

**TOWN OF CLINTON
PLANNING BOARD IN-PERSON MEETING
FINAL MINUTES
September 6, 2022**

MEMBERS PRESENT

Jack Auspitz
Tom Bannano
Gerald Dolan
Justin Carroll
Alex Ferrini
Paul Thomas

MEMBERS ABSENT

Art DePasqua, Chairman

Secretary – Arlene Campbell

ALSO PRESENT

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

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

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Himmelman Special Permit for an Accessory Dwelling Unit – property located at 187 Schultz Hill Road, **Tax Grid No. 6368-00-257403.**

Applicant seeks Site Plan and Special Permit approval to convert the second floor of the existing detached garage to a one-bedroom accessory dwelling unit in the AR5 Zoning District.

Peter Himmelman appeared and briefly explained his application as stated above. He also submitted the updated Site Plan and Onsite Water Treatment System (OWTS) that was designed by his engineer.

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

Hearing none, the board agreed to close the public hearing.

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

APPLICATION:

Himmelman Special Permit for an Accessory Dwelling Unit – property located at 187 Schultz Hill Road, **Tax Grid No. 6368-00-257403.**

Applicant seeks Site Plan and Special Permit approval to convert the second floor of the existing detached garage to a one-bedroom accessory dwelling unit in the AR5 Zoning District.

Mr. Himmelman was back for the conclusion of his proposal. He stated that he is proposing to convert the second floor of the existing detached garage to use as a music studio.

The board reviewed the short form EAF and issued the following resolution, to wit:

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

Be it Resolved, that the Town of Clinton Planning Board has determined that the Himmelmans Site Plan and Special Permit application to allow the conversion of the second floor of an existing detached garage into a one-bedroom accessory apartment on property located at 187 Schultz Hill Road **tax grid no. 6368-00-257403** will not have a significant impact on the environment; and

BE IT FURTHER RESOLVED, that the Town of Clinton Planning Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act 6 NYCRR 617.6 (g) and in accordance with Article 8 of the Environmental Conservation Law.

Seconded by Mr. Carroll.

Discussion. None.

All Aye. Motion carried, 6-0.

Acting Chairman Thomas asked the board for questions and comments.

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Mr. Bonanno asked if there is a reserve area for the proposed new septic system. Mr. Carroll responded that there is a reserve area and it is shown on the map.

After all the reviews and comments were made, the board agreed to issue a conditional approval.

Mr. Auspitz motioned that the Town of Clinton Planning Board approves the following resolution in the matter of Himmelman Site Plan and Special Permit to convert the second floor of an existing three car garage to a one-bedroom accessory dwelling unit on property located at 187 Schultz Hill Road, **Tax Grid No.6368-00-257403.**

Whereas:

1. Applicant Peter Himmelman seeks permission for an accessory dwelling unit ("ADU"), pursuant to Section 250-29, at his 11.5-acre property in an AR5A zone at 187 Schultz Hill Road in the Town of Clinton (#6368-00-257403)
2. The ADU would be on the second floor of an existing three car garage and would be 580 sq. ft. It would have one bedroom, a small kitchenette and a bathroom. It meets the requirements of 280-29 that it be less than 35% of the principal structure, be less than 1000 sq. ft., and be on a lot that has more than twice the minimum acreage required for its zone.
3. Applicant states that he intends to use the ADU as a music studio/office to carry on his business as a professional musician. He originally applied to create an accessory structure, pursuant to 250-22, but at the suggestion of the Town Municipal Code Enforcement Officer, changed the application to an ADU since the structure will have separate sleeping and cooking facilities and a bathroom and its proposed use might possibly change over time.
4. Applicant has submitted a site plan prepared by a professional engineer showing a proposed water and sewage plan with correspondence from the engineer stating that the system will meet current County Health Department requirements and that if any future changes are proposed that would affect BOH standards they will be called to the attention of the Planning Board.
5. A public hearing was held at the Planning Board's meeting on Sept. 6, 2022 and no objections were heard. Applicant submitted a short form

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EAF. At its meeting on August 16, 2022 the Board designated itself as lead agency for SEQRA purposes and at its meeting on Sept. 6, 2022 issued a negative declaration with respect to this proposal.

6. The building already exists and the proposed alteration will retain the character of the structure and is compatible with the principal structure. It is not visible from the road, meets the setback requirements and will not change the character of the neighborhood.

