

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
MINUTES
April 5, 2022**

MEMBERS PRESENT

Jack Auspitz
Gerald Dolan
Justin Carroll

Paul Thomas

MEMBERS ABSENT

Art DePasqua, Chairman

Michael Galantich

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer

Deputy Chairman Thomas called the meeting to order at 7:33 pm.

VARIANCE APPLICATION:

Curcio Area Variance – 30 Old Bulls Head Road, **Tax Grid No. 6469-00-726522.**

Applicant requested the following area variances in order to construct a 36' x 40' Pole Barn on a 6.19 acre parcel in the AR5 Zoning District.

Sec. 250 Attach 2 - Front yard setback reduction from 100' to 50'

Sec. 250-22 A-4 – Increase the number of structures from 3 to 4

Sec. 250-22 A-3 – to allow the accessory structure to be closer to the fronting street than the principal building.

Anthony and Lisa Curcio both appeared for their application. Mr. Curcio indicated that they just bought and moved to this property about a year ago. There are structures on this property that seems to have been there for maybe 30 years or so but apparently, no permits were ever made by the previous owners. Mr. Curcio noted that they ended up filing the building permits for these structures and paid the violation fee.

Mr. Curcio explained his proposal for the installation of 36' x 40' one-story pole barn to house an excavator. He pointed out on the map where the barn is proposed to be constructed.

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Mr. Dolan questioned the last-minute change on the requested variance. The original request was a front yard setback reduction to 80 feet. He remarked, "50 feet is a surprise!"

Mr. Curcio apologized for the last-minute change and explained that they just recently found out that the barn can be positioned better if they do 50 feet due to the rocky spot. They have to move the proposed barn away from the ledge.

Mr. Auspitz expressed no concern about the application on hand. It sounds like the issue is about rock formation. He doesn't have a problem with it.

The board reviewed the map and agreed to add another variance to Sec. 250-22 A-3 regarding the fronting variance.

Mr. Carroll asked if there are trees to screen the proposed barn. Mr. Curcio responded, "Yes". Mr. Curcio commented that he doesn't have a problem with the application.

The board unanimously expressed no concern about the proposal and agreed to pass a resolution, to wit:

Mr. Dolan motioned that the Planning Board approve the following resolution:

BE IT RESOLVED, the Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals on the requested area variance to Section 250 Attachment 2 for a front yard setback reduction to 50 feet from the required 100 feet for a 36' x 40' Pole Barn and the requested variance to Section 250-22 A. (4) required as the said Pole Barn is the 4th accessory structure on the property where 3 are allowed and the requested area variance to Section 250-22 A. (3) to allow the accessory structure to be closer to the fronting street than the principal building on the lot for property owned by Anthony and Lisa-LaDuca Curcio and located at 30 Old Bulls Head Rd **tax grid number 132400-6469-00-726522-0000** in the AR5A zone.

WHEREAS;

1. The applicant wishes to construct a 36' x 40' Pole Barn within the 100 foot front yard setback made necessary by a rock outcropping in the originally planned location. As a result, the applicant is seeking a variance from Section 250 Attachment 2 as stated above with a front yard setback reduction from 100' to 50'. In addition, the Pole Barn is the 4th accessory structure on the property where 3 are allowed. Therefore the applicant is also requesting a variance to Section 250-22 A. (4) where a maximum of 3 accessory is specified. In addition, a variance is required to Section 250-22 A. (3) to allow the accessory

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structure to be closer to the fronting street than the principal building on the lot.

2. This is a 6.19 acre site located in the AR5A zoning district.
3. The property is not located within the Ridgeline, Scenic and Historic Preservation Overlay District.
4. The lot is not in an Ag District or a CEA.
5. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
6. The site does not contain a NYSDEC wetland.
7. With this lot line reduction and an additional accessory structure, an undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested variances are substantial.
10. There will be no potential adverse effect or impact on the physical or environmental condition in the neighborhood.
11. The alleged difficulty is self-created.
12. The application fee has been paid.
13. Per the Zoning Enforcement Officer, there are no known violations associated with this property.

Now, therefore, Be it Resolved, the Town of Clinton Planning Board provides a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals.

Seconded by Mr. Auspitz,

Discussion. None.

