

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 18, 2023**

MEMBERS PRESENT

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

MEMBERS ABSENT

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chairman Thomas opened the meeting to order at 7:31 pm.
He gave the board an update about the town supervisor’s medical condition following the brain surgery.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Burns and Vega Non–Hosted STR – property located at 468 Lake Dr. Tax Grid No. 6469-00-200521.

Applicants seek a special permit to operate a Non-Hosted Short-term Rental pursuant to Sec. 250.69.1 of the Town of Zoning Regulation.

Taryn Burns appeared and briefly explained their application. They bought this property in 2020 and were granted STR Special Permit back in 2021. They used the rental income to fix the house.

Chairman Thomas asked the applicant about the capacity that they are seeking for. Ms. Burns responded that they are seeking four guests. She noted that they rented the property out when not in use.

Chairman Thomas addressed the public about the public hearing procedure. If the comment is about the STR general policy, Chairman Thomas noted that the planning board does not have the purview to change the policy. These concerns

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can be addressed at the Town Board meeting. He stated that the Town Board is in the process of updating the regulation.

Chairman Thomas motioned to open the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 7-0.

There were no correspondences received from any of the neighboring property owners.

Hearing no comments from the public, the board closed the public hearing.

Chairman Thomas motioned to close the public hearing, seconded by Mr. Ferrini, all Aye, Motion carried, 7-0.

The board discussed the application.

Mr. Ferrini indicated that the outstanding items from the previous meeting were addressed i.e. (1) Contact name and information and (2) copy of the AirBnB insurance are both received. Per the MCEI, although there is an issue in the basement and is not accessible to the renters. Ms. Burns agreed and stated that the basement is locked.

Mr. Ferrini expressed his comment. The original permit for this property expired in May of 2022. The permit wasn't renewed and the STR operation still continued. He asked the board how they wanted to proceed.

Ms. Burns apologized and noted that they took the listing down upon learning of the violation. She was pregnant at that time and just recently had a baby. She noted that it was an oversight.

Chairman Thomas asked if there were any complaints received from the neighboring properties. Mr. Ferrini responded, "There were no complaints received nor presence of the public in the public hearing."

The board agreed to pass a resolution.

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

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Taryn Burns and Carlo Vega for the purpose of utilizing a principal dwelling located at 468 Lake Drive 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 132400-6469-00-200521-0000 and is located in the Conservation Agricultural Residential; 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 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, a Short Form EAF, Part 1, has been received; and

Whereas, the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment based on the criteria set forth in 6 NYCRR 617.7(c) and qualifies as a Type II action under SEQR (6 NYCRR 617.5(c)(18) (“reuse of a residential or commercial structure”)); and

Whereas, the Planning Board referred the application to the Dutchess County Department of Planning and Development pursuant to General Municipal Law, Sections 239-l and m, and has received a response it is a ‘matter of local concern’; and

Whereas, the Planning Board referred the application to the West Clinton Fire Department and has received no response; and

Whereas, the Planning Board conducted a public hearing during its regular meeting on April 18, 2023; and

Whereas, the Planning Board has determined that the dwelling shall be used as maximum 2-bedroom unit and number of Lodgers allowed shall be 4, and the maximum number of daytime visitors permitted on the property shall be 4; and

Whereas, the Applicant stated that they would only be offering the the rental through AirBNB; and

Whereas, after review of the application and all other submissions by the applicants, the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

Whereas, this Special Use Permit shall remain in effect for one year from the date of approval by the Planning Board and shall require annual renewal by

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the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

Whereas, the applicants shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while it is being utilized as a Non-Hosted Short-Term Rental and shall otherwise comply with applicable Town, County and New York State law and regulations governing such use; and

Now Therefore Be It Resolved, that the Planning Board hereby grants approval of the requested Special Use Permit for a total of 4 lodgers and 4 daytime visitors, to be offered exclusively through AirBNB, effective as of the date of this resolution.

Seconded by Mr. Auspitz,

All Aye, Motion carried, 7-0.

Discussion. Mr. Carrol suggested adding the AirBnB restriction in the resolution. Mr. Ferrini agreed.

Mr. Dolan asked about the number of parking spaces. Mr. Ferrini responded that there's plenty of parking spaces on the property.

