

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
May 16, 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 7:32 pm.

**VARIANCE APPLICATION:**

**Hart’s Area Variance** – property located at 182-188 Schultz Hill Road, **Tax Grid No. 6368-00-285540.**

Applicants seek the following area variances to operate a Conference Center.

Sec. 250-45.C-4 Conference Center Building Setback reduction from 200’ to 175’

Sec. 250-45.C-8 Conference Center Outdoor Event Area from 500’ to 300’

Clifford and Kayla Hart along with Tim Martin all appeared for this application. Mr. Hart explained that they needed two area variances (barn and event area) in order to move forward with their conference center application.

Mr. Carroll expressed his comment as the board member lead for this application. Given the topography of the lands, he noted that this property is in the Ridgeline, Scenic and Historical Protection Overlay District Area which has special regulations under Sec. 250-15 of the zoning regulation. He asked the MCEI if he noticed that this property is in the Ridgeline Scenic District since the ridgeline district wasn’t part of his determination. He asked if they are evaluating this variance based on a typical variance or based on Sec. 250-15. Mr. Newman responded, “No.” This is the first time he’s seeing this.

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The board discussed Sec. 250-15 of the Town of Clinton Zoning Regulation.

§ 250-15 – B Location -- The Ridgeline, Scenic and Historic Protection Overlay District is comprised of (1) Lands which are 500 or more feet above mean sea level. These lands are shown on an overlay to the Town of Clinton Zoning Map.

**Purpose.** It is the purpose of the overlay district to protect the aesthetic, scenic and ecological character and nature of higher elevation areas and designated scenic and historic areas.

Mr. Carroll commented that single family residences and farm uses are exempted from this regulation. However, regulations contained in this section apply to all commercial uses in the overlay district. Based on his reading of the law, he opined that this application falls under the category of this section due to the commercial use (Conference Center) of the property. If it is, Mr. Carroll stated that this application needs site plan application in addition to the special permit application for the conference center. He added that the setback requirement seems to also double the setback requirement.

**Sec. 250-15 E-6 Setbacks.** The proposed yard setbacks from the property line must be no less than two times the height of the proposed structure or the setback requirements in other zoning regulations, whichever are greater.

**Sec. 250-45 C-4 Setback.** No buildings or structures are permitted to be located within 200 feet of any neighboring lot line. The Planning Board may require appropriate buffers between the conference center and adjoining lots given the existing natural topography and vegetative cover.

**Sec. 250-45 C-8 Outdoor events.** All outdoor events shall be contained within the specific outdoor event area which is contained within the event area determined by the Planning Board as specified on the approved site plan. Tents and other temporary structures shall be located within the approved outdoor event area as specified. The boundaries of the outdoor event area shall not include parking areas and shall be located at least 500 feet from any lot line which separates the property of a conference center from an adjacent property not owned by the owner of the conference center property.

Mrs. Hart questioned the relevance of properties in the Ridgeline and Scenic and Overlay District. Mr. Carroll responded that it prevents commercial buildings from going up above the height limit and preserves ecological integrity and maintains the rural character of the Town. He noted that lands that are 500 feet above sea level fall into this category.

The board had a lengthy discussion about the verbiage of Sec. 250-15 E-6.

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Chairman Thomas felt that the board should look at the substance of the law and let the ZBA figure out the definition of the section.

Mr. Carroll discussed the variance requirement. There is a 200 feet setback requirement from the property line for the building. Parking is 200 feet from the property line, driveway is 200 feet from the neighboring property line that separates the non-owner and the boundary to the outdoor event area.

It was noted that the applicant also owns the abutting parcel (parcel #369692).

Mr. Carroll asked if anybody measured the distance from the driveway to the neighboring property line not owned by the applicant to make sure that they don't need another variance. He indicated the requirements of the law (building, outdoor area, parking and driveway) per Sec. 250-45.

Sec. 250-45 (Conference Center) Parking/driveways. No parking for a conference center shall be located less than 100 feet from a road and 200 feet from any neighboring lot line. The parking area shall be adequately screened from neighboring residences. No vehicles shall be permitted to park on accessways, driveways or roads. If the Planning Board determines that the regulation of traffic on roads shall be necessary, such regulation shall only be done by law enforcement personnel. The cost of such traffic regulation shall fully be paid for by the conference center. Driveways or accessways shall be located at least 200 feet from any neighboring lot line which separates the property of a conference center from an adjacent property not owned by the owner of the conference center.

