

**TOWN OF CLINTON
ZONING BOARD OF APPEALS MEETING
FINAL MINUTES
May 25, 2023**

MEMBERS PRESENT

Joseph Malcarne, Chairman

John Calogero
Charles Canham

Ron Mustello
Russel Tompkins
Frank McMahan

ALSO PRESENT

Arlene Campbell, Secretary

MEMBERS ABSENT

Norma Dolan

NO Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chairman Malcarne called the meeting to order at 7:30 pm.

Chairman Malcarne welcomed everyone and asked his colleagues to introduce themselves.

AREA VARIANCE:

Squillante Variance – property owned by Alphonse and Amilia Squillante located 1350 Centre Road, **tax grid 132400-6468-00-508975.**

The 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 on the 1-acre nonconforming lot in the AR3 Zoning District.

The Squillantes both appeared for their application. Ms. Squillante explained that they wish to put a sunroom addition at the rear of their house that doesn't meet the rear setback regulation of 75 feet. She noted that this is a nonconforming flag lot.

Mr. Tompkins read the Planning Board's recommendation dated May 16, 2023 which is positive.

Chairman Malcarne asked the board for questions and comments.

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Mr. Tompkins indicated the 13' x 21' shed in the setback that was installed in 1992 without a building permit. This is approximately 14 feet from the property line.

Chair Malcarne motioned to open the public hearing, seconded by Mr. Canham, all Aye, Motion carried, 6-0.

Debbie and Kevin Fierro, 1338 Centre Road verbalized no objection to the Squillantes' proposal.

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

Chairman Malcarne motioned to close the public hearing, seconded by Mr. Calogero, all Aye, Motion carried, 6-0.

The board passed a resolution, to wit:

Mr. Tompkins motioned to approve the variance, seconded by [Charles Canhamie](#),

Mr. Tompkins motioned that the Town of Clinton Zoning Board of Appeals grant variances to **Alphonse and Amilia Squillante** to decrease the rear yard setback from the required 75 feet as required by section 250 attachment 2 to 66.5 feet for a sunroom addition. For the existing shed on the property variances to decrease the Minimum Lot width requirement as per Section 250 attachment 2 (Area Bulk and Regulations) from 300 feet to 157 feet and decrease the distance of the Front Building Line per section 250-25 B (6) (Rear Lots) from being 50 feet from the point at which the lot achieves the minimum lot width to 14.5 feet. The property address is 1350 Centre Rd. Rhinebeck N.Y, **tax grid 132400-6468-00-508975.**

FACTORS:

1. The property is a rear flag lot that is a 1-acre lot in a AR3 zone which is non-conforming that was established prior to the Town Zoning law.
2. The sun room will be constructed on the rear of the residence.
3. The shed is approximately 13 feet by 21 feet and is approximately 14.5 feet from the front property line.
4. The parcel is not in an Ag district or CEA.
5. The property does not include a wetland.
6. An area variance is a type II action under SEQRA and requires no further action.
7. The benefits would not be possible to achieve in another manner due to the small parcel size.

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8. These variances will not create an undesirable change in the neighborhood character or be a detriment to nearby properties.
9. The requests are substantial.
10. The requests will not have an adverse physical or environmental effect.
11. The difficulty is self-created but that does not preclude the granting of these variances.
12. The site is on a Clinton Scenic/Historic Road and must conform to Local Law #3 of 2001.
13. The Town of Clinton Planning board made a positive recommendation on May 16, 2023.

Condition:

- All fees are paid

Seconded by Mr. Canham,

Discussion. Mr. Calogero commented that he's glad that the applicants are legitimizing the property. This will avoid any future issues if they decide to sell the property.

Mr. Newman suggested including a variance to Sec. 250-25 B-6 (Rear Lots).

All aye, Motion carried, 6-0.

Hudson Hollow Farm LLC on property located at 182-188 Schulz Hill Road, **Tax Grid No. 6368-00-285540.**

The applicant requests the following area variances to Sec. 250-45.C (Conference Center) in order to operate a Conference Center on this parcel.

Sec. 250-45.C-4 Conference Center Setback

- Building Setback reduction from 200' to 175'

Sec. 250-45.C-8 Conference Center Outdoor Event Area Setback

Outdoor Event Area setback reduction from 500' to 300'

Mr. and Mrs. Hart appeared for their application. Mr. Hart explained that they are proposing a conference center on this property. He explained the required area variances as indicated above.

