

**TOWN OF CLINTON
PLANNING BOARD VIRTUAL MEETING
FINAL MINUTES
January 4, 2022**

Governor Kathy Hochul signed legislation (S.50001/A.40001) extending virtual access to public meetings under New York State's Open Meetings Law, which allows New Yorkers to virtually participate in local government meetings during the COVID-19 pandemic. The legislation, which was initially implemented by Executive Order during last year's State of Emergency, allows state and local government meetings that are normally held in-person to be held remotely instead, as long as the public has the ability to view or listen to the meeting and as long as the meeting is recorded and later transcribed. This statutory change will reduce the need for congregation at public meetings while the Delta variant is prevalent, while ensuring public business can continue.

Members of the public may also view the Board meeting on the Planning Board video page on the www.townofclinton.com

MEMBERS PRESENT

Art DePasqua, Chairman

Gerald Dolan
Justin Carroll
Michael Galantich
Katarina Maxianova
Paul Thomas

MEMBERS ABSENT

Jack Auspitz

Secretary – Arlene Campbell

ALSO PRESENT

Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:32 pm and read the legislation regarding NYS Open Meetings Law during COVID as indicated above.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

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Greco Lot Line Adjustment – properties owned by Danielle Greco located on Pumpkin Lane with **Tax Grid Nos. 6468-00-682712 and 705670.**

Applicant proposes to convey ± 1.03 acre portion of parcel no. 705670 (lot 1) to parcel no. 682712 (Lot 2). Lot 1 will be ± 18.66 acres and Lot 2 will be ± 6.16 acres. The properties are in the AR5 Zoning District.

Ms. Greco property owner, Paul Tirums, Engineer and Mike Dalbo, Surveyor all appeared via zoom for this application.

Mr. Tirums gave a recap of what had transpired at the November 16, 2021 Planning Board Meeting. They originally proposed a subdivision application from two lots to three lots. As a result of the project comments received from the Town Planning Board members, Mr. Tirum stated that they had revised their application to lot line adjustment.

Mr. Tirum indicated the variances (Sec. 250-24 and Sec. 250-25 B-1) received from the ZBA dated December 2, 2021 to allow the shared driveways for the proposed two lots. The available road frontage for the two proposed lots is 50.03' and they requested a variance to allow 25 feed wide frontage for these lots.

Mr. Tirum explained the revised site plan 12-23-2021 showing the common driveway easement.

Mr. Thomas made a recap about this application. There is one lot with a 50' accessway and the other lot is a complete landlocked. They needed a variance to give accessway to the landlocked parcel and to allow them to build on two lots.

Mr. Thomas noted that this approval is just a lot line adjustment. The board is not approving any building envelope, septic systems, wells or driveways. The highway department still needs to approve the driveway entrance. He underscored that the applicant still needs to get all the approvals that are required to build the home. The final common driveway maintenance agreement needs to be reviewed and signed off by the town attorney. A note about the common driveway maintenance agreement should also be on the final plat.

Mr. Thomas stated that one of the conditions of the lot line adjustment is the Highway Superintendent's inspection of the driveway entrance. He understands that there is already an existing driveway but noted that the Highway Superintendent still needs to approve that entrance. The Fire Department will also need to sign off on whether Fire Department trucks can access that driveway. It's a very long driveway. Mr. Thomas reiterated that the board is only approving the lot line.

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Mr. Tirums stated that they are aware of the Department of Health approvals. They will check with the Highway Department and the Fire Department about all the required approvals.

Ms. Campbell stated that they will need an escrow for the town attorney's review of the common driveway agreement.

The board agreed to establish an escrow of \$500.00

Mr. Thomas motioned to establish a \$500.00 escrow for the review of the common driveway maintenance agreement, seconded by Mr. Dolan, all Aye, Motion carried, 6-0.

After all the deliberations were made, the board passed a resolution, to wit:

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution in the matter of Greco Lot Line Adjustment.

