

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
February 7, 2023**

MEMBERS PRESENT

Paul Thomas, Chairman
Jack Auspitz
Tom Bonanno
Gerald Dolan
Justin Carroll
Alex Ferrini
Gerry Thorpe

MEMBERS ABSENT

Secretary – Arlene Campbell

ALSO PRESENT

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chairman Paul Thomas opened the meeting to order at 7:30 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

MTS Realty Non-Hosted STR – property owned by Barry Milea located at 132 Rymph Road, **Tax Grid No. 6366-00-065969.**

Applicant seeks a special permit for a Non-hosted STR pursuant to Sec. 250-69.1 of the Town Code.

Gilda Elser, estate manager appeared on behalf of the property owner. She briefly explained their application as indicated above. She stated that she uses to run an AirBnB on Long Pond Road so she's very familiar with the process. This house will be rented to people who are visiting the winery. The guests will be vetted thoroughly and they will not allow more than 6 people

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to stay at one given time. Guests will also be informed that there are no parties or gatherings of large groups permitted.

Ms. Elser noted that they installed a minut (noise detector) that will alert the concierge managers' phone for 24-hour monitoring. She added that Russ who is the manager of the winery lives 5 minutes away and will be the emergency contact person.

Ms. Elser stated that this property will be a luxury rental. The intent is to house the guests of the winery (events) so that they have a place to stay. They will not do a long-term rental and will only do two nights and maybe a week or two during summer.

Mr. Auspitz asked about the noise issue given the alcohol nature of the Milea Vineyard. Ms. Elser responded that if the noise sensor gets to a certain level, one of them will come to the property and address the issue.

Mr. Auspitz asked if the noise sensor is in the house. Ms. Elser responded, "Yes, the sensor is in the house."

Mr. Auspitz asked, "What about the guests or young people having a party out on the pool with loud music and drinking? Can this noise be detected too?"

Ms. Elser responded, "No, the noise sensor can't detect the outside noise". She explained how this issue can be mitigated. The house only sleeps 6 people and there will be a contract about how many people can stay. They are renting the entire house. This is a keyless entry and she will manage the guests. She noted that she manages a lot of rentals.

Mr. Auspitz commented that this application seems pretty straight forward. The septic tank report is on file and the home inspection passed per the MCEI's report. Mr. Auspitz stated that he is curious about the neighbors' comments when the public hearing is opened.

The board exchanged opinions about the application on hand. Parking will be a challenge since the house is close to the road.

Mr. Auspitz commented that the parking area can fit three cars.

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Chairman Thomas asked if they will be allowing the lodgers to have guests. Ms. Elser responded, “No, they only want a maximum of six people.”

Mr. Carroll asked if Mr. Milea owns another Short-term rental in the town. He noted that property owners are allowed two short term rentals. Ms. Elser responded, “Not yet.” She indicated the other property that Mr. Milea owns (505 Hollow Road) that is currently being renovated.

Mr. Carroll noted that per the applicant during the variance discussion, 505 Hollow Road will not be used as an AirBnB. The board will not allow the variance if the intent is AirBnB use given the small size of the lot and the request for a large expansion.

Chairman Thomas asked if this property is already advertised for AirBnB use. Ms. Elser responded, “Yes.” She stated that it was her fault and didn’t know that they needed approval at that time.” She noted that the advertising was taken down.

Mr. Auspitz stated that this issue has been rectified per the notation on the paperwork.

Mr. Auspitz motioned to circulate the application to the Dutchess County Planning and West Clinton Fire Department, seconded by Mr. Carroll, all Aye, Motion carried, 5-0.

Public hearing is set on Feb. 21, 2023.

No other action taken.

Wolpe Non-Hosted Short-Term Rental – property located at 150 Kansas Road, Tax Grid No. **6369-00-830177**

Applicant seeks a special permit for a Non-Hosted STR pursuant to Sec. 250-69.1 of the town code.

Chad Farey-Powell appeared on behalf of Ms. Wolpe. He explained that this is a two bedroom and one bathroom house, on a .7-acre lot. Ms. Wolpe is seeking five lodgers with two cars maximum parking. He added that there

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was a recent septic tank inspection done in the last weeks. Ms. Wolpe will provide the copy of the report as soon as she gets it.

Mr. Dolan noted that the approval that was granted in 2021 lapsed. This is now considered a new application. He also corrected Mr. Powell's statement about the number of lodgers. The approval issued in 2021 was for four lodgers.

Mr. Powell said that he will relay this correction to Ms. Wolpe.

Mr. Dolan indicated the number of inspections made by the MCEI. He asked about the copy of the hotel tax certificate.

Mr. Newman stated that per the county, they don't issue hotel tax certificates if the applicant is only using the AirBnB platform.

Chairman Thomas said that the approval should be exclusive to Airbnb. This should be noted on the STR permit sign. The board agreed to include this notation on the approval.