Chairman Malcarne opened questions and comments from the board.

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Mr. Canham noted that this is the very first variance request for the conference center that was before the board after the town adopted the Conference Center/Ag Events Local Law. He sensed that the new provision of the town code was designed due to the number of properties in the town who are holding events without the proper regulation in place. He asked Mr. Calogero about the rationale of this new regulation.

Mr. Calogero concurred with Mr. Canham's assessment. He added that this regulation was designed as a separate law instead of integrating it in the revision of the zoning law in general which was a work in progress when this local law was adopted.

Mr. Canham stated that there's also a controversy about the use of these events in the AR5 and AR3 that are Residential Districts. The Town code allows a variety of commercial uses with special permits in the Residential District. He underscored that it is not uncommon to have commercial activities in the residential district with the proper sanction of a site plan and special permit approval. The town has Ag Event Law, Short Term Rental Law and Conference Center Law which are permitted in the residential districts. He indicated the controversies in the town about these local laws.

Mr. Canham summarized the Planning Board's recommendation that is neutral. It seems that the Planning Board has similar feelings given the neutral recommendation made. He agreed with the Planning Board's determination that this property is in the Scenic and Historic Ridgeline given the 500 feet elevation. He commented that the Planning Board was cautious about setting precedence with respect to lessening the setback requirements which are designed to protect neighbors.

Mr. Canham commented that one way to effect the ordinance is by finding out if there is a violation. He discussed the noise ordinance. The code requires the Ag Events special permit to be reviewed by the Planning Board every year. The Planning Board can then take into account the noise impact and can revoke the special permit.

Mr. Canham indicated the number of correspondences received from the neighboring properties (letters on file). He read some of the letters. Michael and Charmaine Clark who live to the north of Mountain View Road expressed strong concern about noise and strong opposition in allowing this kind of activity in the residential district.

Mr. Calogero said that one of the board's roles is about the ultimate balance i.e. the detriment to the town versus the benefit to the owner. He commented that the board will try to do their best in finding this balance.

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Chair Malcarne motioned to open the public hearing, seconded by Mr. Mustello, all Aye, Motion carried, 6-0.

Carol Hues, 220 Schultz Hill spoke and vocalized her strong opposition. She was totally opposed to everything that goes on to this property. The Harts had not been friendly neighbors though Mr. Hart was a very concerned neighbor when he first moved into the neighborhood. The Harts had never reached out to anybody about what they were trying to build there. They were very unpleasant with the neighbors.

Mike Perella, 168 Schultz Hill Road who lives adjacent to this property, underscored that the intent of the law is to promote health, safety and compatibility with the neighborhood. This Ag Events/conference center has no compatibility with their neighborhood. He bought his land in 2001 and built his house. This was a quiet neighborhood. The Harts moved in and subdivided the property and built a driveway. They built the barn next to his property and said it will be for storage for hay and farm equipment. They built an ancillary apartment for farm workers that turns into full time rentals. He indicated the wedding events on the property including the guests' cars that ended up in his driveway at 10 or 11 pm at night. They had three buses at one time! He can't imagine the scenario once they get approval on this. There's no room for this. They were very sneaky. They never said anything true. He asked, "Who's Hudson Hollow Farm?" Who's behind all of this? He's not sure what's going on here. They put bathrooms in there and a big septic system. He also indicated the police activity on this property. The neighbors are not happy about this. He expressed his strong opposition and said he doesn't want this kind of activity next to his property.

Scott Hues, 160 Schultz Hill who bordered this property towards the back where the barn is, spoke indicating strong opposition to the proposed project. He indicated the weddings, noise and the traffic. It looks like the Dutchess County Fair out there! All kinds of events and functions that have been going on over the years. Not just weddings. Buses coming in, noise late at night. It's completely disruptive! All these happen in the summer months when he is supposed to be enjoying his outdoor time too. He has to put up with this. He noted that this has been going on under different zoning administrations. He pleaded with the board to shut this down. There is a rule to protect the neighbors. This needs enforcement.

Michael Perella spoke again and said that the driveway is 20 feet off his property line and is within 130 feet off his house.