Whereas, the Town of Clinton Planning Board has received an Application for Lot Line Adjustment from Danielle Greco for the purpose of conveying a ± 1.03 acre portion of tax parcel no. 6468-00-705670 (Lot 1) to tax parcel no. 6468-00-682712 (Lot 2) creating new parcel sizes of ± 18.66 acres (New Lot 1) and ± 6.16 acres (Revised Lot 2), as shown on the Final Plat Lot Line Adjustment for Greco, dated June 17, 2021 and revised December 23, 2021 prepared by Michael A. Dalbo, L.S. (the "Map"); and

Whereas, both parcels are rear lots and are located on Pumpkin Lane in the Town of Clinton, and both are located in the AR5 Zoning District; and

Whereas, on December 6, 2021, the Zoning Board of Appeals issued area variances from the requirements of Sections 250-24 and 250-25B allowing 25-foot wide abutting accessways for both lots; and

Whereas, the applicant has represented that the existing driveway location and configuration have been previously approved by the NYSDEC; and

Whereas, the parcels are not located in or within 500 feet of an Agricultural District containing working farms and an Agricultural Data Statement is not required; and

Whereas, the applicants have not been granted a special permit, site plan approval, variance or other permit that would be void as a result of this action; and

Whereas, the Planning Board has determined that a Lot Line Adjustment is a Type II action under SEQRA and no further SEQRA review is required; and

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Whereas, after review of the application and the Map, the Planning Board has determined the proposed action is in compliance with the requirements of the Town Zoning Law and the Town Master Plan; and

Whereas, there are no known zoning violations on the parcels; and

Whereas, the applicant or subsequent owner(s) shall obtain all required permits from the Town of Clinton Building Department prior to construction of any dwellings or other structures as well as approval of the Dutchess County Department of Health for any proposed sewage disposal and water supply systems, and shall comply with any applicable NYSDEC or Federal requirements prior to construction or excavation on the parcels; and

Whereas, the common driveway entrance location and design shall be approved by the Town Highway Superintendent and Fire Department and shall otherwise comply with the requirements of Sections 206-171 of the Subdivision Regulations and 250-47 of the Zoning Law as well as Chapter 127 (Driveways), including provision for adequate access by emergency vehicles and recording of a common drive easement and maintenance agreement; and

Whereas, granting of this lot line adjustment application does not signify Planning Board review or approval of any dwelling sites, building envelopes, or sewage disposal system, well or driveway locations or designs:

Therefore Be It Resolved, that the Planning Board hereby grants the applicant's Application for Lot Line Adjustment, provided the following conditions are met:

1. Payment of all applicable fees.
2. Submission of a final Lot Line Adjustment plat, including a mylar, certified by a surveyor or engineer licensed in the State of New York, that meets the requirements set forth in Section 206-54 of the Subdivision Regulations.
3. Inclusion on the final Lot Line Adjustment plat of a statement that a common driveway has been approved for New Lot 1 and Revised Lot 2 and a Common Driveway Easement and Maintenance Agreement has been filed as set forth in Section 206-17(l) of the Subdivision Regulations.
4. Approval by the Town Attorney of the language and form of the Common Driveway Easement and Maintenance Agreement for New Lot 1 and Revised Lot 2.

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5. Approval by the Town Highway Superintendent of the location and configuration of the proposed common driveway entrance.

And Be It Further Resolved, that the Planning Board grants the waivers from the Subdivision/Lot Line Submission Requirements Checklist listed in the request dated June 30, 2021 submitted on behalf of the applicant by Michael A. Dalbo, L.S.

Seconded by Mr. Carroll.

Discussion. Mr. Thomas commented on the notes on the bottom of the plat. Land area adjustment table where it refers to remaining lot 3, Mr. Thomas said that it should state “New Lot 1” instead of lot 3. Mr. Dalbo concurred.

Ms. Campbell suggested including the Fire Department

Chairman DePasqua asked Mr. Dalbo asked about if there is a block on the map about the changes in the acreage. Mr. Thomas and Ms. Campbell responded that it was on the map.

Ms. Campbell asked Mr. Thomas if he includes in the resolution the sign-off from the Fire Department. Mr. Thomas agreed to include it in the “Whereas” section of the resolution.