Mr. Dolan discussed the insurance info that was submitted by Ms. Wolpe. Per the applicant, AirBnB hosts use the AirBnB insurance.

Mr. Newman said that he doesn't know how it works but supposedly, the AirBnB hosts are covered by their insurance.

The board agreed to set a public hearing on February 21, 2023 subject to the receipt of the septic tank report.

Chairman Thomas noted that an incomplete application cannot be on the agenda going forward.

Mr. Dolan motioned to circulate the application to the Dutchess County Planning and Fire Department, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

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RR Orchard Holdings LLC Soil Erosion and Sediment Control Plan and Steep Slopes Permit— property located at 1347 Hollow Road, Tax Grid No. 6566-00-005670.

Applicant seeks Soil Erosion and Sediment Control Plan pursuant to Sec. 250-71 and Steep Slopes Permit (Sec. 250-72 of the zoning regulations) in order to build a single-family dwelling, pool and sewage system.

Eric Slovin from Insite Engineering was back for this application. This is an existing farm with an existing structure and driveway on a 221-acre parcel. They are proposing a new single-family dwelling, cabana, pool and future guest house. He indicated the septic approval that they received from the Department of Health.

Mr. Slovin indicated the email correspondence from the East Clinton Fire Department Chief regarding the driveway.

Mr. Slovin indicated the town engineer comments per letter dated February 3, 2023. He is now back before the board hoping to get the approval of their application.

Mr. Bonanno joined the panel at 8:05 pm.

Mr. Carroll made a recap of what had transpired at the previous meeting. Per the town engineer's comment letter dated February 3, 2023, his December comments were addressed except for minor comments. These minor comments can be a condition to the approval.

It was noted that the town engineer's latest comment requested another inspection from the Fire Department regarding the pull-offs for emergency vehicles given the very long driveway.

Mr. Carroll asked if item #2 of the town engineer's comments regarding the water and sewer approval from the Department of Health is obtained. Ms. Campbell responded that the approved SAN 34 from the Department of Health is received.

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Mr. Carroll indicated the additional escrow requested by the town engineer apropos the pre-construction meeting and ongoing spot inspection to ensure soil erosion safety measures and site stabilization.

The board discussed the comments from the town engineer and agreed to include the items to the approval.

The board had a lengthy discussion about the procedural process in regards to the approval and inspection timeline.

Mr. Slovin stated that the site plan includes soil erosion control plan that should be in place. You're not going to have site stabilization while construction is still in progress. They will have a pre-construction meeting with the town engineer regarding the initial control measures and on-going spot inspection.

After a lengthy discussion, the board agreed that no building permit shall be issued until pre-construction meetings and inspections are held with the town engineer. Mr. Slovin agreed.

The board reviewed the Short Form EAF and agreed to issue a Negative Declaration for SEQRA purposes.

Mr. Carroll motioned that the Town of Clinton Planning Board finds that the **RR Orchard Holdings LLC Soil Erosion and Control Sediment Control Plan and Steep Slopes Permit** 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. Auspitz.

Discussion. Chairman Thomas explained the SEQRA process to the new board member, Mr. Thorpe.

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All Aye, Motion carried, 6-0.

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

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

Whereas, the Town of Clinton Planning Board has received an application for approval of a soil erosion and sediment control plan pursuant to Section 250-71 of the Zoning Law and a steep slopes permit pursuant to Section 250-72 of the Zoning Law on behalf of RR Orchard Holdings, LLC pertaining to the construction of a proposed single family residence, including driveway, residential structure, pool, sewage disposal systems and related improvements on a 221 acre parcel located at 1347 Hollow Road in the Town of Clinton, as depicted on a Site Plan and attachments dated January 24, 2023, prepared by Insite Engineering, Surveying & Landscape Architecture, P.C.; and

Whereas, the subject parcel is identified as tax parcel no. 132400-6566-00-005670 and is located in the AR-5 Zoning District; and

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

Whereas, Applicant has submitted an authorization letter to permit Insite Engineering, Surveying & Landscape Architecture, P.C. to appear before the Planning Board on behalf of RR Orchard Holdings, LLC; and

Whereas, the Planning Board determined at its June 21, 2022 meeting that the proposed project is an Unlisted Action and that an uncoordinated review of the action would be undertaken; and

Whereas, the Planning Board determined that the application was sufficient for purposes of commencing the selection of a Lead Agency pursuant to 6 NYCRR 617 and declared itself Lead Agency;

Whereas, the soil erosion and sediment control plans were reviewed by the Town Engineer, who determined, after multiple communications with and revisions by the Applicants, that the plans have proper erosion control measures and construction sequence, subject to the conditions set forth below; and

Whereas, the Town of Clinton Conservation Advisory Council submitted a response dated August 8, 2022 stating that the site plan appears to include adequate erosion control measures and recommended any pool not be filled from a private well; and