Mr. Newman responded that the Harts are putting in a new driveway so he did not measure the distance from the driveway to the neighboring lot line not owned by the applicant.

Mr. Bonanno asked about the distance of the driveway from the pond. It seems that this is less than 100 feet. Chairman Thomas responded that the requirement of the regulation calls for 50 feet if the pond is less than an acre. Mr. Hart noted that the pond is  $\frac{1}{4}$  of an acre.

Chairman Thomas noted that the board is only reviewing the variance application on hand. The board will get to review and discuss the site plan and other approvals required once the variance is addressed.

Mr. Carroll commented that it is hard to evaluate the variances without evaluating the conference center plan. He feels that addressing the variance first and conference center plan later disconnects the two important issues.

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Chairman Thomas disagreed. He felt that the applicant will need to redesign the plan if they don't get the variance.

The board had a lengthy discussion about the proposal. Mr. Carroll is curious how the neighboring properties feel about this proposition.

Chairman Thomas responded that the neighboring property owners will be able to express their comments during the ZBA's public hearing. The Planning Board will also have a public hearing during the site plan and special permit approval process for the conference center.

Mr. Auspitz asked the applicant why they chose the proposed area for the event area despite the size of the parcel. He commented that they could have pushed it a couple of hundred feet northwest.

Mr. Hart explained why they can't move the event area a couple of feet northwest. It's a pretty steep drop off. He commented that he cannot imagine anybody would want to have a wedding event on a hill. He summoned the board to visit the property to have an understanding of their application.

Chairman Thomas noted that some of the board visited the property years ago when this property was before the board for the subdivision process. They know where the barn is. He commented that if you move the event area away from the barn (indoor event) then you will have some people chatting, roaming, and walking back and forth. Based on his measurement, the nearest neighbor's house to the barn is like 500 feet. He expressed concern about the noise impact to the neighboring properties. People spend time out on their property. He commented that noise travels.

Ms. Hart responded to the noise concern. She said that the barn will be insulated as compared to having a tent.

Chairman Thomas stated that when the law was first originally crafted, the measurement was 500 feet from the nearest neighbor, for some reason it got changed. The mitigating issue here is – the nearest house is more than 500 feet.

Mr. Auspitz commented that the requested variance is significant. This is setting precedence.

Mr. Bonanno expressed concern about the use of existing structures to hold events. It seems that they are allowed 50 people or more given the amount of acreage of the property.

Chairman Thomas asked about the maximum capacity for this building. Mr. Newman responded that there was no cap on the acreage.

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The board had a lengthy discussion about the Conference Center regulation. Mr. Carroll expressed difficulty in reviewing the application. He's not sure whether he's having difficulty about the proposed site or the application itself given the contentious nature of the law in relation to the demand of the event center and agricultural venues.

Chairman Thomas asked the applicant how many times a year they are proposing. Ms. Hart responded that they are proposing events from May to October, probably 5 to six events a year. They will not have a wedding mill. She added that everybody will be home by 11 pm.

Chairman Thomas asked about the capacity. Mr. Hart responded that they haven't discussed the maximum number of people, but maybe 200 people.

The board had a lengthy discussion about the matter.

Mr. Auspitz suggested doing a neutral recommendation and let the ZBA decide on the matter. Chairman Thomas concurred with Mr. Auspitz.

The board passed a resolution.

Mr. Carroll motioned that the Town of Clinton Planning Board is making a neutral recommendation to the Zoning Board of Appeals on the requested area variances to Sec. 250-45.C(4) and Sec. 250-45.C(8) reducing the building/structure and outdoor event area setbacks in order to build a conference center as requested by **Hudson Hollow Farm LLC** on property located at 188 Schultz Hill Road, Clinton, NY, **Tax Grid No. 6368-00-285540-00** in an AR5 Zoning District.

**WHEREAS:**

1. The Applicant is requesting two variances in order to construct and operate a conference center on a 33-acre lot:
  - a. Reduction in the setback for an event building/structure from 200 feet to 175 feet, and
  - b. Reduction in the setback for an outdoor event area from 500 feet to 300 feet.

Note that these proposed variances may actually be larger depending on the resolution to the issue set forth in paragraph 4.c., below.