Chairman Thomas asked if there were any complaints or issues received for this property. Mr. Ferrini responded, "None."

All aye, motion carried, 7-0.

Alberini Non-Hosted STR – property located at 296 Lake Dr, Tax Grid No. 6469-00-265074.

Applicants seek a special permit to operate a Non-Hosted Short-term Rental pursuant to Sec. 250.69.1 of the Town of Zoning Regulation.

Cristina Celis, property owner appeared for this application. They are looking to rent this 3-bedroom and 3-bathroom house out. She commented that they can have 6 adult-renters. Renters can also be 4 adults and 4 kids given the bunk beds in one of the bedrooms.

Chairman Thomas asked the frequency of the rental. Ms. Celis responded that they have never done this before. They're hoping to rent it out a couple of times a month when not in use.

The board opened the public hearing.

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Chairman Thomas motioned to open the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 7-0.

Edwin Pell, 162 Long Pond Road asked the board about the process of Short-Term Rental. He doesn't understand the concept of how to calculate the number of units. He stated that in Woodstock, they throw out 20 little caravans and rent them out. He asked, "Are the homeowners free to just throw out as many caravans as they want to use as Short term rentals?"

Chairman Thomas responded, "No." The board will have to decide on the capacity. He underscored that this will not be unlimited and will not extend to tents, trailers and RVs.

Mr. Pell responded that he was happy to hear that. He asked about the policy in regards to dogs.

Chairman Thomas asked the applicant if she's allowing pets. Ms. Celis responded that they don't have pets but she would allow her friends with pet to stay over.

Chairman Thoms asked if the renters are allowed to have pets. Ms. Celis responded that they will be advertising the property as "No pets".

Pete Playchen spoke and introduced himself as a realtor. He asked about additional units such as outbuildings, garage being used as short-term rentals.

Mr. Carroll responded that every unit or dwelling intended to be used as short-term rental needs approval from the Town.

Mr. Playchen commented that trailers and other units start popping up as rental units in other towns. Mr. Carroll opined, "Not in the Town of Clinton."

Mr. Carroll read the email received from Margaret Pierpont, 318 Lake Drive commenting on the garbage cans not retrieved on the roadside and overflowing mail in the mailbox. She questioned the local contact info who will manage the day-to-day activities on this property. Ms. Pierpont also

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expressed concern about the environmental impact and noted that the impact to the neighborhood and the traffic is hard to determine at this time until the short-term rental is actually in operation.

Chairman Thomas asked Ms. Celis about their local contact info or property manager. Ms. Celis responded that their local contact info is Bill Lenehan who is their good neighbor. They are hoping to come up as often as they can but Mr. Lenehan is their emergency local contact person. He knows the property really well. She noted that they don't have a property manager.

The panel discussed the role of the local contact person. Mr. Carroll stated that this person is the contact person 24/7 in case of emergency or any complaints of loud noise.

Chairman Thomas added that this contact person is the one who can react immediately if there is a complaint. He asked the applicant if they were in the city.

Ms. Celis responded that they are in the city but will be responding 24/7 to any emergencies. She presumed that any emergencies will be reported to 911. She added that she wants to be notified and be the one herself to resolve the matter immediately if there's any complaint or issue.

The board had a lengthy discussion about the issue.

Mr. Auspitz said that they need somebody who can react faster than two hours if there is a noise complaint or parties going on.

Ms. Celis explained what they like about using the AirBnB platform. She noted that bad renters get kicked out of the platform. She wants to be notified immediately if there are complaints so that she can deal with the issue with the renters and get these renters kicked out of the AirBnB.

Mr. Newman stated that the contact person is also for the benefit of the guests in case the guests are having a problem starting the fireplace or heating for instance. This person needs to be local or within 30 minutes away.

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Ms. Celis expressed her understanding but pleaded that she wants herself to be contacted first to work it out.

Chairman Thomas opined that this is probably workable if they call the property owner first and then the emergency contact.

Mr. Pell commented that community people don't know about back up people. He noted that if he hears a noise, he will call the State Police unless there is a list of names for emergency contact that he can call. He stated that he doesn't know what the process is but he will call the state police if he hears a noise or if there is a party.

