

**TOWN OF CLINTON  
PLANNING BOARD VIRTUAL MEETING  
FINAL MINUTES  
February 15, 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](http://www.townofclinton.com)

**MEMBERS PRESENT**

Art DePasqua, Chairman  
Jack Auspitz

Justin Carroll  
Michael Galantich  
Katarina Maxianova  
Paul Thomas

**MEMBERS ABSENT**

Gerald Dolan

Secretary – Arlene Campbell

**ALSO PRESENT**

Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:31 pm and read the legislation regarding NYS Open Meetings Law during COVID as indicated above.

**VARIANCE APPLICATION:**

**Milea Area Variance – 505 Hollow Road, Tax Grid No. 6366-00-284983.**

Applicant proposes an area variance to Sec. 250-84 (Alterations permitted to nonconforming buildings) and Sec. 250 Attachment 2 (District Schedule of Area and Bulk Regulations) in order to do residential alteration and addition to an existing 2 story, two-bedroom nonconforming building in the AR3 Zoning District.

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Matt Pecora, applicant's architect appeared for this application. Mr. Pecora explained that they need a variance per Sec. 250-84 to put an addition to a pre-existing and nonconforming building built-in 1870. They are proposing a 726.8 square feet two-story addition with new 215 square feet of new open deck to the rear. This is a .505-acre lot in the AR Zoning District and any addition you do on this property will need a variance. The proposed addition will exceed the allowed 50% of the aggregate building area per the zoning regulation. He added that they are also proposing to add an inground pool in the future.

Chairman DePasqua asked for questions and comments from the board.

Mr. Auspitz asked the applicant about the proposed use of this property. Is this going to remain a one family dwelling. Mr. Pecora responded, "Yes".

Mr. Auspitz stated that the Milea own and already live in a house nearby and owns a winery. He asked, "Is this going to be a Short-Term Rental?" He commented that according to the Zoning Administrator, this house is intended to be used as short-term rental per his conversation with the contractor. The board needs to know whether the proposed use would be substantially detrimental to the neighborhood.

Mr. Pecora responded that he is not aware of that plan if that is the intention. All he knows is this is intended to remain a one family dwelling. Mr. Auspitz commented that you can use a one family dwelling for a lot of different uses. He stated that if the intention is to have a bed and breakfast, the property needs to be owner-occupied.

Mr. Auspitz asked about the pool. Is this going to be installed now? Mr. Pecora responded that he added the pool on the plans for the future to avoid seeking multiple approval processes.

The board discussed the proposition. Mr. Auspitz stated that this is currently a two bedroom house and the proposal is to make it to a 6-bedroom house.

Mr. Auspitz expressed his concern about the proposal. He was troubled by the applicant's architect having no knowledge about the proposed use. He wonders if the use will be connected to the winery.

Chairman DePasqua commented that it seems that this is a commercial venture. With all the proposed additions, pool, and pool deck, this property will have a total of over 4,000 square feet given the size of the parcel. If this becomes short term rental, Chairman DePasqua said that this property needs to have parking spaces.

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Ms. Maxianova commented about the proposed layout. She said that there is an attic but doesn't see it on the plan. Mr. Pecora stated that the attic is not accessible so he didn't include this on the plan since it is not a usable space.

Mr. Pecora explained the layout of the existing house. This is a two-bedroom and two bath house. There is not much space in the house so they added an addition like TV room, bedrooms etc. He explained that they used a connector (breezeway) since they were looking at two different styles of the house. They didn't want to merge these houses as it will cut off the bedroom and it's easier to put an enclosed breezeway/connector.

Ms. Maxianova asked if there will be another kitchen. Mr. Pecora responded, "No." This will remain one family dwelling. There will be doors on both sides of the house for egress.

The board had a lengthy discussion about the application on hand.

Chairman DePasqua commented that this looks like two separate houses connected by a breezeway. He asked the board's opinion whether these are separate houses.

Ms. Campbell noted that there is a determination from the ZEO that this is one family dwelling. These buildings are connected by a breezeway. It's an accessory structure but not an accessory dwelling.

Mr. Auspitz agreed. There is only one kitchen. An accessory dwelling includes a kitchen.

The board discussed the connector via a breezeway.

Mr. Thomas stated that the breezeway is going to be conditioned per the applicant so this is not technically a breezeway but a hallway because of its nature. There's a common wall.

Mr. Pecora agreed. There is a door on both sides and this is heated.

Mr. Thomas opined that this is an addition. The connector has a common wall. He commented that maybe it's just semantics.

Ms. Maxianova commented that if you call it a breezeway then it means it's detached. It's separate.

Mr. Thomas stated that this is not a breezeway. It's conditioned.

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Mr. Auspitz stated that the floor plans labeled it as a breezeway.

Mr. Pecora said that he can change the terminology on the plan. The board agreed that this is a hallway and not a breezeway.

Ms. Maxianova asked about the septic capacity. Mr. Pecora responded that they cannot find any record of the septic. The house was built in 1800. He noted that they are working on this issue. They are planning to expand the existing septic or install a new one.

The board had a lengthy discussion about the building coverage. Calculation of the proposed addition, pool, deck, etc. will bring the total building coverage to almost 20% versus the allowed 7% per the code.

Mr. Auspitz felt that they need more info about this application. The board needs to know the intended use of this property before they can act on the recommendation.

Mr. Pecora agreed to talk to the property owner regarding the issue.

