

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
June 20, 2023**

MEMBERS PRESENT

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

MEMBERS ABSENT

Secretary – Arlene Campbell

ALSO PRESENT

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chairman Thomas opened the meeting to order at 7:30 pm. He gave his opening remarks about the agenda items. He also indicated the upcoming workshop for Cornerstone Site Plan application on July 10. The next regular PB meeting is scheduled on July 18 given the Independence holiday on July 4th.

Chairman Thomas indicated the new town consultant (town planner) that was approved by the Town Board in reviewing the CECNY project.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Benedick SP for Non-Hosted STR – property owned by Lorenzo Benedick and Suzana Apelbaum located at 77 Camp Drive, **Tax Grid No. 6468-05-130792.**

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.

Dan Sopchak, property manager, appeared for this application. He briefly explained that they were proposing to host 4 lodgers.

Chairman Thomas motioned to open the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

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Mr. Carroll read a letter received from one of the surrounding property owners. Andrew Poulson, 95 Camp Drive expressed strong opposition to short term rentals citing negative impact to the neighborhood and additional traffic to the Camp Drive.

Hearing none, the board closed the public hearing.

Chairman Thomas motioned to close the public hearing, seconded by Mr. Ferrini, all Aye, Motion carried, 5-0.

Taxel Non-Hosted STR – property located at 2422 Salt Point Turnpike, Tax Grid No. **6566-02-585745**.

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

Ms. Taxel along with her property manager appeared for this application. She briefly explained her application as indicated above.

Chairman Thomas motioned to open the public hearing, seconded by Mr. Carroll, all Aye, Motion carried, 5-0.

Hearing none, Chairman Thomas motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

APPLICATIONS:

Benedick SP for Non-Hosted STR – property owned by Lorenzo Benedick and Suzana Apelbaum located at 77 Camp Drive, **Tax Grid No. 6468-05-130792**.

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.

Dan Sopchak, property manager, was back for the conclusion of their application.

The board discussed the issue about the septic. Mr. Carroll stated that the size of the septic tank for this property is 500 gallons per the septic inspection report.

It was agreed at the last meeting that Ms. Campbell was to check with the Department of Health about the approved septic system on record. Per the Department of Health, this property has no info in their database. The minimum size of the septic tank these days is 1,000 gallons for a one, two or three-

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bedroom house, 1,250 gallons for four bedrooms and 1,500 gallons for 5 bedrooms, etc.

Chairman Thomas asked, “How many bedrooms is the house per the Certificate of Occupancy?” Mr. Carroll responded, “Two”.

The board exchanged comments about the matter. Mr. Carroll suggested approving 4 lodgers with 0 daytime guests and a yearly inspection before renewal date. The board agreed.

Chairman Thomas asked if the proposal is to only use the AirBnB platform. Mr. Carroll responded, “Yes”. The applicant did not submit a Hotel Tax Certificate. He suggested including a condition that requires the applicant to submit a Hotel Tax Certificate if they decide to use other rental platforms. The board agreed.

After all the discussions were made, the board passed a resolution.

Mr. Carroll motioned that the Town of Clinton Planning Board approve the following resolution in the matter of **Benedick Non-Hosted STR** on property located at 77 Camp Dr **Tax Grid No. 6468-05-130792**.

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Lorenzo Benedick for the purpose of utilizing a principal residence (the “Dwelling Unit”) located at 77 Camp 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 132400-6468-05-130792 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 septic tank is 500 gallons and 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 Daniel Sopchak 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

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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 June 20, 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

Whereas, the Planning Board has determined that the maximum number of Lodgers allowed shall be 4 adults and the maximum number of daytime visitors permitted on the property shall be 0 persons; and

Whereas, the Planning Board has determined that the Applicant has the appropriate homeowner’s insurance policy in place and that sufficient parking is available for the proposed number of Lodgers; and

Whereas, the Applicant will only use AirBnB to rent his Dwelling Unit and has not procured a Dutchess County Hotel Occupancy Tax Certificate; 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, subject to the following:

1. Due to the small size of the Applicant’s septic tank, Applicant must perform a septic inspection annually and such inspection report must certify that it is functioning adequately for its proposed use as a short-term rental for the estimated amount of days and renters; and

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2. The Dwelling Unit may only be listed as a short term rental on AirBnB, unless Applicant provides a Dutchess County Hotel Occupancy Tax Certificate to the Town and confirms sufficient insurance is in place, in which case this restriction shall no longer apply.