Chairman Thomas stated that this is an ongoing issue on how to handle this kind of thing. You call the State Police if it's really bad but there is also Mr. Newman, the MCEI to whom you can file a complaint. The town will have a tally of complaints and use these complaints to assess renewal of the STR permit.

Ms. Celis stated that it would be helpful for the property owner if they were informed if the guest is bad.

Chairman Thomas opined that if Bill Lenehan agreed to be available if there is an emergency like garbage cans left unretrieved or anything, then it's fine. The property owner is still the first contact info for an emergency.

Mr. Carroll commented that Bill Lenehan contact info is fine for now but if it gets overburdened with Mr. Lenehan then they should hire or get somebody who can act on the renters' needs right away.

Ms. Celis agreed.

Chairman Thomas asked the applicant if they are only using AirBnB (insurance purposes). Mr. Carroll responded that the applicant submitted other insurance.

The board agreed to close the public hearing.

Chairman Thomas motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 7-0.

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Mr. Carroll noted that the outstanding item (size of the septic tank and its condition) per the previous meeting was addressed. DC Planning gave a response of no comment and a matter of local concern for this application.

The board agreed to issue 6 lodgers and 6 daytime guests.

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

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Francisco Alberini and Cristina Celis Alberini for the purpose of utilizing a principal residence (the “Dwelling Unit”) located at 296 Lake Drive in the Town of Clinton as Non-Hosted Short-Term Rentals pursuant to Section 250-69.1 of the Zoning Law; and

Whereas, the subject property is identified as tax parcel number 6469-00-265074 and is located in the C Zoning District; 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 Dwelling Unit is adequately functioning for the intended use at the time of inspection; and

Whereas, the Town of Clinton received an authorization form for Cristina Celis Alberini to appear on the applicants’ behalf at the Planning Board meeting in connection with the application; and

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

Whereas, the Planning Board has determined that the proposed action will not have a significant adverse impact on the environment based on the criteria set forth in 6 NYCRR 617.7(c) and qualifies as a Type II action under SEQR (6 NYCRR 617.5(c)(18) (“reuse of a residential or commercial structure”)); and

Whereas, the Planning Board conducted a public hearing during its regular meeting on April 18, 2023; and

Whereas, the Zoning Administrator has inspected the Dwelling Unit and certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as a Non-Hosted Short-Term Rental and that there are no known zoning violations on the property; and

Whereas, the Dutchess County Department of Planning and Development stated to the Planning Board that the STR application is “a matter of local concern”; and

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Whereas, the Planning Board has determined that the maximum number of Lodgers allowed shall be 6 adults and the maximum number of daytime visitors permitted on the property shall be 6 persons; and

Whereas, after review of the application and all other submissions by the applicant, the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

Whereas, this Special Use Permit shall remain in effect for one year from the date of approval by the Planning Board and shall require annual renewal by the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

Whereas, the applicant shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while being utilized as a Non-Hosted Short-Term Rental and shall otherwise comply with applicable Town, County and New York State law and regulations governing such use; and

Whereas, all applicable fees have been paid:

Now Therefore Be It Resolved, that the Planning Board hereby grants approval of the requested Special Use Permit, effective as of the date of this resolution.

MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults

PERMIT REMAINS IN EFFECT UNTIL 4/17/2024 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)

Seconded by Mr. Thorpe,

Discussion. Ms. Celis asked if they could have 8 lodgers. Mr. Carol responded that the capacity is based on the certificate of occupancy of the house and the size of the septic.

The board approved 6 lodgers.

All Aye, Motion carried, 7-0.

APPLICATIONS:

Eckert and Zemser Non-Hosted STR – property owned by Lynn Eckert and Amy Zemser, located at 22 Silver Lake Road, **Tax Grid No. 6469-09-212635.**

Applicants seek a special permit to operate a Non-Hosted Short-term Rental pursuant to Sec. 250.69.1 of the Town of Zoning Regulation.

Lyn Eckert and Amy Zimser both appeared for this application. Ms. Eckert explained that they are both professors and their kids go to Rhinebeck

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School. They use this property during the week and hope to rent this out some weekends to get some income to renovate the house.

Chairman Thomas asked about the capacity of the house. Ms. Eckert responded that they have two bedrooms.