David Martin, 139 Schultz Hill, spoke and said that this property used to be owned by his grandfather. If the Harts want to do farming, that's fine. We don't need a conference center in the Town of Clinton. He lives down the road and he

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can hear it. It's not fair. He indicated the noise and traffic impact to this road. His son is 15 years old and he is worried when his son starts driving. It's not fair! He cited the instance when he visited his 80 years old mother who lives across the road and commented, "It's like having a rock concert out there!" He remarked, "The town should not allow this!"

Scott Hues spoke again and indicated the function at night that goes till midnight. The cars that are lost in his driveway in the middle of the night. This is a quiet neighborhood. We need to enforce the law!

Chair Malcarne asked comments from the board.

Mr. Tompkins stated that he attended the town board meetings and had seen complaints about excessive noise. He agreed with Mr. Calogero that the board's responsibility is balance, i.e. the benefit to the applicant versus the health, welfare and safety to the community. They heard enough from the people who lived by about the negative impact on them. It seems that the proposed project will benefit the applicant but will have a detrimental impact to all the neighbors.

Mr. McMahon echoed Mr. Tompkins comments. He lives on Long Pond Road and built their home 20 years ago. He described the amount of cars that go down this road but can't imagine anybody building a conference center out there within 300 feet of his property with so much activity. It's not just fair to the neighbors. This will destroy the neighborhood. He expressed his sympathy to the applicant about wanting to build the conference center but it can't be done because of the detriment to the neighborhood.

Ms. Hart addressed the above comments. There is no constant activity back there. The barn was built in 2018. During the pandemic, they have a family member who lives there full time. She noted that this was the only time that somebody was living there full time and it was because of the COVID. They had a total of three weddings out there, (two pre-pandemic and one small local one), other noise may have been from two teens and some of their parties. Some parties were political fundraisers. She noted that there were no big weddings. Those have long ended. The idea of constant activity is not what's going on out there.

Ms. Hart responded to the complaint about the school buses that only happened once during the very first time that they had a wedding event for family and friends. They thought using bus transportation was a good idea since it cut down on the traffic. She commented that the idea about constant activity back there is absolutely untrue.

Chair Malcarne asked the applicant what's the intended use and the frequency. How do they envision using a conference center? Ms. Hart responded that there

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are 365 nights a year. The events are limited to warm weather given the unheated structures. They will have no more than 5 big events in a year. Neighbors will all get notified. She hopes that the law can help them utilize the open space. She doesn't know anyone in the town who will not have noise and traffic problems if they have to create a conference center on their property. She hates that this is called a "Conference Center". She apologized about the traffic and noise from the past wedding event that they had. That was the very first wedding event they had. She noted that they know how to handle these issues now. It doesn't mean that there will be no noise or issues. There is a law for amplifying music to stop at a certain time and that will be followed. People played loud music and that's why the law exists.

Mr. Canham noted that the driveways are a little bit confusing. These driveways are under the 200 feet threshold given the driveway to the barn. He asked, "Is there any way to stop the use of the driveway that is next to the neighbor?"

Mr. Hart responded that they put this driveway on the plan as the emergency exit. They thought that it would be helpful to have a secondary driveway. Ms. Hart added that this driveway was used by farmers to the sheep area. This is an old farm road that also leads to the barn. Mr. Hart stated that the driveway goes farther back there.

The board had a lengthy discussion about the driveway. Mr. Canham said that the submitted plan is not a site plan. The driveways need 200 feet separation. He doesn't think that the parking space needs a variance. He commented that if you combine this lot with the one to the east then variance will not be required for the building since 200 feet will be met.

Ms. Campbell noted that the Harts had subdivision approval in the past from 3 to 4 lots.

Mr. Canham indicated the section of the law as stated below.

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.

Mr. Canham said that the law is clear that the building should be 200 feet from the neighboring lot line.

The board reviewed the map and discussed the setbacks. The corner of the building to the Hues' property is 240 feet and 178 to the nearest lot line.

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Mr. Canham indicated the two variances that are being requested. He suggested treating them separately. The first one is about the building setback since it's less than 200 feet from the nearest lot line. The second variance is for the outdoor event area to be 500 feet from the property line not owned by the owner of the conference center. In this case, the applicant seeks 300 feet from the Hues' property.

Sec. 250-45 C-8 - 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.

Mr. Canham felt that the requested variances are substantial. There is a lot of space out there for an outdoor event area that would not require a variance. He noted that there must be some compelling reason to seek a variance. One of the factors in granting a variance is the question about "Is there an alternative method in granting a variance?"