All Aye, Motion carried, 4-0.

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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.

Barry Milea, property owner along with his architect Mr. Picora appeared for this application. Mr. Picora explained what had transpired at the previous meeting. He indicated that they will need to hire an engineer to design the septic system. He commented that it is not fair to deny the variance application because of the septic system issue. that due to the size of the lot they need.

Mr. Auspitz asked the property owner about the unanswered question at the last meeting. He asked if there is an intention to use this property as a short term rental or to house guests from the vineyard.

Mr. Milea responded that he heard about the rumor that is going on. He noted that he doesn't own the abutting property or the surrounding parcels and does not have the intention of buying the property across the street. He indicated his intention to use this property to house his extended family and friends.

Mr. Auspitz was satisfied about the property owner's response and indicated no issue moving forward.

The board agreed to pass a resolution, to wit:

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

WHEREAS

1. Applicant MTS Realty LLC seeks area variances for a 0.505 acre property he has recently purchased at 505 Hollow Road in an AR3A zone in the Town of Clinton. He seeks to build a two story addition at the back of the current house and add an inground pool.
2. According to the Zoning Administrator, at least four variances would be required: a) the proposed rear yard setback is slightly less than 50' where 75' is required b) the proposed covered patio would have a rear setback of a little over 68' and a side yard setback of 47' 6 ½" instead of the required 75' and 50' c) the proposed covered front porch would have a front setback of 17' instead of the required 100' and d) the project would

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cover 10.4% of the lot, exceeding the permitted 7%. The Zoning Administrator does not specifically refer to the pool. The application states that the proposed lot coverage would be 11.6%; the proposed rear yard setback would be 46.08' and the proposed pool location would have a side setback of 24.63'

3. The proposed addition would add two bedrooms and a family room to the existing house which would be expanded from the existing two bedrooms to four bedrooms, making a total of sx bedrooms in the home. It would add also add a 100' breezeway, a 200 sf covered patio, a new open deck of 215 sf, and a 40 sf covered porch. The building coverage for the existing building and covered porch is 1,533 sf which would increase to a proposed 2,570 sf. for the building, the addition, the breezeway, covered porch and patio. Adding the proposed new pool, which may not be built until later, of 512 sf with its new deck and pool patio totaling 1024 sf brings the total proposed lot coverage up to 4,159 sf or about 19% of the total lot, up from the present 7%.
4. Applicant's architect states in a Feb. 25, 2022 letter that the building will be used as a "private one family home." However, there is a Feb. 14, 2022 note from the Zoning Administrator saying that he was advised by applicant's contractor that the property will be used as a non-hosted short term rental. At the Board's April 5, 2022 meeting, Mr. Barry Milea, the owner and principal of applicant, appeared and stated that he will use the property for personal purposes, such as providing rooms for visiting relatives or friends. He represented that he would not use the property for any commercial purpose, such as short term rentals.
5. Section 250-84 permits the expansion of a nonconforming building by 50%, so long as it meets the other requirements of the Zoning Code. The Zoning Administrator calculated that a 50% expansion would equal 749.4 sf while the proposed addition would be 766.4 sf. The side yard set back would be less than 3 feet short of the required 50' (The ZA did not discuss the proposed poo setback). The covered patio would be less than 7' short of what is required and the addition would be about 25' more than required. The front setback would be far short of the required 100' but the existing building is only 17.4 from the front of the property. Lot coverage would be 10.4% instead of the required maximum of 7%
6. In such circumstances, and relying on applicant's representation that the property will be only for personal uses and not for any commercial or STR purpose, the proposed addition will not cause an undesirable change in the character of the neighborhood or. Detriment to nearby properties. An addition of the same size could not be accomplished in some other way,

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given the relatively small size of the lot. The addition is substantial. The difficulty is self-created, but would not adversely affect the physical or environmental conditions in the neighborhood.

NOW THEREFORE BE IT RESOLVED THAT the Planning Board respectfully makes a positive recommendation to the Zoning Board of Appeals with regard to these proposed area variances.

Seconded by Mr. Dolan.

Discussion. None.

All Aye, Motion carried, 4-0.

PUBLIC HEARING:

Camp Rising Sun seeking Site Plan Application - 6 Rising Sun, Tax Grid No. 6469-00-476251.

