, President Town of Clinton Historical Society, is a candidate for demolition.
- The parcel is a conforming lot, and the applicant has no current plans to replace the structure.

Requested demolition plan is granted.

Zaccharia Demolition Plan Approval of Barn – 1556 Hollow Road, Tax Grid No. 6566-00-257242

The applicant seeks a permit to demolish a 972 square feet old barn that was built in 1900.

- This is an 11.2 acre lot property The proposed barn(54' x 18') to be demolished is directly adjacent to the primary dwelling.
- There is not any designation of significance on this barn or property as confirmed by National Register of Historic Places in Dutchess County, New York.
- This barn is being demolished because it has been deemed structurally compromised and beyond reasonable repair.
- The applicant proposes to reconstruct a new building built in near-identical size, scale, orientation and location.
- Proposed future use of the reconstructed building is residential, being connected to the primary residence with a new 180 sq. ft. entry addition.

Requested demolition plan is granted.

### **March 2, 2021 Meeting via Zoom**

Rossman Area Variance – 110 Mountain View Road, Tax Grid No. 6368-00-304869.

The applicant requests an area variance to Sec. 250-74(B) to permit construction of a private swimming pool in front of the principal dwelling.

- The applicant wishes install an inground pool in front of the principal dwelling.
- This is 5.36 acre flag shaped lot in an AR5 Zoning District.
- It was noted that the lot is steeply sloped and the principal structure is already located in the setback area, so construction of a pool behind the house would encroach even further within the setback.
- An Area variance about the setback of the primary dwelling was granted a couple of years ago.

Received a positive recommendation to the Zoning Board of Appeals.

DeMello Area Variance – 13 Mountain View Road, Tax Grid Nos. 6368-00-070730 & 080753.

Applicant requests area variances to Sec. 250 Attachment 2 reducing the front yard setback from 100 feet to 37.7' and Sec. 250-22 A-4 to increase the number of accessory structures from 3 to 4 in order to install an inground pool.

- This is a 10.41 acre lot in the AR5 Zoning District.
- The applicant proposes to remove an addition that was made in 2015 and replace with a new and larger addition.
- The applicant also proposes to convert one of the accessory structures to an accessory dwelling.

Received a positive recommendation to the Zoning Board of Appeals.

Kat and Dog Properties LLC Wetlands Permit – 39 Lake Pleasant Drive, Tax Grid No. 6268-00-778071.

Applicant wishes to build a new residence that is in the controlled area Pursuant to Sec. 250-78.

- Applicant Applicant had previously combined three small non-conforming lots in this AR 5 zone resulting to 3.09 acre lot.
- The existing main dwelling on this property was demolished as per granted by the Planning Board.
- The intent of the action is to build a new house which will be slightly over 100 feet from the edge of Browns Pond (100'9") and thus not within the scope of this application.
- Applicant also proposes to construct a dock, patio, and walkway between them which will be within a controlled area as defined by the wetlands regulation.
- It was noted that other properties on Browns Pond have docks and the proposed dock will be consistent in design with the others.

Requested Wetlands Permit is granted.

Ullman Wetlands Permit – 7 Horseshoe Trail, Tax Grid No. 6467-00-469145

Applicant proposes to install an inground pool that is in the controlled area per Sec. 250-78.

- The property owners wish to install a 10' x 50' inground pool and fence on a 45 acre parcel.
- The proposed pool will be installed within 100 feet of NYS DEC wetland SP-17.

- The board agreed that the size of the controlled area is 22 acres that exceeds the maximum jurisdictional limit of 12.4 acres per Sec. 250-78 D-8 and shall be regulated by the DEC.
- Applicant has obtained a DEC permit dated 2-17-2021.
- Per the Town Engineer's recommendation, a plan should show that there should be a silt fence around the boundary of the wetland delineating the limits of disturbance within the wetland buffer.

The board concluded that the applicants may proceed with the construction of the inground pool and fence.

Hauptman 2 Lot subdivision (Sketch Plan approval) – Eighmyville Road, Tax Grid Nos. Nos. 6369-00-777914 & 739945.

Applicant wishes to subdivide a +/-18.23 acre parcel located on Eighmyville Road in the Town of Clinton and Enterprise Road in the Town of Milan into two lots consisting of +/-13.04 acres (Proposed Lot 8A) (Town of Milan) and +/-5.19 acres (Proposed Lot 8B).