2. The property is in an AR5 Zoning District.

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3. The property is not within the Taconic State Parkway Viewshed or a Critical Environmental Area.
4. The property is within the Ridgeline, Scenic and Historic Protection Overlay District, but this fact was not incorporated into the Zoning Enforcement Officer's review and was only raised at the Planning Board's May 16, 2023 meeting. As a result, the Planning Board was unable to determine whether and to what extent the provisions of Section 250-15 are applicable to the variance request. The questions raised by the Planning Board, but left unanswered, include:
  - a) Does Section 250-15 apply to a conference center? Pursuant to Section 250-15(c), this section applies to "all commercial uses in the overlay district" and "to those residential uses which, according to Article III of this chapter, require a special use permit and site plan."
  - b) If Section 250-15 does apply, are the variance requests under Section 250-45 also variance requests under Section 250-15? Section 250-15(D)(1) states that proposed new construction or development within the Protection Overlay District "which requires a variance from the regulations in this section is considered a Type 1 action under SEQRA." Type 1 actions under SEQRA have additional application and review requirements, which were not conducted here.
  - c) If Section 250-15 does apply, what is the setback required pursuant to Section 250-15(E)(6)? The provision states that setbacks must be "no less than two times the height of the proposed structure or the setback requirements in other zoning regulations, whichever are greater." It was unclear to the Planning Board if the "two times" language in the statute modifies both "height of the proposed structure" and "setback requirements in other zoning regulations" or only "height of the proposed structure." If the former, the already substantial variance request would be even greater.
5. Even setting aside the issues raised immediately above, the two variances requested are substantial and the Planning Board is concerned about setting a precedent in granting variances for conference centers and agricultural event venues. The Planning Board notes that the conference center and agricultural events laws were contentious issues in the Town due to the commercial nature of the proposed activities in what to date have been rural and residential areas.

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6. The final text of the statutes requires large lots and sets forth for significant buffers from neighboring properties to attempt to minimize disturbances to neighbors. The Planning Board is hesitant to recommend variances that may materially and negatively impact neighbors, and even more so where the neighboring property owner(s) opposes the proposal, especially for a new law such as Section 250-45.
7. Given the preliminary nature of the conference center plan presented, the Planning Board was unable to evaluate the impact of the requested variances on the character of the neighborhood and possible detriment to nearby properties.
8. Given the preliminary nature of the conference center plan presented, the Planning Board was unable to evaluate whether the variances would have an adverse effect or impact on the physical and environmental conditions of the neighborhood.
9. Although the topography of the land lends itself to the proposed locations of the event area and structures, the Planning Board notes that there are other locations, although less ideal, where event structures and/or areas could be located so as not to require variances.
10. The alleged difficulty is self-created.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board is making a neutral recommendation for the approval to the Clinton Zoning Board of Appeals for these requested variances.

Seconded by Mr. Auspitz.

**Discussion.** Mr. Ferrini asked about “The difficulty is self-created”. Mr. Carroll responded that the difficulty is self-created since the barn and the setback are existing.

Chairman Thomas suggested to include, “That the board does not have the ability to evaluate the impact on the neighborhood given the preliminary nature of the application.”

All aye, Motion carried, 7-0.

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**Squillante Area Variance** – property owned by Alphonse and Amilia Squillante located at 1350 Centre Road, **Tax Grid No. 6468-00-508975**

Applicants request an area variance to Sec. 250 Attachment 2 (Area Bulk and Regulations) of the Town of Clinton Zoning Regulation for a rear yard setback reduction from 75 feet to 66.5' in order to construct a sunroom addition

Mr. and Mrs. Squillante appeared and explained that they need a variance to build a sunroom addition at the back of their house. This property is a one-acre nonconforming lot. She stated that they need 8 ½ feet variance.

Chairman Thomas asked for questions and comments from the board.

Mr. Dolan commented that this is a pretty straight forward application. The applicant had provided a very comprehensive application. He recommended issuing a positive recommendation.

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 250-23 Measurement and Use of Yards for a rear yard setback reduction to 66.5 feet for a proposed sunroom addition to be constructed at the rear of the residence from the required 75 feet for property owned by **Alphonse & Amilia Squillante** and located at 1350 Centre Road, tax grid number **132400-6468-00-508975** in the AR3A zone.