The applicant is seeking Site Plan Review to allow the installation of Ground Mounted Solar Electric System.

The board agreed to open the public hearing.

Mr. Carroll motioned to open the public hearing, seconded by Mr. Auspitz, All Aye, Motion carried, 4-0.

Nicolas Clingerman and Martha Dhal both Plug PV LLC appeared for this application.

Mr. Clingerman explained that they are doing a solar system project on this property that includes roof mounted energy system and ground mounted array. The roof mounted SES is already permitted. They are proposing to construct the solar canopy behind the main building. He indicated the variance that was granted by the Zoning Board of Appeals dated 3-24-202.

Mr. Thomas asked for questions and comments from the public.

William Durdis asked about the location and details of the proposed solar canopy. Mr. Clingerman pointed out on the map where the solar canopy will be constructed.

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Tiffany Pratt, 1472 Centre Road, said that she will be directly impacted by this proposal. She questioned why she didn't get a notification from the applicant about this proposal. She also asked about the exact location of the proposed solar canopy.

Mr. Clingerman showed Ms. Pratt that the solar canopy will be sited behind the main building. This will not be visible from the road. Ms. Pratt's property is roughly 400 feet from the proposed site. He indicated that he is willing to meet up with Ms. Pratt on the property to show the exact location.

The board reviewed the map to see how Ms. Pratt is going to be impacted by the proposal. Mr. Carroll stated that it's forestry on that side. He asked the applicant if they are willing to maintain the trees as screening. The applicant agreed.

Hearing no more comments, the board agreed to close the public hearing.

Mr. Carroll motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 4-0.

Camp Rising Sun Ground Mounted SES Site Plan Application - 6 Rising Sun, Tax Grid No. 6469-00-476251.

The applicant is seeking Site Plan Review to allow installation of Ground Mounted Solar Electric System.

The board agreed to review the short form EAF and issued negative declaration.

Mr. Carroll motioned that the Resolution of the Planning Board of the Town of Clinton approves the following resolution, to wit:

WHEREAS, the Town of Clinton Planning Board declared itself lead agency pursuant to SEQRA for the environmental review of the Rising Sun Tier 2 Solar Energy System (SES) special permit application; and

WHEREAS, no involved or interested agency provided feedback regarding the Rising Sun Tier 2 SES; and

WHEREAS, a public hearing was held on April 5, 2022;

NOW THEREFORE, BE IT RESOLVED, that, based upon the information and analysis in the short environmental assessment form, involved and interested agencies, and the public hearing, the Town of

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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 4-0.

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

Mr. Carroll motioned that the Resolution of the Planning Board of the Town of Clinton approves the following resolution, to wit:

WHEREAS, Camp Rising Sun has applied for site plan approval to install a proposed ground mounted solar energy system (SES) to be constructed on a 66.9 acre site in a Conservation Agricultural Residential Zoning District at 6 Rising Sun Lane in the Town of Clinton, parcel number 6469-00-476250-00, application and site plan prepared by Plug PV LLC; and

WHEREAS, the Town of Clinton has received a letter of authorization permitting Plug PV LLC to represent the property owner; and

WHEREAS, the applicant seeks to install a 22.8 kW AC ground mounted SES, as described in the submitted application, and which will service the camp on the referenced parcel; and

WHEREAS, Section 250-49A of the Town of Clinton Zoning Law provides that an applicant must submit for Planning Board review and approval a proposed site plan prior to installation of a ground mounted SES; and

WHEREAS, applicant has submitted a site plan and has received the required area variance and the SES will be within the minimum front yard setback with respect to Centre Road, and the SES otherwise conforms to the minimum required setbacks in the Town of Clinton Zoning Law, and

WHEREAS, the Planning Board has concluded that, with respect to the specific facts of this application, the public health and safety will not be threatened by the proposed action; and

WHEREAS, a completed Short Form Environmental Assessment Form has been submitted, the Planning Board has declared itself lead agency for this unlisted, uncoordinated action, and the Planning Board issued a negative declaration for

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purposes of Article 8 of the Environmental Conservation Law on April 5, 2022;
and

WHEREAS, the proposed SES is otherwise in compliance with the requirements of the Town of Clinton Zoning Law and consistent with the Town of Clinton Comprehensive Plan; and

WHEREAS, applicant shall be required to obtain a building permit prior to construction and to comply with all applicable building and fire codes; and

WHEREAS, the SES will be screened from view from the road by a row of large mature trees as well as an existing structure on the property and applicant has agreed to maintain the mature trees on the property that provide screening between the road and property to the south, and the Planning Board has determined that additional screening is not necessary based on these facts and visual inspection; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants site plan approval for the Camp Rising Sun Tier 2 Ground Mounted SES, conditioned upon payment of all fees.