Chair Malcarne summarized the required variances, one for the building and the other variance for the outdoor event. He asked the board to discuss the building setback first. The map states 175 feet for the building setback. This is a 25 feet variance reduction.

Chairman Malcarne solicited comments from the public.

Scott Hues commented that enforcement will be an issue. This will never happen. They will be calling the police all the time. He reiterated the cars that get lost in his driveway. The party goes on until 1 am. The noise is unbelievable. He asked the board which driveway is being proposed. Mr. Hart pointed on the map and said it's the milk barn driveway (192 Schultz Hill).

Mr. Hues indicated the impact of the proposal. The trucks, the caterer, the traffic, noise. This turns out to be party central. He works, pays taxes and comes home to listen to this. He didn't move up here to listen to this.

Carol Hues asked, "What is the Conference Center?"

Mr. Canham read the definition of Conference Center per Sec. 250-105 of the Town of Clinton Zoning Law as stated below.

CONFERENCE CENTER

An establishment for hire as a location for events used for business or professional conferences and seminars, often with rooms for lodging, eating, and recreational activities. Also, an establishment which attracts clients principally for

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recreational or health activities and contains rooms for lodging and eating for its clients.

[Amended 6-8-2021 by L.L. No. 4-2021, effective 6-17-2021]

Mr. Canham commented that this is a very broad definition. It's pretty scary. He underscored that the point here is the Town Board is trying to address the neighbors' concern by allowing the Planning Board to say – "Here's what is allowed. Given the character of the neighborhood, you can't be doing this or this because you have neighbors."

Mr. Canham opined that enforcement has always been the problem with a town. The town does not have full time constables or police officers. One thing that encouraged him about this law is the annual review. There is a Municipal Code Enforcement Inspector who can police this. What the town is trying to do is provide the means to address the neighbor's concerns while still allowing people to use their property.

Mr. Hues remarked that there's over a hundred acres on this parcel. Why does it have to be on top of their land? Everything was piled up by their property lines between the driveway, the outdoor event area, the building, everything!

Mr. Canham responded that the applicant cannot do this without the site plan and special use permit from the Planning Board. There are 26 items requirements that need to be taken into account such as driveway, parking and outdoor event area. He thinks that the outdoor event area will ultimately be moved all the way back to the field where it's away from the neighbors. He added that if the lots were merged and the outdoor event area is moved then they wouldn't need a variance. A Special Use Permit is still required for the use of the Conference Center. He feels that the Planning Board will take this seriously. The public will be given a chance to express comments during the public hearing. Given the annual review of this permit, this special use permit can still be revoked even if it's approved.

Mr. Tompkins commented that they still need a variance for the building setback. The outdoor event area can be moved.

Mr. Canham stated that the building setback will be met if the two lots are merged.

Mr. Perella questioned the access way proposed for emergency exit. He doesn't see in the regulation that emergency exit can still be under the 200 feet threshold. He commented that an emergency exit violates the zoning law.

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Mr. Canham felt that the driveway should be blocked off during the event since they can't have a driveway that doesn't meet the sight distance of 200 feet. It's hard to shut this access down if the farmers use this access.

Mr. Hues noted that there's all kinds of functions going on out there. Not just wedding events. He reiterated his strong opposition about any variances for this type of function. Neighbors need to be protected.

Mr. Canham explained the rationale of variances. Variances are why zoning laws are constitutional. The Supreme court said that you have to be able to grant variances to show that rules are not completely arbitrary.

David Martin stated that the Harts bought this property because of the country nature. He asked the Harts, "Is this your plan the whole time?" Why?

Mr. Martin also commented about the driveway. He said that his mother is affected by this driveway. This is a conference center in the residential neighborhood. It makes him want to not stay here. It would really be sad if the town allowed this.

Chair Malcarne asked if these two variances are integrated. Mr. Canham responded that the reason why he separated these variances is because he believes that they can stand alone.

Mr. Perella commented that the variance that they're seeking can be remedied by themselves. Maybe they don't want to remedy it because it's financially good for them. He added that this variance should not be granted if there is a remedy.

Mr. Mustello asked about the subdivision that was approved in 2017. Mr. Hart explained the subdivision that they created back in 2017. These were three lots nested on each other. Ms. Hart indicated the original layout of the lots. She commented that the original layout didn't make sense to them.