***WHEREAS;***

1. The applicant wishes to construct a sunroom addition at the rear of the home within the 75 feet rear yard setback made necessary by the limited distance between the home and the rear yard lot line. The applicants are seeking a variance from Section 250-23 as stated above with a rear yard setback reduction from 75' to 66.5'.
2. This is a 1.0-acre site located in the AR3A zoning district.
3. The lot is not in an Ag District or a CEA.
4. It is noted that an area variance is a Type II action under SEQRA and requires no further action.



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5. The site does not contain a NYSDEC wetland.
6. The site is on a Clinton Scenic/Historic Road, that being Centre Road, and must conform to Local Law #3 of 2001.
7. With this lot line reduction, an undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties as the sun room is not visible from the road or adjoining properties due to trees.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested variance is 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. Ferrini,

**Discussion.** Mr. Ferrini asked the exact location of the proposed addition. Ms. Squillante responded that the addition will be constructed on the existing patio at the back of the house.

All Aye, Motion carried, 7-0.

**PUBLIC HEARING:**

**Ward Non-Hosted STR** – property owned by John Ward and Thomas Purdom located at 74 Breezy Hill Road, **Tax Grid No. 6467-00-317892.**

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Applicants seek a special permit to operate a Non-Hosted Short Term Rental pursuant to Sec.250-69.1 of the Town of Clinton Zoning Regulation.

Sarah Hutchings, property manager was back for this application. She briefly explained their application as indicated above.

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

Chairman Thomas noted that the speakers do not have to identify themselves if they don't want to.

Mr. Speaker from 58 Breezy hill asked about the details of the proposal. Ms. Hutchings responded that they are looking to host 6 lodgers with no daytime guest. She noted that the property owners want to rent their properties when they are not around. She pointed out that they have enough parking spaces for the lodgers.

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

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

Mr. Thorpe expressed his comment about the application. The applicant proposes 6 lodgers with 0 daytime guests. The septic tank is in great condition per the septic inspection report. There are ample parking spaces. He added that his friend lives nearby and is familiar with the property. He doesn't have an issue about the proposal.

The board passed a resolution, to wit:

Mr. Thorpe motioned that the Town of Clinton Planning Board approves the following resolution for a Special Permit for a Non-hosted Short Term Rental as requested by John Ward and Thomas Purdom on property located at 74 Breezy Hill Road, **Tax Grid No. 6467-00-317892.**

**Whereas**, the Town of Clinton Planning Board has received an application for a Special Use Permit from John Ward and Thomas Purdom for the purpose of utilizing a dwelling located at 74 Breezy Hill Road 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 132400-6467-00-317892-0000 and is located in the AR3 Zoning District; and

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**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 its intended use at the time of inspection; 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 May 16, 2023; and

**Whereas**, the Zoning Administrator has inspected the Dwelling Unit on 4/18/23 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 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 indicating the application is “a matter of local concern”; and

**Whereas**, the Dwelling Unit will be utilized as a Non-Hosted Short-Term Rental subject to no additional conditions and limitations; and

**Whereas**, the Planning Board has determined that the maximum number of Lodgers allowed shall be 6 persons and the maximum number of daytime visitors permitted on the property shall be 0 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[s] 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

**Whereas**, all applicable fees have been paid:

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**Now Therefore Be It Resolved**, that the Planning Board hereby grants approval of the requested Special Use Permit, effective as on May 16, 2023 2022 when the following condition is met:

Publication fees are paid.

**MAXIMUM NUMBER OF LODGERS PERMITTED:   6**

**PERMIT REMAINS IN EFFECT UNTIL 11/1/2023 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)**

Seconded by Mr. Auspitz,

**Discussion.** Mr. Carroll stated that the renewal is due on February 16, 2023 per the regulation. No reminder letter will be sent out.

All Aye, Motion carried, 7-0.

**Dutchess Reserve LLC aka Pumpkin 5 lot Subdivision (Public Hearing) – Pumpkin Lane Road, 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.

Mr. Graminski, PE and Land Surveyor and his associate Rich Carney, PE along with the property owners Doug Maxwell and Christopher Diereg all appeared for this application.

Mr. Graminski submitted new documents dated May 16, 2023 (Declaration of Covenants and Restrictions - Common Drive Easement and Maintenance Agreement, Steep Slopes Analysis Plan, Full EAF, Wetlands Permit Application, Current Subdivision Plan set 05-05-23, SWPPP).