No action taken.

**PUBLIC HEARING:**

None

**APPLICATION:**

Dutchess Reserve LLC (Sketch/Pre-application subdivision) - Pumpkin Lane,  
Tax Grid No. 6568-00-017281.

Applicant came before the board for a discussion regarding a sketch plan for 7-single family residential lots on a 100.957-acre parcel in the AR5 Zoning District.

Mark Graminski, applicant's engineer along with his associate Seth Stickle appeared via zoom. Doug Maxwell and Christopher Dierig, property owners and owners of Upstate Modernist Rhinebeck also joined the meeting.

Mr. Stickle explained that the property owners recently acquired this property. They are land developers in the northern Dutchess region and have several projects locally.

Mr. Maxwell introduced himself and stated that they are a builder in the area who live in Milan and also own a business in the village of Rhinebeck. He explained

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that they ran across this property and fell in love with the beautiful spot of putting a subdivision of large parcels in keeping the character of the neighborhood.

Mr. Stickle explained their proposition. The parcel is approximately 111 acres located on the west southwest side of Pumpkin Lane. It is a mostly wooded parcel with the exception of an existing agricultural aspect on the front road facing the side of the property. He indicated that the majority of the slopes on the site go across the open field and up into the western portion of the property. There are also small pockets of Army Corps of Engineers wetlands that have been field delineated as shown on the map. He explained and located the location of the wetlands on the map. The wetlands on the southern boundary are under five acres in size which means that the controlled area per code is approximately 50 feet as shown on the site map.

Mr. Stickle explained that there are approximately a thousand feet of frontage along Pumpkin Lane. They are proposing six buildable lots with two main points of access, (1) one point of access located on sort of the north and (2) the western portion of Pumpkin Lane. He explained the details of the proposal as shown on the map.

Mr. Stickle noted that the common driveway will service three lots. The common driveway will extend into the western portion of the site where there will be individual driveways for each lot. The smallest lot in the six-lot subdivision is approximately 10 acres. Each lot will have a well and septic. Mr. Stickle noted that the intention of using two common driveways is to limit disturbance as much as possible. He stated that the wetlands on the northeastern portion of the parcel extent through so they are doing their best to go around it to calculate the least amount of disturbance.

Mr. Stickle stated that they were looking for guidance from the board on how to proceed with this proposal.

Mr. Thomas asked if the proposed subdivision was recently changed. Ms. Campbell responded, "Yes". The applicant revised the original proposal of 7 lots to 6 lots. She noted that she just received the revised proposal that day.

Mr. Thomas thanked the applicants for decreasing the number of lots. He expressed his concern about rear lots. They are not favored. He opined that the board can approve them if they feel that this can contribute to the goal of the zoning law. The board has the ability and discretion to limit the number of rear lots.

Mr. Thomas indicated that the code normally does not allow more than two accessways. This will need a variance. They also need to show individual

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theoretical driveways on these lots. Mr. Thomas also commented that one proposed accessway seems to go right through the pond. He also indicated the steep slopes and wetlands on the property. He asked if the number of lots can be reduced. He feels that a lower number of the subdivision lots will work better given the constraint and nature of the parcel. Mr. Thomas indicated that by law the board needs to ask for a conceptual cluster plan to be submitted.

Mr. Graminski stated that they have gone back and looked at the areas that are conducive to the development for single-family residential. The proposed houses shown are based on the consideration of the topography and wetlands on the property. He indicated his understanding of the cluster plan concept but noted that given the proposed acreage for the individual lots, driveways, and wetlands, their goal is to minimize the amount of disturbance. The total disturbance is between 10 and 11 acres which includes the driveways and development for adequate water and sewer to serve these areas.

Mr. Thomas commented that it is inevitable to see 6 lots subdivision in this area. Pumpkin Lane is known to have large acreages. This subdivision will stand out as somewhat different. One of the roles of the Planning Board is to go in line with the master plan. He hopes to see something less intrusive in terms of the number of lots. He indicated that he is willing to work with everybody on the subdivision plan.

The property owners agreed and noted that they are willing to work with the board. They want to keep the character of the neighborhood aside from the placement of the homes in the area. They are open to suggestions.

Mr. Stickle noted that the majority of the area to the west is wooded. It's only visible when you are traveling east of Pumpkin Lane. The rest of the proposed lots are not visible. Mr. Thomas commented that they may not be visible from the road, but the environmental impact is there.

After a very lengthy discussion, the applicants agreed to reconfigure the proposed layout and submit a cluster subdivision plan. A workshop meeting with Mr. Thomas who is the lead member assigned to this application along with the board's chair will be scheduled before a final sketch plan will be presented before the planning board.

No action taken.

**BOARD DISCUSSION:**

Mr. Werner joined the panel for a discussion of the zoning revision, STR concerns and other matters.

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**APPROVAL OF MINUTES:**

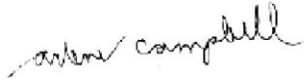
Mr. Auspitz motioned to accept the minutes of December 19, 2021, seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

Mr. Auspitz motioned to accept the minutes of January 4, 2022, seconded by Mr. Thomas, all Aye, Motion carried, 6-0.

**ADJOURNMENT:**

Mr. Auspitz motioned to adjourn the meeting at 8:59 pm, seconded by Mr. Carroll All, Aye, Motion carried, 6-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Arlene Campbell".

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