Mr. Tirums stated that their lawyer is currently working on the language of the common driveway agreement.

All Aye, motion carried, 6-0.

Neumann Non-Hosted STR – property located at 371 Schultzville Road with Tax Grid No.

Applicant proposes to host Non-Hosted Short Term Rental pursuant to Sec. 250-69.1 of the Zoning Law.

Jeffrey Neumann appeared on behalf of the Roland Neumann Irrevocable Trust for this application. They are proposing to host a Short Term Rental mainly on AirBnb. They are not proposing any addition or new construction. They will rent out the existing home.

Ms. Maxianova expressed her comments. She asked the applicant if they will only be using AirBnb for short-term rental as stated by the applicant.

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Mr. Neumann responded that they will mainly use the AirBnB for the 1st full year. This is the first time they will be doing this. He also explained the insurance that they will be using. Ms. Maxianova stated that they need to add the Town of Clinton as an additional insured. The applicant agreed.

Ms. Maxianova commented about the pool on 347 Schultzville Road that the property owner also owned. She asked if they are planning to let the tenants use this pool. Mr. Neumann responded, "No". They have a long-term tenant for 347 Schultzville Road.

Ms. Maxianova stated that the applicant listed this as a four-bedroom house. The septic inspection came out with a 1,000-gallon capacity tank. This tank is only good for 3 bedrooms per Department of Health regulations.

The board had a very lengthy discussion about the septic. The house was built in 1989 and is listed as 4 bedrooms and 4 bathrooms. The septic tank capacity is 1,000 gallons per the septic inspection report.

Ms. Campbell noted that the number of bedrooms depends on the size of the septic per the Department of Health of Regulations.

Ms. Maxianova commented that the septic tank is maximized already. It's also old. She noted that the short-term rental approval that will be issued for this size of septic is only for 3 bedrooms which is 6 adults and 6 daytime visitors. The applicant agreed.

Chairman DePasqua echoed Ms. Maxianova's concern about the septic. This septic tank seems too small for a four-bedroom house. He suggested making sure that this septic is capable of handling a four-bedroom house. The applicant agreed to contact the Department of Health about the issue.

The board agreed to declare lead agency.

Ms. Maxianova motioned that the Town of Clinton Planning Board approves the following resolution in the matter of Neumann Trust Non-Hosted Short Term Rental.

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Alex Neumann (authorized to represent Roland Neumann Trust) for the purpose of utilizing a principal dwelling located at 371 Schultzville Road in the Town of Clinton as a Non-Hosted Short-Term Rental pursuant to Section 250-69.1 of the Zoning Law; and

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Whereas, the subject property is identified as tax parcel number 132400-6266-00-989906-000 and is located in the AR5A Zoning District and Agricultural District 20; and

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

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

Whereas, the Zoning Administrator has inspected the property and, in his letter to the applicants dated November 9, 2021, certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for the use of the parcel as a Non-Hosted Short-Term Rental within the Town of Clinton; and

Whereas, a septic inspection report was received, dated within 90 days of the date of the application, stating the septic system, including a 1,000 gallon septic tank, was adequately functioning at the time of the inspection; 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: East Clinton Fire District; Town of Clinton Highway Department; Dutchess County Department of Planning and Development; and

Be It Further Resolved, that the Planning Board will hold a public hearing on this application at its meeting scheduled for January 18, 2022, under the following conditions:

The applicant adds Town of Clinton as additional insured to its liability and personal injury insurance coverage and provides Agricultural Data Statement.

Seconded by Mr. Gallantich.

Discussion. None.

All Aye, Motion carried, 6-0.

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Public hearing is set January 18, 2022.

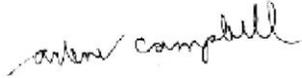
OTHER MATTERS:

Mr. Werner, the new board Liaison Officer discussed the zoning revision update. He stated that the Town Supervisor wishes to continue doing the zoning revision review in the interest of finishing it in a reasonable time.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:48 pm, seconded by Mr. Thomas, all Aye, Motion carried, 6-0.

Respectfully Submitted,



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