Mr. Graminski made a presentation. He indicated the sketch approval that they received after various and different configurations and concepts. They are proposing a five (5) lot major subdivision of the 110.957-acre parcel located on the south side of Pumpkin Lane. Four of the new lots will be accessed via a

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common driveway, and the remaining lot (Lot No. 3) will have individual driveway access off of Pumpkin Lane. He noted that both access points have been reviewed and approved by the Highway Superintendent. He pointed on the map the individual driveways that were accessed by a common driveway off of Pumpkin Lane. He showed the proposed septic system location that is currently reviewed by the Department of Health.

Mr. Graminski stated that part of the process of this application is to preserve certain areas. The shaded areas represent preservation areas. He pointed on the map the lot summary of the proposal. Out of 110 acres of land, Mr. Graminski noted that 70 acres is in the preservation area. The details in the preservation area are explained in their new submission. He also explained the engineering aspect of the grading and topography of the lots.

Chairman Thomas asked if the property owners will be designing and building these homes. Mr. Maxwell responded, "Yes."

Mr. Graminski indicated their response to the town engineer comments. He also noted the Full SWPPP (Stormwater Pollution Prevention Plan) that was included with their submission given the 5 acres disturbance. Per DEC regulation, Mr. Graminski stated that this application must be sent to SHPO (State Historic Preservation Office). Per their discussion with a local archeologist, there is a consideration of potential archeological findings on the property. He noted that the property owners already retained an archeologist. Fuel testing will be conducted in all areas of disturbance on the site.

The board opened the public hearing. Chairman Thomas motioned to open the public hearing, seconded by Mr. Carroll, All Aye, Motion carried, 7-0.

Ary Freilich, 455 Pumpkin Lane spoke and said that they live on the property that abuts this parcel on the easter side. He is also a developer and a lawyer. He noted that they don't have an objection about the applicants' site development though he is opposed to the proposed driveways and has environmental concerns. He discussed his strong concern about the proposed driveways given the grade of the road and the elevation of the property. The driveway presents an inclement weather challenge to residents, visitors, deliveries, fire trucks, ambulance, etc. It is a steep grade. During the bad weather, traffic going down the hill will be moving faster, and is a challenge to uphill drivers trying to maintain a forward momentum up the slope. He cited the possible scenarios during the inclement weather. He commented that this will be a significant problem.

Mr. Freilich spoke about his second issue. What you see is an 111-acre parcel of land that is very well sited and preserved in the town of Clinton. There will be preservation areas but up on the top will be a different matter. Four houses are being stuffed together. He asked, "How can you put stuff together when there is a

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20 acre parcel?” The truth is – it’s not a 20 acre parcel. The developmental area is a much smaller area. Visibility is enhanced! The former property owner, the Scharfs, maintain this open meadow lands. What you see when you stand there are houses. It’s troubling! Given the nature of the terrain and shape of the site, Mr. Freilich commented that 4 sites on the hill are too many for appropriate spacing. He suggested 3 sites and each will have room for a quiet area. If you are going to buy a multi-million dollar home, you will want privacy. He also indicated the other property of Mr. Scharf that is also on the market. He expressed concerns if this ends up being a back to back project in this town. He spoke about the impact on his property and the neighboring properties. They move up here to look at the beauty of the country. This can be preserved. A 25-acre parcel with privacy is worth a lot more. He believed that this site can be developed with a little bit more creativity. He also commented about the aesthetic and indicated the larger parcels around.

Sandy Litvack, 570-582 Pumpkin Lane spoke and said that their property abuts this parcel. He stated that he is not a developer but he and his wife are both lawyers. He indicated his two issues that impact each other. First is about building two driveways. At 20 feet (16 feet wide with 2 feet shoulders on either side), per plan submitted, Mr. Litvack remarked that this is not a driveway but effectively a county road. He expressed strong opposition about the proposed driveway given the size and its location. This is a steep street in the middle of Pumpkin Lane. That changes the entire character of the street. This impacts the town. It impacts everyone. He remarked, “You are setting precedence!” You are allowing a street in here!