Chairman Thomas asked about the size of the septic tank. Mr. Auspitz responded that the size of the septic tank is 1,250 gallons. It is bigger than the house.

Mr. Auspitz asked about the number of bedrooms. The parcel access record states one bedroom. Ms. Campbell said that house predates the zoning. It was built in 1970.

Chairman Thomas asked, “How many bathrooms?” Ms. Eckert responded – “One bathroom”.

Chairman Thomas asked, “How many acres is the property?” Ms. Eckert responded, “The house is on a .538-acre lot but they also own the parcel behind this property that is .25 acres.

Mr. Auspitz questioned the number of parking spaces. He commented that 3 cars seem tight. Ms. Eckert responded that they can fit 3 cars out there although she doesn’t think renters would park three cars out there.

Mr. Auspitz asked about the local contact info. Ms. Eckert responded that they will be the local contact person since they have another house in Kingston.

The board agreed to set the public hearing on May 2, 2023.

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

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Lynn Eckert and Amy Zemser for the purpose of utilizing a principal residence located at 22 Silver Lake 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 132400-6469-09-212635 and is located in the C 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 adequately functioning for the intended use 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, provided the conditions set forth in his inspection report dated March 23, 2023 are met; 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 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 May 2, 2023.

Seconded by Mr. Ferrini,

Discussion. None.

All Aye, Motion carried, 7-0.

Yee and Salstein Non-Hosted STR – property owned by Michael Yee and Lisa Salstein, located at 505 Browning Road, **Tax Grid No. 6367-00-924117.**

Applicants seek a special permit to operate a Non-Hosted Short-term Rental pursuant to Sec. 250.69.1 of the Town of Zoning Regulation.

Lisa Salstein, 505 Browning Road appeared for this application. They are proposing to host a short-term rental and mainly use the AirBnB platform. This is

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a 3-bedroom house on a 2.3-acre lot. They are seeking 6 adult lodgers and want to rent this out two weekends a month.

Mr. Bonanno commented that this is a pretty straight forward application. The only issue he had originally was about the insurance certificate but since the applicant is only using AirBnb exclusively, then this issue is addressed.

Mr. Bonanno asked about the local contact info. Ms. Salstein responded the local contact info is their neighbor but noted that they will be the emergency contact person as in the same case of the application earlier. They will be available all the time and will try to resolve any issue if there is.

Ms. Salstein apologized for advertising without the permit approval. She noted that she is pregnant and wasn't aware of the process. The ad is down.

The board passed a resolution.

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

WHEREAS:

1. The town of Clinton Planning Board has received an application for a special use permit from Lisa Salstein and Michael Yee for the purpose of utilizing a principal residence located at 505 Browning Rd, Salt Point, NY 12578, as a non-hosted short-term rental, pursuant to Section 250-69.1 of the zoning law
2. The subject property is identified as tax parcel 6367-00-924117 located in AR3 zoning district
3. A short-term form EAF, part 1 has been received
4. The applicants have submitted a septic report dated 2/10/2023, stating the existing sewage disposal system is functioning as intended
5. The Zoning Administer has inspected the property on 3/28/2023 certifying the application as compliant for the use of the parcel as a non-hosted short-term rental within the town of Clinton
6. All fees have been paid in regards to application
7. The applicant has stated their intent to list solely with Airbnb

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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

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; 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 May 2, 2023.

Seconded by Mr. Thorpe,

Discussion. None.

All Aye, Motion carried, 7-0.

Dutchess Reserve aka Pumpkin 5 lot Subdivision (Preliminary Approval) – property located on Pumpkin Lane Road, Tax Grid No. Tax Grid No. 6568-00-017281.

Applicant wishes to subdivide ±110.957-acre parcel of land to five residential lots: Lot 1 – 18.302 acres, Lot 2 – 21.528 acres, Lot 3 – 9.791 acres, Lot 4 - 34.678 acres and Lot 5 – 26.258 acres.

Rich Carney, engineer, appeared for Mark Graminski for this application. Also present was Doug Maxwell, property owner.

Mr. Carney explained that they are proposing 5 lot-subdivision with one lot having access to Pumpkin Lane Road by individual driveways and the other four lots by town driveway. He noted that the plans before the board is the same sketch plan that was approved on October 18, 2022 with the same location of the septic tank, building and driveways. He explained the engineering part of their proposal such as the grading, culverts and catch basins, etc. What's not on the plan yet is the Storm Water Pollution Prevention Plan (SWPPP). They are hoping to submit this plan before the next meeting. These plans were already sent to the town engineer.