- The subject parcel falls under the jurisdiction of Town of Clinton and Town of Milan.
- The board agreed and consented the Town of Milan Planning Board a letter from the Town of Milan requesting to be the lead agency for SEQR purposes.
- The board discussed whether to waive the public hearing and agreed to not to for the purposes of the surrounding neighbors.
- There was also a question about the Recreational Fees due to the subdivision process that involves two towns.
- Sketch Plan approval was granted.

Longpond (Omega) Campground Annual Permit Renewal – 150 Lake Drive, Tax Grid No. 6468-00-0382842

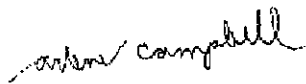
Applicant seeks annual permit to operate the campground for this year.

- It was noted that the campground did not operate last year due to pandemic.

- There were no changes on the number of site per the Zoning Enforcement Officer.

Requested annual permit to operate the campground is approved subject to issuance of Department of Health approval for 2021.

Prepared by:



Arlene Campbell  
Building, Planning and Zoning Board of Appeals Clerk

Cc: Dean Michael, Liaison Officer

**TOWN OF CLINTON  
ZONING BOARD OF APPEALS MEETING  
MONTHLY REPORT  
TB meeting March 9, 2021**

**February 25, 2021 Virtual ZBA Meeting**

**Kat and Dog Properties LLC Area Variance** – 39 Lake Pleasant Dr, Tax Grid No. 6268-00-778071.

The applicant requests an area variance to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations to reduce the minimum lot width requirement from 400 feet to 387 feet in order to construct a new house on a 2.98 acre lot in the AR5 Zoning District.

- The applicant has combined three non-conforming lots into a larger but still non-conforming lot in a C/AR5 zone resulting to 3.09 acres in total.
- The applicant intends to build a single residence on the lot, replacing one which was demolished due to its poor condition.
- It was noted that Lake Pleasant Dr is made up of about 21 properties which range in width from 48' to just under 400'. Most of the lots are in the 100' range making the subject property the closest to conforming by far.
- The board agreed that the effect of this project is that the property becomes closer to conforming to the Town's goals and any negative impact on the land is less than if three residential structures were to be built on the three lots.

Requested area variance is granted.

**Magnotta Area Variance** - 176 Clinton Corners Road, Tax Grid No. 6566-00-563063.

The applicants request the following area variances to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations in order to install a 24 foot Above Ground Pool with 10' x 16' Deck in the Residential Hamlet Zoning District.

- Rear yard setback reduction from 50' to 11'
- Building Coverage in excess of 12%
  - This is a 0.491 acre lot in an RH Zoning District.
  - It was noted that the proposed pool will not be visible from road nor property on the rear due to the tree line.
  - There are no other feasible area to locate a pool due to the size and shape of the lot.

Requested area variances are granted.

**Edward and Donna Marie Delforno (continuance) - 137 Schultsville Road, Tax Grid No. 6468-00-707022.**

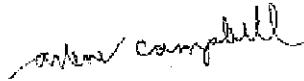
The applicant requests an area variance to Sec. 250 Attachment 2 of the Town of Clinton Zoning Regulations reducing the side yard setback from 50 feet to 27 feet to construct a 14' x 24' detached garage/shed in the AR5 Zoning District.

- It was noted that the applicant received a violation notice/stop work order for putting up a detached garage that is also in the setback.
- A very lengthy discussion and arguments transpired at the previous meeting.
- The applicants stated that placing the structure in the setback is necessary to provide ample space in their driveway for trucks and emergency vehicles to safely turn around rather than have to back down a relatively steep and winding driveway.
- The immediately adjoining neighbors have submitted their opposition to the variance, but other neighbors have voiced support for the application.
- The abutting neighbor who indicated their strong objection about the proposal recently hired a lawyer and submitted a packet detailing their arguments and facts.
- Per the new survey showing the topography and details of the property as presented by the neighbor, it shows 2 feasible location to put up the garage.



- After a very lengthy discussion, the board passed a resolution to grant the variance but the motion failed, 2 Aye, 5 Nay. Motion failed, 2-5.

Submitted by:



Arlene A. Campbell  
Zoning Board of Appeals Clerk

cc: Dean Michael, Board Liaison Officer

Conservation Advisory Committee Report  
March 9, 2021 Town Board Meeting

The CAC met on February 10. Much of the meeting was dedicated to continuing the discussion of the Pollinator Pathways project. Plans are being made to have discussions with the Recreation Department for assistance with this project..