Mr. Litvak commented that he doesn’t think that this is what the Planning Board wants to do. He feels that the board wants to maintain the character of the town. You can’t look at that project and say, – “When you’re done with that, you have 4 houses on the hill.” He felt that there is a solution to this. There is a place farther toward the Taconic where the trees are. He suggested putting the houses back there where the trees are. You won’t see a street in the middle of the road and you will be surrounded by trees.

Chairman Thomas noted that was the concept that the board looked at.

Ms. Swomley, 570-582 Pumpkin Lane echoed Mr. Litvak’s suggestion about the area farther to the Taconic. She said that if you put the development by the trees then the driveway will be short. She discussed the letters dated September 12, 2022 and January 13, 2023) that she had submitted to the board. Her strongest concern are the flows of water along the road that are not marked on the state maps. She underscored that Hudsonia maps do reflect these waterways/wetlands. She discussed how this waterways that started from the Taconic goes into one channel and goes to the pond. She also discussed what happens when it rains that is flowing to their property – this is troubling to them.

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The impact on their property. The house on Pumpkin Lane might have impacted the channels. She suggested that the Planning Board ask the developer for an overlay of the Hudsonia maps onto the sitemap to ensure that these waterways are taken into account. She's expressed strong concern about the environmental impact of putting driveway material on it without proper care.

Chairman Thomas commented about the correspondences submitted prior to public hearing. He noted that the board is not allowed to review the materials or comments submitted by the public before the public hearing.

Bertrant Lemont, 499 Pumpkin lane echoed the previous comments about the driveway. He doesn't want the driveway to be closer to the road, since he lives next to this property. He noted that his property is to the east.

Ms. Swomley remarked that Pumpkin lane is a beautiful property. This is setting precedence.

Chairman Thomas suggested leaving the public hearing open. The public will be given another chance to make comments before the board closes the public hearing. He asked the applicant if he can address the public concerns. The board is also still waiting for comments from the agencies.

Mr. Graminski said that he will provide a response to these comments. He will also provide a stormwater report next submission.

Ms. Swomley asked if these comments can be forwarded to the agencies.

Chair Thomas responded that these agencies are pretty familiar with the Town of Clinton parcels but he doesn't have a problem sending it to them. Mr. Auspitz said that it should also be sent to the town engineer.

Chair Thomas discussed the approval process. It's hard to give a definitive timeline. There will be another meeting for a public hearing before the public hearing is closed. The board will need a sign off from the town consultant before the board can give a preliminary approval. There are most likely conditions to the final approval, so it will take a while. He noted that the neighboring properties will not receive another notice of the public hearing but the agenda will be posted on the town website.

No action taken. Public hearing remains open.

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**APPLICATIONS:**

**Franzel Non-Hosted STR** – property owned by Dave Franzel and Alexandra Mogul located at 309 Allen Road, **Tax Grid No. 6466-00-453730**

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.

David Franzel appeared and explained that they currently live in the city and are hoping to rent their property out when not in use. This is a 23.97 acre parcel in the AR5 Zoning District. They are looking to host 6 lodgers and their property manager lives in Pine Plains.

Mr. Auspitz commented that this is a pretty straight forward application.

Mr. Auspitz motioned to send this application to DC Planning and East Clinton Fire Department for comments and to set the public hearing on June 6, 2023, seconded by Mr. Carroll, all Aye, Motion carried, 7-0.

No other action taken.

**CECNY Land Holdings LLC (IHG) Sixth Senses SP for Conference Center (Discussion)** – property located at 30-68 Naylor Drive, **Tax Grid No. 6268-00-591367.**

Applicant wishes to expand the use of the Conference Center (Previously called Old Stone Farm Dude Ranch Conference Center).

6268-00-591367 - Town of Clinton – 228.4 acres  
6268-03-461408 - Town of Hyde Park – 8.2 acres

Mike Palumbo owner of CECNY along with his team, Kelly Libolt, planner, Rod Morrison, Engineer, Victoria Polidoro, legal counsel, Michael the architect were all present for the discussion.

Ms. Libolt made a presentation and explained their proposal. The current owners took possession of the property in November of 2022. This property is under the jurisdiction of two municipalities. The Town of Clinton has 228.4 acres of land and 8.2 acres are in the Town of Hyde Park. The zoning of the parcel under Clinton parcel is in the AR3 and AR5 Zoning District. The Town of Hyde Park parcel is in the GB (Greenbelt) Zoning District. She showed the proposed area to be developed that is on the lower area of the map. This is the focus area for this particular project.