Mr. Mustello asked about the goat farming on this property. Is this current or proposed? Mr. Hart responded that they lease the property to goat farmers since 2015 for all year round. The current ones were there for a year and a half now. The goats grazed their field. They moved around. They have electric fencing.

Mr. Calogero said that the board always tries to find if there are other means in achieving the variance every time they review the application. He needs to get this around his head. A simple lot line adjustment can resolve the building variance.

Mr. Canham commented that the fact that this beautiful field has plenty of space to put an outdoor event outside the setback area is problematic. He had a problem supporting this variance. The fact that the building is more than 200 feet

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from the property line not owned by the applicant, for him, means that the building is far enough from the neighbors. He asked, "Does it mean that the board should force the applicant to do a lot line adjustment or grant a 25 feet variance for the building?" The net result will be the same, they still have to go before the Planning Board to get a special permit.

Chairman Malcarne shared his thoughts about moving the lot line, curve off the corner by the driveway and not eliminate the flag pole to avoid the variance. Mr. Canham opined that it is up to the applicant.

Mr. Mustello asked, "Why are there 4 separate parcels?" Mr. Hart responded that the new layout makes more sense from a value standpoint.

Mr. Tompkins can't see a conference center event area without having a large barn with large doors that open up to an outdoor event area. He agreed that they can move the outdoor event area back there but they need the barn. What happens if it rains?

Mr. Canham said that it is not an ideal area but it is viable. It is a problem to grant an area variance when there is an alternative.

Mr. Canham said that the barn is currently a farm building. He asked Mr. Newman what happens if this barn becomes designated as an indoor event conference center? Is this still going to be a farm building? Mr. Newman responded that the barn becomes an accessory structure. Ag and Markets Law has its own definition of farm building. It's very strict.

The board exchanged opinions about the matter. Mr. Calogero felt more comfortable if the building variance became unnecessary by some sort of adjustment.

The board discussed lot line adjustment. Mr. Newman commented that the action will be more of a lot merger than lot adjustment since the parcels are owned by the same owners.

Chairman Malcarne clarified that it is more of curving off the corner piece to move the lot line.

Mr. Canham commented that he's more worried about these parcels getting subdivided to 5 more parcels. Mr. Hart responded that this is not feasible since there's not enough road frontage.

Mr. Canham said that we're losing large parcels and farms. There are few left. In his mind, even though commercial activity is at odds with the neighbors, there is also the benefit of seeing large parcels rather than having large parcels getting

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subdivided into smaller lots. This parcel has to stay a large parcel to operate a conference center (25 acres).

Mr. Hues remarked that they will most likely have Omega in their backyard if the town approves this.

Mr. Canham said that the town needs to enforce these statutes. They're here for a reason. They cannot deny somebody simply because the town cannot enforce their ordinance.

Mr. Newman commented that enforcement was lacking in the past. It was not done properly. He underscored that there is a protocol that needs to be followed. The town is making good improvements. There is a reason why the conference center needs an annual review. Applicants will be trying hard to abide by the regulation since they will be subject to annual review.

Ms. Hart said that they would never have built the barn there if they originally had the plans to have a conference center on this property. They would have built the barn farther away from everybody. They spent a lot of money doing the subdivision in the past. It's not fair to cast them as Brooklyn Bound LLC who came around. Their kids go to Rhinebeck school. They started as weekenders but decided to stay and live full time here. They are very dedicated to maintaining the rural setting. She understands that there is a limit of what they're doing in terms of number of people, lighting, etc. They spent a lot of money putting up trees for privacy purposes. She underscored that they don't have much activities back there. She indicated the goat yoga on this property when the farmers tried to raise some money. She noted that they did not make a penny out of that event. They allowed the farmers to use that barn to raise some money for their farming.

Ms. Hues said that she doesn't have a problem with the goat yoga or any farm activities back there. She just doesn't want the noise. She commented that the Harts are not reliable people.

Mr. Newman noted that the Planning Board has the responsibility to examine the application and to limit the number of events and people in the conference center. He stated that the Conference Center allows property owners to generate income, maintain large open space and at the same time protect the neighborhood where the property exists. He encouraged the public to trust the Planning Board to do their job in reviewing these applications.

The board agreed to close the public hearing. Chairman Malcarne motioned to close the public hearing, seconded by Mr. Mustello, all Aye, Motion carried, 6-0.