Seconded by Mr. Dolan.

Discussion. None.

All Aye, motion carried, 4-0.

**Reshma Shamdasani Special Permit for Non Hosted STR - 246 Clinton Ave
Salt Point NY Tax Grid No. 6366-00-843102.**

Applicant wishes to operate a NonHosted STR pursuant to Sec. 250-69 D1 of the Town of Clinton Zoning Law.

Ms. Shamdasani appeared for her application. She briefly explained that she recently bought this property as a second home. She wants to rent the property house when they are not around.

Mr. Carroll complimented the applicant for a well done submission. He commented that the size of the septic tank is only 1,000 gallon. He asked the applicant how many bedrooms in the house.

Mr. Carroll stated that the property owner can only rent out 3 bedrooms. The capacity of the septic tank is only good for 3 bedrooms per the Department of Health regulations. He suggested 6 daytime guest and parking spaces for 8 cars,

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The board agreed to pass a resolution in regards to circulating the application to interested agencies.

Mr. Carroll motioned that the Resolution of the Planning Board of the Town of Clinton approves the following resolution, to wit:

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Reshma Shamdasani for the purpose of utilizing a principal residence located at 246 Clinton Avenue 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 132400-6636-00-843102 and is located in the AR5 Zoning District; and

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

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

Whereas, the applicant has submitted an inspection report, dated within ninety days of the date of the application, stating that the existing sewage disposal system serving the principal dwelling is 1000 gallon concrete tank in good working order at the time of inspection; and

Whereas, the Zoning Administrator has inspected the property and 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, all applicable fees have been paid:

Now, Therefore Be It Resolved, that the Planning Board has determined the proposed project is a Type II action and that no further SEQRA review will be required; and

Be It Further Resolved, that the Planning Board directs that the application and related documents be sent to the following interested agencies: West Clinton Fire District; Town of Clinton Highway Department and 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 April 19, 2021.

Seconded by Mr. Thomas.

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Discussion. Mr. Dolan asked the applicant to submit the name and physical address of the property manager. The applicant agreed.

All Aye, motion carried, 4-0.

No other action taken.

Milea Vineyard Agricultural Events Site Plan & Special Permit - 450 Hollow Road, Tax Grid No. 6366-00-120767.

Applicant wishes to host events on this property pursuant to Ag Events Zoning Law.

Bill Povall from Pouvall Engineering LLC appeared with the property owner, Barry Milea.

Mr. Pouval explained that they are proposing events venues with the existing barn located on the 88.89 parcel in the AR3 Zoning District.

Mr. Povall explained the site plan. There is currently a wine tasting building located on the parcel. Both the wine tasting and gathering event venues will support the agricultural vineyard operations. The barn will be fitted to accommodate the gathering events including a new accessory kitchen.

Mr. Povall stated that the existing infrastructure within the vineyard will be used to accommodate the events such as access and parking. A new septic system is proposed to accommodate new bathrooms and a kitchen that will be constructed in the barn to support the gathering events and additional operations associated with making of wine.

Mr. Povall explained that they are proposing to hold 1 to 2 events per week. It is anticipated that each event will have 50 to 100 attendees. The events will be contained within the barn. Each event will occur between 2 and 4 hours, with a typical event lasting 3 hours. The weekly events will primarily be scheduled on Friday, Saturday and/or Sunday within the 12:00 noon to 11:00 p.m. time frame. He added that there may be occasional events Monday through Thursday which will occur within the 10:00 a.m. to 9:00 pm. The existing gravel parking lot can provide 47 typical parking spaces as shown on the site plan. Additional overflow parking will be provided in a designated area as shown on the site plan which will be able to accommodate 25 additional parking spaces.