Maya discussed things she learned at the Habitat Landscaping seminar.

The CAC released a recruiting request via the town Mailchimp. Several possible new members have been identified from that email.

The next meeting is scheduled for March 10 at 5:00pm via Zoom.

Report prepared by  
Michael Whitton, Councilmember

# Permit Report By Type

02/01/2021 - 02/28/2021

Permit Type: All

Permit Type:	Permit #	Applicant	Location	SBI #	Issued	Valuation	Fee Amount
<b>Deck/Porch</b>	BP-2021-7212	Michael Doniger	31 Browns Pond	6267-00-	02/11/2021	\$90,000.00	\$306.96
						<b>Deck/Porch Total: 1</b>	
						<b>Amount Totals: \$90,000.00</b>	<b>\$306.96</b>
<b>Demolition Permit</b>	BP-2021-7211	Matthew Mobley	41-51 Lake Dr	6368-00-	02/04/2021	\$0.00	\$0.00
	BP-2021-7222	Thomas Rea	89 W Meadowbrook Ln	6367-00-	02/22/2021	\$15,000.00	\$90.00
						<b>Demolition Permit Total: 2</b>	
						<b>Amount Totals: \$15,000.00</b>	<b>\$90.00</b>
<b>Farm Structures</b>	BP-2021-7223	Henry Malloy	78-90 Spooky Hollow Rd	6366-00-	02/25/2021	\$120,000.00	\$475.00
						<b>Farm Structures Total: 1</b>	
						<b>Amount Totals: \$120,000.00</b>	<b>\$475.00</b>
<b>Garage - Detached</b>	BP-2021-7217	Karin Payson	425 Lake Dr	6469-00-	02/17/2021	\$50,000.00	\$175.00
						<b>Garage - Detached Total: 1</b>	
						<b>Amount Totals: \$50,000.00</b>	<b>\$175.00</b>
<b>Generator</b>	BP-2021-7216	Amy Lemen	60 Schoolhouse Rd	6467-00-	02/12/2021	\$10,300.00	\$90.00
	BP-2021-7219	Michael Yee	505 Browning Rd	6367-00-	02/18/2021	\$0.00	\$0.00
						<b>Generator Total: 2</b>	
						<b>Amount Totals: \$10,300.00</b>	<b>\$90.00</b>
<b>HVAC</b>	BP-2021-7213	Walker Foucher	258 Sunset Trl	6467-00-	02/11/2021	\$7,010.15	\$125.00
	BP-2021-7214	Robert Greene	152 Deer Ridge Dr	6368-00-	02/11/2021	\$2,500.00	\$115.00
	BP-2021-7218	Robert Sandford	15 George Ct	6566-00-	02/18/2021	\$8,630.00	\$115.00
	BP-2021-7221	Edmund Maruk	24 Walnut Ln	6367-00-	02/22/2021	\$10,068.00	\$125.00
	BP-2021-7224	Mario Jose Alarcon	2395 Salt Point Tpke	6566-02-	02/25/2021	\$6,875.00	\$125.00

Permit Type:

Permit #	Applicant	Location	SBL #	Issued	Valuation	Fee Amount
<b>Renovation</b>						
BP-2021-7220	Barbara Whan	238 Ziefertburg Rd	6369-00-	02/19/2021	\$68,000.00	\$0.00
					<b>Renovation Total:</b>	<b>1</b>
					<b>Amount Totals:</b>	<b>\$68,000.00</b>
<b>Storage/Utility Building</b>						
BP-2021-7215	William Metzger	William Metzger 617 Slate Quarry Road	6469-00-	02/11/2021	\$10,000.00	\$224.00
					<b>Storage/Utility Building Total:</b>	<b>1</b>
					<b>Amount Totals:</b>	<b>\$10,000.00</b>
					<b>Permit Grand Total:</b>	<b>14</b>
					<b>Amount Grand Totals:</b>	<b>\$398,383.15</b>
						<b>\$1,965.96</b>

HVAC Total: 5

Amount Totals: \$35,083.15

\$605.00

Amount Totals: \$68,000.00

\$0.00

Amount Totals: \$68,000.00

\$0.00

Amount Totals: \$10,000.00

\$224.00

Amount Totals: \$10,000.00

\$224.00

Amount Grand Totals: \$398,383.15

\$1,965.96

Town of  
Clinton NY  
email

Carol Mackin <townclerk@townofclinton.com>

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## Zoning Report for February 2021