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After a very lengthy discussion, the board issued the resolution in regards to the outdoor event. The following resolution was made in the affirmative motion.

Mr. Canham motions that the Town of Clinton Zoning Board of Appeals grant an area variance to Section 250-45 (C) (8) to Hudson Hollow Farm LLC, reducing the setback requirement for an outdoor event area that is part of a Conference Center from 500 feet to 300 feet on the property located at 188 Shultz Hill Road, Staatsburg, NY 12580, Tax GridNo. 6368-00-285540-00 in an AR5 Zoning District.

Factors:

1. Applicant wishes to establish a Conference Center on this parcel, under Section 250-45 of Town Code. That section of code, effective June 17-2021, has as its intent “to promote health and safety and ensure compatibility with the neighborhood and general area where conference centers are located and to minimize their impact on properties and residents in the Town.” Establishment of a Conference Section requires both site plan and a special use permit approved by the Planning Board. Section 250-45 (C) establishes a list of 26 Regulations to be considered and applied by the Planning Board as part of that process. Those regulations include specific provisions to address issues such as hours of operation and noise, and include an annual review of the special use permit by the Planning Board that includes a written report from the Zoning Administrator regarding the conference center’s compliance with the terms of the special use permit. The Planning Board may amend or revoke the special use permit based upon the findings of its annual review.
2. The applicants request a variance to Section 250-45 (C) (8) to establish an outdoor event area 300 feet from the nearest border of 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. Section 250-45 (C) (8) requires a minimum of 500 feet. The 33 acre parcel on which the proposed conference center will be located is bounded on both the east and west by other parcels (31 and 23 acres, respectively).
3. The requested variance will have no adverse effect on the physical or environmental conditions within the neighborhood, since the proposed outdoor event area will be in an existing open field.
4. The granting of the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties,

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since the operation of the Conference Center will be regulated under the provisions of Section 250-45 (C), with compliance annually reviewed by the Zoning Administrator and the Planning Board.

5. The alleged difficulty is self-created. The requested variance is substantial (40%), but this does not preclude its granting.
6. The proposed location of the outdoor event area is immediately adjacent and to the west of a building that will also be part of the conference center, and so is the most convenient to the proposed use. The field is quite large, however, with existing open areas north of the proposed location that would not require a variance.
7. The property is in the Ridgeline, Scenic and Historic Protection Overlay District, and pursuant to Section 250-15 the application is a Type I action under SEQRA, and will require a full environmental assessment.

Conditions:

1. Since the proposed development is in a Ridgeline, Scenic or Historic Protection District, the application for the special use permit shall meet the standards listed in the General Provisions for that District - Section 250-15 (E) – as determined by the Planning Board, and shall follow the application procedures outlined in Section 250-15 (F), including a SEQRA full environmental assessment form (Parts I, II, and III).
2. All fees are paid

Seconded by Mr. Mustello,

Discussion. Mr. Newman indicated the Planning Board discussion about an event area away or far from the building. He discussed the definitions of the outdoor event and the event area per Sec. 250-105 of the Zoning Law.

Sec. 250-105 Definitions of Town of Clinton Zoning Law defines the following:

OUTDOOR EVENT-An event or a portion of an event that occurs outside a building or structure, including events or portions of events held within tents, gazebos or other non-enclosed structures.

EVENT AREA-The location designated on the approved site plan of an agricultural event venue or conference center that will be used for events,

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including, but not limited to, outdoor areas, parking areas, buildings and structures.

He asked, "Is the event outside the building area only allowed in the outdoor event area?"

Mr. Canham responded that he'll leave this with the Planning Board. The Event area is sort of arbitrary about the use but the language about the outdoor event area on Sec, 250-45 area is very specific that it does not include parking areas and has to be 500 feet away. The town board clearly tries to insulate the neighbors from outdoor events such as noise, etc.

Chair Malcarne opined that these verbiages are two separate and distinct.

Sec. 250-45 C-8- 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.

Vote:

Chairman Joseph Malcarne	<u>Nay</u>	
Charles Canham	<u>Nay</u>	
John Calogero	<u>Nay</u>	
Ronald Mustello	<u>Nay</u>	
Norma Dolan		<u>Absent</u>
Russell Tompkins	<u>Nay</u>	
Frank McMahan	<u>Nay</u>	

All Nay, Motion Failed, 6-0.