Mr. Povall explained that they are proposing LED lighting. These lightings will only be in operation during the events which may occur up to two evenings a week. Exterior lighting will be installed on the barn and surrounding access

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areas. With regards to noise, Mr. Povall noted that all music for the events will be limited to the indoor barn where the events will take place.

Deputy Chair asked for questions and comments from the board.

It was noted that this property received a stop-work order for constructing two barns without a building permit.

Mr. Povall stated these barns will only be used for storage. Ms. Campbell remarked that they still need to apply for a building permit.

Deputy Chair Thomas indicated the procedural process for this application. He commented that the Zoning Enforcement Officer has to review this application. There may be variances required. Parking spaces need to be 200 feet from the property line. Event venues including buildings cannot be 500 feet closer to the residential building. The name and parcels of the surrounding properties need to be on the site plan.

Mr. Povall noted that these parking spaces already existed.

After a lengthy discussion, the board agreed to establish an escrow. The town consultant needs to review the application.

Mr. Thomas motioned to establish an escrow in the amount of \$2,000 in the matter of Milea Vineyard Special Permit for an Ag Event, seconded by Mr. Carroll, all Aye, Motion carried, 4-0.

Mr. Milea asked if they can proceed with the construction of the buildings. The board advised him to talk to the building inspector.

No action taken.

Longpond (Omega) Campground Annual Permit Renewal – 150 Lake Dr, Tax Grid. 6468-00-0382842

Applicant wishes to do their annual permit renewal to operate a campground.

The board agreed to renew the permit.

Mr. Dolan motioned that the Town of Clinton Planning Board approves the following with regard to the application for annual renewal of a special permit for the operation of Long Pond Campground, 150 Lake Drive, **tax grid #132400-6468-00-032842-00.**

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WHEREAS:

1. The subject campground is regulated by a Deed Agreement of Covenants and Restrictions and Stipulation of Settlement recorded in the Dutchess County Clerk's office on 1/24/1991. That agreement was between CVH Charter Corp. and the Town of Clinton.
2. All applicable fees have been paid.
3. The Zoning Administrator has inspected the site and confirms, by memo to the Planning Board dated March 31, 2022, that the applicant has met the conditions outlined in the Deed Agreement of Covenants and Stipulation of Settlement and there are no known violations on the property.
4. There are 67 campsites at the campground. All camping trailers are duly licensed.
5. There is no change in the number of sites
6. A current site plan is on file with the Town of Clinton Zoning Office.
7. The applicant has installed number identification signs for each site.
8. Long Pond Campground has a Dutchess County Health Department approval to operate the campground, for the period from April 30, 2021 to April 30, 2022 with the permit on file.

NOW THEREFORE, BE IT RESOLVED, the Planning Board recommends the issuance of the annual renewal of an operating permit and requests the Town Clerk to issue such renewal permit for the period from April 30, 2022 to April 30, 2023 when the Dutchess County Health Department approval to operate the campground for the period April 30, 2022 to April 30, 2023 is received.

Seconded by Mr. Auspitz.

Discussion. None.

All Aye, Motion carried, 4-0.

**Cornerstone of Rhinebeck Special Use Permit – 73-93 Serenity Hill Road,
Tax Grid No. 6469-00-531763.**

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Applicant proposes Special Permit for the use of an “Alternate Care Facility” that was established prior to the adoption of the Town code to remove the violation on the property (Increase in the number of beds without proper approvals from the Town).

Warren Replansky, legal counsel, Jeff Oneifather, Cornerstone’s Chief Financial Officer and Michael Purnell, Executive VP of Cornerstone were back in hope to schedule a public hearing.

Mr. Replansky stated that as requested, the town engineer has reviewed and signed off on the site plan per CPL comment letter dated March 3, 2022. Mr. Replansky indicated that they made numerous changes to the site plan per the Town Engineer’s request. The site plan application and the submission is complete. He expressed his desire to have the public hearing set for April 19, 2022.

Deputy Chair Thomas indicated the recent letter from the Acting ZEO (Cozensa) regarding his determination letter dated April 1, 2022.

Ms. Campbell said that the determination was addressed to Kyle Burnett in response to his letter to the ZEO.