1 message

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John Fenton <zeo@townofclinton.com>

Thu, Mar 4, 2021 at 3:49 PM

To: Carol Mackin <townclerk@townofclinton.com>, Arlene Campbell <pbzba@townofclinton.com>, Chris Juliano <chrisjulianoforcouncil@gmail.com>

Town Board  
1215 Centre Road  
Rhinebeck, NY 12572

Please accept this email as the Zoning Administrator's monthly report. Below are the recorded activity for the month of February 2021 in the Zoning Department.

- \* Reviewed & Issued 14 permits.
- \* Issued 6 violation notices.
- \* issued 5 Denial letters.
- \* Performed 3 site Inspections.
- \* Received 4 complaints.
- \* Resolved 3 previous violations.
- \* Executed the STR project and initiated the Town STR roster.
- \* Returned numerous phone calls & emails.

Respectfully submitted,

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**J. Fenton**  
Zoning Administrator &  
Municipal Code Enforcement Officer  
Town of Clinton  
1215 Centre Road  
Rhinebeck, NY 12572  
845-266-5704 x103

# Highway Department Report for February, 2021

Work on the guardrails will begin during the end of March. Expect road closures and delays on Pumpkin Lane between Longview Rd, Maple Lane and Shadblow Lane.

The wind storm in February has had the crew cleaning several areas of downed trees and large branches.

Pot hole repairs are ongoing with cold patch. As well as dirt road repairs with gravel patching and grading.

Highway Dept employees are continuing with ongoing repairs and maintenance on the trucks.

The Highway Dept plowed and sanded roads for at least 14 days this month. Special attention was paid to the dirt roads during the ice storms.

An emergency purchase had to be made for a replacement plow that was damaged beyond repair. A special thanks goes out to the Town Board for their time sensitive approval.

Salt prices are going to remain the same for the next winter season of 2021-2022. The price is \$59.45/ton. We are pre-ordering 2,000 tons for next season.

Highway trucks and equipment have been readied for surplus.

Wyatt Kelly is moving into a full time Highway Laborer union position.

Library Report  
March 9, 2021 Town Board Meeting

The Library Trustees met on March 8 vis GoToMeeting.

As of March 1, the library has aligned their materials check-in practice with the majority of libraries in the MHLS system and no longer quarantines returned materials. Science does not support the need for quarantining the types of items that circulate among patrons. The Oregon Health Authority and various health departments throughout the country have provided advice related to handling library materials and have ruled out the need for quarantine procedures. While the NYS Department of Health has declined to issue a similar, formal, opinion, their staff did review the Oregon opinion and had no disagreement with it.

The Library purchased and installed a new patron PC to replace an older PC that would no longer boot up.

Circulation for February 2021 was up 21% from the same month in 2020.

Report prepared by

Michael Whitton, Councilmember

Altice Report  
March 9, 2021 Town Board Meeting

In a communication dated 12 February 2021 Altice informed the Town of several changes. That communication is attached here.

Report prepared by  
Michael Whitton, Councilmember





**VIA ELECTRONIC FILING**

February 12, 2021

Re: Reformatting and Re-tiering of Certain Channels, A La Carte Package Removal, Commercial Video Product Alterations, and Amazon Prime App Launch

To Whom it May Concern:

Altice USA, Inc. ("Altice USA" or "the Company") hereby notifies your office of the following upcoming changes.

**Channel Reformatting**

Effective between March 16<sup>th</sup> – March 18<sup>th</sup>, 2021, the Company will transition the following 14 channels to a switched digital video ("SDV") format which will allow the Company to reclaim bandwidth to support the launch of additional services in the future. This reformatting will only impact CableCard customers who do not own a Tuning Adapter, as they will not have the capability to access this reformatted SDV content. All customers with a Digital Cable Box or CableCard customers with a Tuning Adapter will be unaffected.