The board discussed the second variance. Mr. Canham reiterated that it is problematic to issue a variance when there is an alternative.

Mr. Mustello expressed strong concern about setting precedence.

After all the reviews were made, the board motioned the second variance.

Mr. Canham motioned that the Town of Clinton Zoning Board of Appeals grant an area variance to Section 250-45 (C) (4) to **Hudson Hollow Farm LLC**, reducing the setback requirement for a building or structure that is part of a Conference Center from 200 feet to 175 feet on the property located at 188 Shultz Hill Road, Staatsburg, NY 12580, **Tax Grid No. 6368-00-285540-00** in an AR5 Zoning District.

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Factors:

1. Applicant wishes to establish a Conference Center on this parcel, under Section 250-45 of Town Code. That section of code, effective June 17-2021, has as its intent “to promote health and safety and ensure compatibility with the neighborhood and general area where conference centers are located and to minimize their impact on properties and residents in the Town.” Establishment of a Conference Section requires both site plan and a special use permit approved by the Planning Board. Section 250-45 (C) establishes a list of 26 Regulations to be considered and applied by the Planning Board as part of that process. Those regulations include specific provisions to address issues such as hours of operation and noise, and include an annual review of the special use permit by the Planning Board that includes a written report from the Zoning Administrator regarding the conference center’s compliance with the terms of the special use permit. The Planning Board may amend or revoke the special use permit based upon the findings of its annual review.
2. The applicants request a variance to Section 250-45 (C) (4) so that an existing barn located approximately 175 feet from the nearest border of the parcel can be used as a component of the conference center. The 33 acre parcel on which the proposed conference center will be located is bounded on both the east and west by other parcels (31 and 23 acres, respectively), so the distance to the nearest lot line not owned by the applicant is close to 200 feet.
3. The requested variance will have no adverse effect on the physical or environmental conditions within the neighborhood, since no changes or alterations to the structure are part of the requested variance.
4. The granting of the variance will not produce an undesirable change in the character of the neighborhood or be a detriment to nearby properties, since the operation of the Conference Center will be regulated under the provisions of Section 250-45 (C), with compliance annually reviewed by the Zoning Administrator and the Planning Board.
5. The alleged difficulty is self-created. The requested variance is substantial (12.5%), but this does not preclude its granting.
6. The benefit sought by the applicant cannot be achieved by other feasible means. Moving the building 25 feet would require considerable expense

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and disturbance to the site.

7. The property is in the Ridgeline, Scenic and Historic Protection Overlay District, and pursuant to Section 250-15 the application is a Type I action under SEQRA, and will require a full environmental assessment.

Conditions:

1. Since the proposed development is in a Ridgeline, Scenic or Historic Protection District, the application for the special use permit shall meet the standards listed in the General Provisions for that District - Section 250-15 (E) – as determined by the Planning Board, and shall follow the application procedures outlined in Section 250-15 (F), including a SEQRA full environmental assessment form (Parts I, II, and III).
2. All fees are paid

Seconded by Mr. Calogero,

Discussion. Mr. Canham indicated the lot line procedure.

Mr. Calogero echoed Mr. Mustello’s concern about setting precedence.

Mr. Mustello asked if the driveway is in the Planning Board’s purview. Mr. Canham responded that driveways are the Planning Board’s purview.

Vote:

Chairman Joseph Malcarne	<u>Aye</u>	
Charles Canham		<u>Nay</u>
John Calogero		<u>Nay</u>
Ronald Mustello		<u>Nay</u>
Norma Dolan		<u>Absent</u>
Russell Tompkins		<u>Nay</u>
Frank McMahan		<u>Nay</u>

All Nay but Chairman Malcarne who Aye,

Motion Failed, 1-5

INTERPRETATION:

None

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ADMINISTRATIVE ITEMS:

None

APPROVAL OF MINUTES:

Chairman Malcarne motioned to accept the minutes of March 23, 2023 as amended, seconded by Mr. Calogero, All Aye, Motion carried 6-0.

ADJOURNMENT:

Chairman Malcarne motioned to adjourn the meeting at 9:56 pm, seconded by Mr. Canham, All Aye Motion carried, 6-0.

Respectfully Submitted By:



Arlene A. Campbell
Zoning Board of Appeals Secretary

Cc: Carol Mackin, Town Clerk