Mr. Auspitz indicated the letter received from the Silver Lake Property Owner’s Association regarding the request to not schedule the public hearing on April 19, 2022 because many of their members cannot attend the meeting.

Mr. Replansky expressed his strong objection to the request to delay the public hearing. He stated that they had worked hard to complete the submission to get to the public hearing on April 19, 2022. He also arranged his schedule around this date since he is due to visit his niece. He remarked that the public hearing cannot be scheduled for the convenience of the neighbors. The neighbors simply cannot dictate the public hearing scheduled for their convenience. He underscored that they met the submission deadline as requested.

Deputy Chair Thomas felt that the board should proceed with the public hearing on April 19, 2022 as planned. The public hearing can remain open and continue the hearing to May 3rd so that interested persons who missed the April 19th meeting can have the opportunity to comment.

Mr. Replansky noted that they will have a big amount of testimonies. They will also have speakers at the public hearing. The letters of support were already submitted to the board. He stated that they will have a big presentation and could take up a good half an hour of the session.

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Mr. Thomas said that there will be a lot of people who would want to comment. He feels that they should limit the comments to 3 minutes.

The board had a lengthy discussion about the public hearing procedural process.

Mr. Replansky stated that Cornerstone does not have to respond to every comment of the public. He noted that he represented a lot of municipalities and indicated that comments should be addressed to the board and not to the applicant during the public hearing. They will try to address these comments but these comments should not be addressed to the applicant.

Mr. Thomas concurred. He noted that the board normally asked the public comment to be addressed to the board.

Mr. Replansky stated that they have reached out to the neighbors and made every attempt to address the neighbors' concerns but they weren't able to have an open dialogue with these neighbors.

Mr. Auspitz stated that he has a couple of topics that he wishes to hear. There was an exchange communication back in 2005 about a proposal to increase the population and ZEO Fennell that this is an alternate facility and there was a determination about the use. Mr. Auspitz stated that they could have applied to the Planning Board about the increase per Sec. 250-84 but found no application. Mr. Auspitz wants to know why Cornerstone didn't come before the planning board for that increase at that time. He asked Mr. Replansky to include this question in his comments at the public hearing.

Mr. Replansky responded that he doesn't think that question is relevant to the issue at hand but they will address this question. He asked Mr. Auspitz if he read all the documentation. This is all in the submission. Mr. Auspitz responded that he read all the submissions and that is not included in the submission.

Mr. Replansky remarked that they responded that the application was made to OASIS. This was stated in the submission.

Mr. Auspitz reiterated that this issue came up in 2005 and Cornerstone was asked at that time to make an application. He said that he would like to know why it didn't happen at that time. Why wasn't it resolved in 2005.

Mr. Auspitz also asked about the encroachment on O'Brien property though he's not sure about that yet.

Mr. Replansky addressed Mr. Auspitz question. He said that Cornerstone thought that the only application they needed at that time was to OASIS that's why they

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never made an application to the Planning Board. He admitted that they err and they are now before the board to rectify that error.

Mr. Auspitz asked, "How did you err when the letter states that you have to come before the Planning Board?"

Mr. Replansky responded that he doesn't know why this issue is relevant to the site plan before the board.

Mr. Auspitz felt that it is quite relevant. This also goes to the issue of whether there are fines and penalties to be imposed.

Mr. Replansky remarked that the planning board doesn't impose penalties and fines. Mr. Auspitz responded, "the ZEO can." They can condition the approval with the fine and penalty.

Mr. Auspitz and Mr. Replansky exchanged heated comments. Mr. Replansky remarked that he can see where this is going. He muttered that they will be bringing a professional transcriber to the public hearing.

After a very lengthy discussion, the board agreed to set the public hearing.

Mr. Auspitz motioned to set the public hearing in the matter of Cornerstone of Rhinebeck on April 19, 2022, seconded by Mr. Carroll, all Aye, Motion carried, 4-0.

No other action taken.

BOARD DISCUSSION:

Mr. Werner discussed zoning revision.

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APPROVAL OF MINUTES:

None

ADJOURNMENT:

Mr. Auspitz motioned to adjourn the meeting at 9:59 pm, seconded by Mr. Carroll All, Aye, Motion carried, 4-0.

Respectfully Submitted,

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

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