Chairman Thomas stated that this sketch plan was already approved by the board. This is a much more detailed plan than what was presented before. The next steps are: SEQRA circulation, getting comments from the town engineer and setting the public hearing date.

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Chairman Thomas expressed his concern about the relationship of the driveways and the proposed houses and wetlands on the property. The wetlands are depicted on the lands but he's not sure if there is a plan that shows the relationship of the driveways and the building envelope. He wants to know what kind of wetlands permit (whether local or federal) will be required.

Mr. Carney responded that sheets 6 through 8 show driveway grading and wetlands buffers. He explained the details of these sheets and pointed to the area where the driveway is crossing the wetland. He noted that this is the only spot that they will be encroaching the wetlands buffer. It's a stream. They will also be removing an existing pipe that is in there.

Chairman Thomas stated that the replacement of the culvert will require a permit. He asked Mr. Carney how big the wetland is. Mr. Carney responded that he doesn't have that info.

Chairman Thomas asked the applicant if they need any other wetlands permit like federal. Mr. Carney responded, "Possibly from the Army Corps of Engineer". He noted that there are no state wetlands on the property. These are Federal wetlands.

Chairman Thomas commented that his read on this is – this requires Town Wetlands Permit. They will defer to the town engineer about other permits that would be required. He asked the applicants what other permits they were seeking.

Mr. Carney responded that they are also preparing the board of health septic approval. They will be submitting the same plans to the Department of Health. The preservation area will be shown on the map.

Chairman Thomas noted that the individual lots will be marketed and sold as houses and lots. The property owners will develop these lots. Mr. Maxwell confirmed. They will design and build the house.

Mr. Ferrini indicated his recollection about the discussion from the last meeting regarding the 4 or 5-layout-plan. They agreed on the 5-lot plan based on the idea that they will ask for a deed restriction about building driveways. He asked the board if they can ask at this point to see a note on the map that states "The lots are subdivided subject to easement and other restrictions."

Chairman Thomas stated that the preservation areas were noted on the map. He recalled past conversation that the applicants went to the DLC and Winnakee Land Trust but were told that they were not interested in conservation easement in this kind of project so they talked about deed restriction. He noted that he included in his draft resolution a deed restriction about the preservation areas as

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a condition to the final approval. This notation will be on the final plat. The board needs to see the draft of the language of these agreements and deed restrictions.

Mr. Carney agreed and said that they are in the process of crafting this language.

The board agreed to set the public hearing on May 16, 2023. This application needs Long Form EAF.

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

**Town of Clinton Planning Board
Resolution Accepting Application for Preliminary Plat Approval and
Declaring Lead Agency**

Matter of Dutchess Reserve Subdivision

Whereas, the Town of Clinton Planning Board has received an Application for Preliminary Plat Approval from Dutchess Reserve LLC, which proposes subdivision of a parcel located on Pumpkin Lane consisting of a total of +/- 110.957 acres into five residential building lots, as shown on Sheets 2-5 of a Subdivision Plan Set Prepared for Dutchess Reserve LLC and related attachments prepared by Mark R. Graminski P.E. L.S. P.C. and dated April 3, 2023 (collectively, the "Map"); and

Whereas, the application involves tax parcel number 132400-6568-00-017281, which parcel is located in the AR-5 Very Low Density Agricultural Residential District; and

Whereas, a Full EAF Part 1 has been submitted with the application; and

Whereas, on October 18, 2022, the Planning Board granted Sketch Plan Approval for the Dutchess Reserve Subdivision; and

Whereas, applicant has proposed designating Preservation Areas that shall remain undeveloped and undisturbed on each lot as set forth on Sheet 3 of the Map and the Planning Board has determined as a condition of issuing final approval that applicant shall propose appropriate deed restrictions and/or conservation easements necessary to establish such Preservation Areas upon submission of the Final Plat for review by the Planning Board; and

Whereas, the parcel is located within 500 feet of a working farm in an Agricultural District and an Agricultural Data Statement has been submitted; and