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In 2005, this property received a Site Plan and Special Permit to operate dude ranch/conference Center as part of the horse farm business. They are proposing to expand this use while maintaining the same mission and same values.

The existing property contains a stream, Crum Elbow Creek, and slopes generally from the west to the east. The site currently contains nineteen (19) structures. The structures currently utilize an existing on-site septic system and private well for potable services. As part of the project, they will seek approval from the Dutchess County Department of Health for the construction of a central Waste Water Treatment Plant (WWTP) and seek approval to utilize the onsite well(s) for the proposed use.

Ms. Libolt indicated the Site Plan and Full EAF form that they had submitted. They understand the technical studies that need to be done. She added that this project is considered a Type I action per SEQRA. They are trying to utilize the existing landscape. They are working on wellness center. The purpose of this meeting is to have a dialogue with the board before enhancing designs.

The programs outlined in the existing SUP are “yoga, classes, teacher restoration and enrichment training, working with horses for self-awareness and/or corporate team building” as well as “charity fundraisers and artistic events.” The proposed program includes all of the above as well as topics such as agri-related studies, organic farming lessons, farm-to-table workshops, equine therapy, pilates, meditation, sleep management, spa treatments, biking, hiking and nature walks, etc. The property will operate year-round and offer workshops, classes, events, seminars, and sessions. Programming activities and class schedules will be made available prior to arrival so guests can plan their stay accordingly. She underscored that this will continue as a working farm.

Michael, the architect, stated that the concept is to keep a single story structure, very rural, and not to impact the existing structures on the site. The structures proposed to be added on the property will be located on the flat area close to Route 9G. Almost everything is a single story. He noted that a lot of pathways were already there. They will maintain most of these pathways.

Rod Morrisson, from LRC Engineering discussed the mapping about the wetlands and species and to have archeologists review the site. They are looking to build a new entrance on the front (Route 9g) which is under the jurisdiction of the Town of Hyde Park. He also indicated the wetlands permit that they had to remove the old bridge by Route 9g.

Chair Thomas asked for questions and comments from the board.

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Mr. Ferrini thanked the applicants for a great introduction. Procedural matter, Mr. Ferrini said that it strikes him that there is no provision in the code for an amendment or expansion of a Special Use Permit. He felt that the use might have lapsed. He thinks that the application first needs to go to MCEI to formally get a determination about the special use permit before the application can go before the Planning Board.

Mr. Newman stated that there was a question in October of 2022 whether there was a lapse in the use of the Conference Center. He doesn't think that there was a lapse in the special use permit.

Mr. Ferrini stated that he still can't find a provision about an amendment or expansion of a special use permit.

Ms. Libolt commented that the semantics are -- "Is this a site plan amendment or Is it a new site plan?"

The board had a lengthy discussion. Mr. Ferrini discussed the special use permit process. Large projects have coordinated review. It needs town consultants guidance and review, the escrow account also needs to be established. He feels that this meeting is about setting up an escrow account and getting the town consultants review the application.

Chair Thomas echoed Mr. Ferrini's summary of comments. The board needs to know what this application is, to know what provision of the code it is under. He stated that Mr. Newman did not include his determination about what this application is.

Chair Thomas commented that the board doesn't know if they are amending an approved site plan. In terms of the use, he feels that by the time this application is completed, then the use will be lapsed. This will be considered a new site plan and special permit application.

Ms. Libolt indicated the determination from Mr. Newman in September of 2022 that states "The abovementioned property was issued a Special Use Permit to operate as a Conference Center in October of 2005 by resolution of the Town of Clinton Planning Board. This Special Use Permit was amended by resolution of the same body in 2017 and remains in full force and effect as allowed by these resolutions and by the Town of Clinton Zoning Code§250-45 Conference Centers. This Use continues as a privilege enjoyed by the owners"

Chair Thomas asked if the prior owners were also using this property as a Conference Center. His impression was they were using the property differently. Mr. Newman responded, the Dutchess LLC uses this property as a conference

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center. He discussed the use of the previous owners. He reiterated his view that the use will be lapsed by the time the approval process is completed.

Ms. Polidoro stated that they had a determination from the MCEI about the use of the property. There is nothing stopping the property owners from using the property as a Conference Center to avoid the lapse in use.