Whereas, no additional agencies commented on the proposed plans;

Whereas, on February 7, 2023, the Town of Clinton Planning Board issued a Negative Declaration under SEQRA with respect to the application;

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Whereas, Applicant received water and sewer approval from the Dutchess County Department of Behavioral & Community Health;

Whereas, the Planning Board has determined that a Steep Slopes permit is necessary because the Applicant is proposing to disturb approximately 59,000 square feet of moderately steep slopes;

Whereas, the Town Engineer has recommended the granting of the required Steep Slopes permit because the proposed disturbance of 59,000 square feet (1.35 acres) is only a small portion of the overall 221-acre property, a detailed erosion and sediment control plan has been developed, and disturbance of steep slopes occurs well away from any adjacent property lines and the requirements of Section 250-72 have otherwise been satisfied;

Now, Therefore, Be It Further Resolved, that the Planning Board has determined that the soil erosion and sediment control plans satisfy the requirements of Section 250-71 of the Town Code; and

Be It Further Resolved, that the Planning Board has determined that the requirements have been met for the issuance of a special use steep slopes permit for the disturbance of the approximately 59,000 square feet of moderately steep slopes;

Provided that following conditions will apply:

1. Applicant shall contact the East Clinton Fire Department again to confirm whether any driveway pull-offs are required.
2. All proposed pipe end sections must have stone outlet protection, and the existing pipe outlet from the side inlet intercepting the new swale drainage should have an end section installed and outlet protection.
3. Applicant shall establish an escrow, or supplement an existing escrow, in the amount of \$3,000 to cover a pre-construction meeting at the site and ongoing spot inspections to ensure erosion control measures are in place while site disturbance is ongoing and final site stabilization is acceptable, in addition to other post-approval services as may be required.
4. No building permit shall be issued until the pre-construction meeting as occurred and the Town Zoning Enforcement Officer and/or Town Engineer confirm that the soil and erosion control plan has been satisfactorily implemented.
5. No certificate of occupancy shall be issued until the entire disturbed area is properly stabilized to the satisfaction of the Town Zoning Enforcement Officer and/or the Town Engineer.
6. All required fees shall be paid.

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Seconded by Mr. Thorpe.

Discussion. Chairman Thomas noted that the approval is not conditional. Mr. Carroll suggested using the verbiage “provided with the following conditions”. The board agreed.

All Aye, Motion carried, 6-0.

Upton Lake Christian School (Board Discussion) – Salt Point Turnpike, Tax Grid No. 6566-02-587843 & 648951.

Upton Lake wishes to build a new high school that will be connected to an existing elementary school.

As discussed, Upton Lake Christian School is seeking site plan approval from the Town of Washington Planning Board to construct a replacement facility for an existing private high school located at 20 Shepherd’s Way with parcel number 6566-00-648951. The current application proposes a new two-story, approximately 14,000 square foot building to be attached to the northeast corner of the main building. The expansion of the school is on a Town of Washington parcel and the Town of Clinton provides access to the property off Salt Point Turnpike.

Mr. Bonanno gave his report based on his attendance to the Town of Washington Planning Board meeting. He accentuated that nothing is happening in the Town of Clinton parcel. All the activity is happening in the Town of Washington. The Town of Washington declared the lead agency for this action but the Town of Clinton can still give comments. There’s a little pond by the entryway that is under the Town of Clinton jurisdiction. The driveway off Salt Point Turnpike which is a county road is not changing.

Mr. Bonanno stated that per his conversation with the Town of Washington Planning Board, the Town board usually petitions the state regarding the speed limit. Mr. Werner agreed. He cited a case in the past when the town board petitioned the state regarding the speed limit reduction on Salt Point Turnpike.

Mr. Bonanno stated that the wetlands permit will be required from the Town of Clinton if there is a disturbance within the buffer.

Chairman Thomas echoed Mr. Bonanno’s statement. He also indicated the concern about the increase in traffic on Salt Point Turnpike and safety of the access (visibility).

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The board exchanged opinions about the above matter.

Chairman Thomas said that the board can suggest to the Town of Washington Planning Board about conducting a traffic study on Salt point Turnpike and maybe an installation of a traffic blinking sign. The Fire Department should also check this access. He commented that the board can strongly suggest this matter to the Town of Washington as a safety issue.

After a lengthy discussion, Chairman Thomas and Mr. Bonanno agreed to craft a letter to send to the Town of Washington Planning Board.

No action taken.

BOARD DISCUSSION:

Mr. Werner and MCEI Newman discussed the proposed Local Law regarding Farm Operation

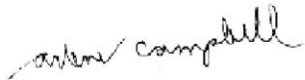
APPROVAL OF MINUTES:

Mr. Dolan motioned to approve the minutes of January 17, 2023 with a minor amendment, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 9:20 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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