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Whereas, applicant shall be required to obtain any required federal, state or town permits pertaining to construction or development activities within specified buffer areas adjacent to wetlands, ponds, lakes or watercourses prior to Final Plat Approval; and

Whereas, all applicable fees have been paid:

Now, Therefore Be It Resolved, that the Planning Board accepts the application for Preliminary Plat Approval; and

Be It Further Resolved, that the Planning Board will hold a public hearing on this application at its meeting scheduled for May 16, 2023; and

Be It Further Resolved, that the Planning Board will refer the Application, Map and related documents to the Town Engineer for comments and require establishment of an escrow account in the amount of \$_____ payable by the applicant; and

Be It Further Resolved, that the Planning Board hereby declares its intent to serve as Lead Agency for this unlisted, uncoordinated action pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617; and

Be It Further Resolved, that the Planning Board hereby directs that the identified involved and interested agencies as listed below be notified of the Board's intent to serve as Lead Agency, and that a copy of the Part 1 EAF, the Application and related documents, and the Map be delivered to said agencies seeking their consent to the Planning Board's acting as Lead Agency in this matter:

Involved Agencies: Department of Health and Town of Clinton Highway Department.

Interested Agencies: New York State Department of Environmental Conservation; Town of Clinton Conservation Advisory Council; Town of Clinton Scenic Roads Committee; and East Clinton Fire District.

Seconded by Mr. Auspitz,

Discussion. Public hearing initiated on May 16 but will not be closed. Escrow will be replenished when it gets low. Get comments from the town engineer before May 16.

Mr. Bonanno asked if all driveways will be paved. Mr. Carney responded that driveways will be graveled.

Mr. Bonanno asked about the common driveway and maintenance and the emergency vehicles access. Chairman Thomas responded that the town attorney

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will review and approve the language of the common driveway easement agreement. The Fire Department will also need to sign off on these driveways.

All Aye. Motion carried, 7-0.

Long Pond Omega Campground Annual Permit Renewal – property located at 202 Lake Dr. **Tax Grid No. 6468-00-032842**

Applicant seeks annual permit renewal.

The applicant was not present for this application.

MCEI Newman explained his inspection report. The use of this campground is pre-existing nonconforming use in the C District. This campground is regulated by a Deed Agreement of Covenants and restriction and stipulation in 1991.

Mr. Newman discovered that although the inspection reports from the previous ZEOs indicated an inspection of 59 sites, Long Pond Campground is legally allowed to have up to 74 sites. He doesn't want the resolution to restrict them to 59 sites. He noted that the number of sites that he counted is 59 but it clearly indicates that they can have up to 74 sites. He also indicated the maintenance issue about the section that they're supposed to close out. Skip Backus was made aware of this.

Mr. Newman indicated that he noticed that they are replacing a siding of one of the units. It's premature to say whether this is rebuilding or new. He noted that he needs to review the regulation but if this is a new unit then this needs to be registered. Right now, all the units are registered.

Chairman Thomas asked if this is an issue for this renewal. Mr. Newman responded, "No." They are fine with the current renewal. He needs to investigate more.

Mr. Auspitz asked, "Why are they fine for renewal if he doesn't know about this thing?" Mr. Newman responded that this is because this is not a new thing. This was previously approved.

Ms. Campbell noted that Mr. Backus also submitted a certification that there are no changes on the number of sites.

The board agreed to change the number of sites to up to 74 sites.

Mr. Dolan motioned the following:

**TOWN OF CLINTON
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FINAL MINUTES**

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BE IT RESOLVED, THAT THE Town of Clinton Planning Board approve the following with regard to the application for annual renewal of a special permit for the operation of Long Pond Campground, 202 Lake Drive, tax grid #132400-6468-00-032842-00.

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 April 13, 2023, 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 up to 74 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, 2022 to April 23, 2023 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, 2023 to April 30, 2024 when the Dutchess County Health Department approval to operate the campground for the period April 30, 2023 to April 30, 2024 is received.

Seconded by Mr. Auspitz,

Discussion. None.

All aye, motion carried, 7-0.

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RV Interlake Campground Permit – property located at 425 Lake Drive, **Tax Grid No. 6469-00-218434.**

Applicant requests permit renewal.