Impacted Channels:

- Fox Soccer Plus
- The Movie Channel
- The Movie Channel West
- The Movie Channel Xtra
- The Movie Channel Xtra West
- MTV Tr3s (SD)
- NY1 Noticias (SD)
- C-SPAN 3 (SD)
- Disney XD (SD)
- Nat Geo Wild (SD)
- Hallmark Channel (SD)
- Newsmax (SD)
- CMT (SD)
- Home Shopping Network (SD)

Impacted customers can either rent a Digital Cable Box for the monthly fee of \$11.00/month per box or obtain a free Tuning Adapter for use with their CableCard, which can both be obtained at a local Optimum Store. Customers can access Optimum Store location information by visiting [www.Optimum.net/stores](http://www.Optimum.net/stores).

**Channel Re-tiering**

Effective March 17<sup>th</sup>, 2021, the Company will re-tier Lifetime Movie Network into the Optimum Select/Preferred and above packages. Currently this channel is available as an a la carte service with the UP channel as well as in the Optimum Premier package. Please note, this change will not result in an increase in rate for any customer.

Altice USA  
One Court Square West  
Long Island City, NY 11101  
516-803-2300  
alticeusa.com



### **A La Carte Package Removal**

Effective March 18<sup>th</sup>, 2021, the LMN (Lifetime Movie Network)/UP a la carte package will no longer be available for subscription.<sup>1</sup> Customers wishing to continue receiving both of these channels may do so by subscribing to the Optimum Select/Preferred or Premier video packages.

### **Commercial Video Product Alterations**

In an effort to align the products and monthly rates of both Commercial and Residential customers, the following changes will occur:

- **Price and Package Changes**

Effective March 1, 2021, the following Business and Entertainment packages will be made available to customers at the rates referenced below. To limit the increase to the bill, promotion credits will be issued to certain customers to ensure no monthly rate increases by more than \$15.00.

- Entertainment Basic – \$25.95/month.
- Business Value – \$84.99/month.
- Entertainment Value – \$84.99/month.
- Business Preferred – \$94.99/month.
- Entertainment Preferred – \$94.99/month.

These changes reflect the increasing costs we face to secure and continue to enhance our network. By enduring these costs and modifying our pricing, we ensure that we can continue to provide high quality and reliable products and services to our customers. Optimum offers a variety of promotions, and, as noted, promotion credits will be issued to certain customers to ensure no monthly rate increases by more than \$15.00.

- **Commercial DVR Product Offering**

Effective February 18<sup>th</sup>, 2021, the Company will retire the \$12.95 Scientific Atlanta DVR service offering available to commercial customers. Concurrently, the Company will make all three tiers of its Cloud DVR services available. This change will result in an improved user experience and product selection. The three tiers of Cloud DVR service are as follows:

- Cloud DVR: \$9.99/month, 25 HD recording hours
- Cloud DVR Plus: \$17.99/month, 75 HD recording hours
- Cloud DVR Max: \$21.99/month, 150 HD recording hours

### **Amazon Prime Video App Launch**

For informational purposes only, effective February 1, 2021, the Company launched the Amazon Prime Video app on its Altice One equipment. Prime Video is a subscription-based, video-on-demand streaming and rental service offered by

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<sup>1</sup> Effective March 18<sup>th</sup>, 2021, any customer previously paying for this package will have the charge removed from their bill.



Amazon. Prime Video is offered as a standalone service or as part of Amazon's Prime subscription. The subscription must be completed through Amazon and will not be available from Altice.

Customers will be notified in advance through bill messages or inserts of these changes. In addition, customers can always find Optimum's current channel lineups and packages on our website at [www.Optimum.net](http://www.Optimum.net).

As always, if you have any questions please do not hesitate to contact me at 929-418-4750 or by email at [John.Dullaghan@AlticeUSA.com](mailto:John.Dullaghan@AlticeUSA.com).

Sincerely,

A handwritten signature in black ink, appearing to read "JD", is written over a faint, illegible printed name.

John Dullaghan  
Director, Government Affairs

Cemetery Report  
March 9, 2021 Town Board Meeting

There have been one conventional burial at Pleasant Plains this month, on February 23.

There are two deed sales in process at Pleasant Plains. The Cemetery Custodian is in discussions about two more sales, one in Pleasant Plains and one in Schultzville.

The one burial and two deed sales resulted in \$2,150 income.

Report prepared by

Michael Whitton

WIC Report  
March 9, 2021 Town Board Meeting

The Wappinger Creek Watershed Intermunicipal Council has not met since our last Town Board meeting. The next meeting is scheduled for March 19, 2021, via Zoom.

Report prepared by  
Michael Whitton