Chair Thomas asked if the property owner will continue using the property as a Conference Center. Ms. Polidoro responded that the property owner will maintain the use during the process of the application.

Ms. Polidoro stated that she understands that there is no provision about the amendment or expansion of the special permit but it's implicit. She underscored that they don't want to lose the current special permit that they have right now.

Mr. Ferrini stated that the board has the power to do that.

The panel had a lengthy discussion about the matter.

Chair Thomas concurred with Mr. Ferrini. He asked about the last use of the property as a conference center. Mr. Newman responded that the property was last used as a conference center in October of 2022.

Mr. Thomas noted that the use will lapse in October of 2023. Ms. Polidoro said that they will continue to operate as a conference center to prevent the lapse in October, 2023.

Chair Thomas indicated that the checklist wasn't filled out correctly. Mr. Ferrini responded that this was already communicated with the applicant.

Mr. Carroll asked the applicant to explain further about the scope of their project. It seems that everyone who goes to the property needs to be overnight guests. He asked, "Is this part of their business plan for the community members to participate?"

Mr. Palumbo explained that they are planning to have an equine and farming operation. People will be coming on and off in a day. They are in a program where they can stay. It depends on the program how long they will stay, whether 2 or 3 nights. He noted that they don't have to stay overnight. They can have equine service for a couple of hours.

Ms. Polidoro noted that the town code doesn't state that guests need to stay overnight.

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Chair Thomas asked, “Why are they jumping to these hoops?” Mr. Newman responded that their application fits the conference center code.

After a very lengthy discussion, the board agreed to set up an escrow.

Mr. Ferrini motioned to establish an escrow in the amount of \$10,000, seconded by Mr. Auspitz, all Aye, Motion carried, 7-0.

Ms. Libolt indicated her agreement and understanding that the first step is to classify the application, then submit it to the town consultant for review.

The board agreed to do a site visit to get a better understanding of the proposal.

No other action taken.

**Marrott and Gili Non-Hosted STR Renewal Permit – 869 Hollow Road, Tax Grid, No. 6467-00-070291**

Applicants seek renewal of special permit to operate Non-Hosted STR that was approved on June 7, 2022.

Applicants were not in attendance for this renewal application. It was noted that the renewal application was received timely and there were no complaints received. Inspection passed per the MCEI report.

The board passed a resolution.

Mr. Auspitz motioned that the Town of Clinton Planning Board approve the following resolution in the matter of Marrott and Gili Non-Hosted Short-Term Rental on property located at 869 Hollow Road.

**WHEREAS:**

1. Applicants Morten Marrott and Lan Gill seek to renew a special permit for a non-hosted short term rental (“STR”) at 869 Hollow Road in the Town of Clinton (#6467-00-070291), pursuant to Section 250-69.1D(4)
2. Applicants’ existing special permit was issued on June 6, 2022 and we deem this application, received by the Town on March 14, 2023, to be timely.

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3. Applicant has submitted adequate proof of \$1,000,000 in liability insurance and of a satisfactory inspection of the 1,000 gal. septic tank made Feb. 22, 2023.
4. No complaints have been received by the Municipal Code Enforcement Officer regarding this STR. The Enforcement Officer has inspected this property and found it to be in compliance.

**NOW THEREFORE BE IT RESOLVED THAT** applicants' request for renewal of their STR permit FOR 6 lodgers is granted for a period of one year from the current date of the expiration date subject to continuing compliance with any and all conditions previously imposed and payment of all appropriate fees.

**MAXIMUM NUMBER OF LODGERS PERMITTED: 6 persons**

**PERMIT REMAINS IN EFFECT UNTIL 6/5/2024 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)**

Seconded by Mr. Ferrini.

**Discussion.** It was noted that applications for renewal that have changes are considered new applications.

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 canceled.

**BOARD DISCUSSION:**

The board discussed the dire need of a town planner given the amount of complex applications received. Need at least contractual planner for now.

Mr. Werner gave an update about the proposed Farm Operation Local Law. The Town Board didn't get the chance to set the public hearing yet.

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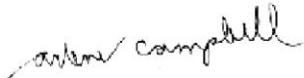
**APPROVAL OF MINUTES:**

Mr. Thomas motioned to approve the minutes of May 2, 2023, seconded by Mr. Dolan , All Aye, Motion carried, 7-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 10:25 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 7-0.

Respectfully Submitted,



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