Leona Runyon, General Manager and her husband Danny Runyon, Maintenance Manager both appeared for RV Interlake LLC. It was noted that this campground is under a new ownership (LLC) effective 2021.

Mr. Newman explained that RV Interlake has been with a family operation for a very long time. As stated earlier, RV Interlake was sold in 2021. There was a confusion during the transition of ownership whether they need a permit or not. There was a lapse in the permit renewal. The last permit issued was 2021. The Department of Health also did not issue an approval in 2022.

Mr. Newman indicated that the campground started their operation without a permit and a violation process was started. He asked them to shut it down today for re-inspection. This violation was cured and he recommended renewal of the permit. The number of sites allowed is 159. This is also a pre-existing nonconforming use in C Zone District. He originally counted 172 campsites but noted that 12 campsites were not in use. He suggested including a condition about having these sites decommissioned before the expiry date of the permit. Each of these sites are empty.

Mr. Newman stated that the camp units include the rooms in the main house and housing units on the property that are being rented out. These are included with the 159-site count. Based on the customary accessory uses, any trailer sites, tent site, or rooms or cabin are camp units.

Mr. Auspitz commented that they have to be careful about making any precedent about additional units on nonconforming sites. He wants to make sure that the board is not doing that. Mr. Newman agreed. That will be a whole separate application. This is the reason why he's recommending the decommission of the unused sites to avoid expansion of nonconforming use.

Chairman Thomas asked if the units in the building that are being rented were previously rented. Mr. Newman responded, "Yes."

Ms. Campbell remarked that the previous owner used to house his family members in these units. It's a family-owned business. Mr. Newman agreed but noted that some rooms were also being rented.

Chairman Thomas asked, "How does this rental work?" Mr. Runyon responded that they rented this out through AirBnB and AirBnB directs it to RV Interlake.

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Chairman Thomas asked Mr. Newman about his ruling about the STR use in this property. Mr. Newman responded that the STR use is a customary accessory use of the campground.

Chairman Thomas asked if there are any other new improvements. Mr. Newman noted that the intent to install a propane station is currently withdrawn. He indicated the proposal to name the roads on this property so the campsites will have its 911 address. This will be approved at the Town Board meeting.

Chairman Thomas asked the applicant about any intention to have a restaurant. Ms. Runyon responded, "None."

The board passed a resolution.

Mr. Dolan motioned the following:

BE IT RESOLVED, THAT THE Town of Clinton Planning Board conditionally approves the annual renewal of a special permit for the operation of Interlake RV Park, LLC, located at 428 Lake Drive, tax grid #132400-6469-00-218434-00.

WHEREAS:

1. Interlake RV Park, LLC has been under new ownership since sometime in 2021.
2. No renewal of the Camping Trailer Campground was issued for 2022
3. The Zoning Enforcement Officer has inspected the site and confirms, by memo to the Planning Board dated 4/13/23, that (a) the number of units is currently 159 with none of the sites being occupied; (b) there are 80 trailers being "wintered over"; and (c) the entire campground is "clean and well maintained."
4. The Zoning Enforcement Officer further confirms that there are no known zoning violations on the property.
5. A site plan of the campground is on file with the Town of Clinton Zoning Office.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board recommends the approval of the annual renewal of a special permit to the Town Clerk with the following conditions

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- Health Department approval for 2023–2024 is granted.
- 12 Camp Units shall be clearly decommissioned prior to expiration of the 2023 permit, bringing the total number of Camp Units to a clearly verifiable total of 159

Seconded by Mr. Auspitz,

Discussion. Chairman Thomas suggested changing “sites” to units. The board agreed.

All aye, Motion carried, 7-0.

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.

Mr. Bonanno stated that there was no report since the meeting with the town of Washington meeting was cancelled.

BOARD DISCUSSION:

- Mr. Werner gave an update about the town supervisor. He discussed the proposed local law about the farm operation. Public hearing will be set hopefully at the June meeting.
- Neil Wilson had officially retired. They are in the process of interviewing other candidates.

APPROVAL OF MINUTES:

Mr. Thomas motioned to approve the minutes of March 21, 2023, seconded by Mr. Dolan , All Aye, Motion carried, 7-0.

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ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 9:45 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 7-0.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Arlene Campbell".

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