NOW THEREFORE BE IT RESOLVED THAT the Planning Board hereby approves applicant's proposal for an ADU subject to final Board of Health approval, submission of the letter required by 250-29-D (4) and payment of all appropriate fees.

Sec. 250-29 D-4 states that "The applicant shall acknowledge in writing to the Planning Board of the Town of Clinton, with a copy to be filed with the Zoning Administrator, the understanding that should subdivision of the parcel later be proposed, not less than the minimum specified acreages must be provided for the principal dwelling and its accessory unit, if their certificates of occupancy are to be maintained."

Seconded by Mr. Dolan,

Discussion. None.

All Aye, Motion carried, 6-0.

Squirrel Hollow LLC Site Plan and Special Permit SP – property owned by Squirrel Hollow LLC located at 162 Rymph Road, **Tax Grid No. 6367-00-080033.**

Applicants propose to construct a 1,156 square feet pool house that includes a one bedroom, 1 ½ bathroom, living area, cooking area and laundry room.

Michael Goldstein and Emily Blumenthal, owners of Squirrel Hollow LLC appeared for this application. Mr. Goldstein explained that this is a 17-acre lot property in the AR3 Zoning District. This is their full-time residence since acquired in 2020. They recently completed a pool and now wish to install a pool house. The pool house will include a one bedroom, 1 ½ bathroom, living area and utility area. He noted that they are currently in the process of developing a septic plan and well for the proposed pool house.

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Mr. Goldstein indicated the required area variance to Sec. 250-29 B-6 that was granted by the ZBA dated 8-31-2022. They are now back before the board to continue the process of the special permit approval.

The board agreed to declare themselves lead agency for SEQRA purposes.

Mr. Auspitz motioned that the Town of Clinton Planning Board approves the following resolution in the matter of Squirrel Hollow LLC Special Permit to convert the second floor of an existing three car garage to a one-bedroom accessory dwelling unit on property located at 162 Rymph Road, **Tax Grid No.6367-00-080033.**

Be it Resolved, that the Town of Clinton Planning Board hereby declares itself their intent to be the lead agency for review of the project pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617, in the matter of **Squirrel Hollow Special Permit for an Accessory Dwelling** on property located at 162 Rymph Road, **Tax Grid No. 6367-00-080033** for this unlisted and uncoordinated action.

BE IT FURTHER RESOLVED, the Planning Board hereby directs the copies of Special Permit Application Short Form EAF and Site Plan be sent to the identified agencies as listed below:

<u>Involved Agency:</u>	<u>Interested Agencies</u>
Department of Health	1. Town of Clinton Highway Department 2. DC Planning & Department

Seconded by Mr. Dolan,

Discussion. None.

All Aye. Motion carried, 6-0.

The board asked the applicant to submit a letter from his engineer regarding the status of the septic design system.

Public hearing is set on September 20, 2022.

No other action taken.

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BPR Trust Soil Erosion and Steep Slopes Permit (Board Discussion) –
property located on Browns Pond Road, **Tax Grid No. No. 6268-00-
969519.**

Applicant filed an application for a soil erosion and sediment control plan pursuant to Sec. 250-71 of the zoning law in order to construct a single-family residence, including driveway, garage, pool and sewage disposal system.

Note that this is a 13.11-acre Lot 2 of the previously approved Sacks Subdivision. The applicant was not in attendance for the board discussion.

Mr. Thomas explained that the applicant wishes to do minor construction efforts to provide access to the site to conduct exploratory excavations and additional testing to determine amount of rock in the house area. Apparently, there is a bank along the site frontage on Browns Pond Road that would have to be cut back to gain access. (See CPL letter dated August 8, 2022).

After a brief discussion about the matter, the board agreed on the following:

Mr. Thomas motioned to approved the temporary construction access off Browns Pond Road to perform exploratory excavations to determine the amount of rock in the house area per the town engineer's letter dated August 6, 2022 subject to a permit from the Highway Department,

Seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

OTHER MATTERS:

Mr. Werner and Mr. Newman joined the panel for board discussion. Matters about Short Term Rentals, RV Interlake, Breezy Hill were discussed.

Mr. Werner gave the board an update about the status of Cornerstone Interpretation application per the ZBA meeting 8-31-2022.

APPROVAL OF MINUTES:

Mr. Dolan motioned to accept the minutes of August 2, 2022, seconded by Mr. Carroll, all Aye, Motion carried, 6-0.

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ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:18 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