MAXIMUM NUMBER OF LODGERS PERMITTED: 4 adults

PERMIT REMAINS IN EFFECT UNTIL 6/19/2024 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)

RENEWAL APPLICATION DUE BY: 3/19/2024

Seconded by Mr. Ferrini,

Discussion. Mr. Newman asked if the insurance is only AirBnB. Mr. Carroll responded, “No.” The applicant’s insurance is not only through AirBnB.

All aye, motion carried, 5-0.

Taxel Non-Hosted STR – property located at 2422 Salt Point Turnpike, Tax Grid No. **6566-02-585745.**

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

Ms. Taxel and her property manager were back for the conclusion of their application.

Mr. Auspitz commented that this is a pretty straightforward application. This is a 1.2 acre property. The size of the septic tank is 1,000 gallons and is operating satisfactorily. There are no violations on record. There is no Hotel Tax Certificate filed as they are only using the AirBnB platform. Mr. Auspitz suggested approving 6 lodgers.

Mr. Alex asked about the number of daytime guests. Ms. Taxel noted that she wants to keep it small. She doesn’t want to have too many people.

The board agreed to approve 6 lodgers and 0 daytime guests.

After all the discussions were made, the board agreed to pass a resolution.

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Mr. Auspitz motioned that the Town of Clinton Planning Board approves the following resolution in the matter of **Taxel NonHosted AirBnB** on property located at 2422 Salt Point Tpke, **Tax Grid No. 6566-02-585745**.

WHEREAS

1. Applicant Tiffany Taxel seeks a special use permit to operate a Type 2 non-hosted short term rental (“STR”) at her 1.2 acre property located at 2422 Salt Point Tpke in the Town of Clinton (#6566-02-585745).
2. Applicant does not propose any alteration, excavation or construction in connection with the requested permit.
3. Applicant has submitted a septic inspection dated within 90 days of the application stating that the system, with a 1,000 gal. tank, was operating satisfactorily at the time of inspection
4. Applicant will offer rental only through Airbnb and may therefore rely on its insurance policy for renters
5. The Town's Code Enforcement officer has inspected the property and all outstanding violations have been cured
6. Applicant has appointed a property manager based in Poughkeepsie.
7. Applicant proposes to use three bedrooms for the STR and seeks to have no more than 6 lodgers, and no additional day time guests at any one time. There is parking for 5 vehicles.
8. The Planning Board has determined that the proposed action will not have a significant adverse impact on the environment and qualifies as a Type II
9. action under the relevant sections of SEQR. The application was referred to the County Dept. of Planning and the East Clinton Fire Department and no response was received.
10. A public hearing was held on June 20, 2023 and no comments were received.
11. After review, the Planning Board has determined that the application is in compliance with the requirements of 250-69.1 of the Zoning Code.
12. The special use permit shall remain in effect for one year from the date of approval and shall require annual renewal by the Planning Board upon timely request pursuant to 250-69.1D(4). Applicant shall ensure that she complies with the requirements of 250-69.1 and all other applicable laws at all times.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby approves this application for a short term rental for no more than 6 person at any time for a period of one year beginning on the date of this approval and subject to payment of all appropriate fees.

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.

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MAXIMUM NUMBER OF LODGERS PERMITTED: 6

PERMIT EXPIRES ON 6/20/2023 (SEE SECTION 250-69.1D(4) FOR RENEWAL PROCEDURE)

Seconded by Mr. Ferrini,

Discussion. None.

All aye, Motion carried, 5-0.

Mershon Demolition Plan Approval – property located at 259-263 Nine Partners Road, Tax 6468-00-930822.

Applicant proposes to demolish and rebuild the main house built in 1750.

Jacob Angel, Manager of Halton Construction Co. and Sal Triano, engineer from Crossland Engineering were back for this application.

Mr. Ferrini indicated the site visit along with Gerry Thorpe, board member and Cynthia Koch from Clinton Historical Society. As indicated on Mr. Thorpe's comments, Mr. Ferrini stated that it was determined that there isn't anything of historic value that is worth keeping or would warrant restoring. He added that Ms. Koch also spoke with the preservation architect and it was agreed that the way the house was modified over the years took away the historic character of the property. Based on his review of the demolition criteria, Mr. Ferrini said that there is no harm to the character of the surrounding properties or areas.

Chairman Thomas asked about the demolition plan. Mr. Ferrini responded that based on their conversation with the architect, the idea is to retain the original footprints and the general character of the historical building, and to reuse as much of the salvageable parts of the house. As per the previous meeting, Mr. Ferrini indicated the discussion about preservation alternatives.

Mr. Angel noted the letter they submitted about preservation alternatives dated June 19, 2023.

Mr. Ferrini asked if the board needs to do SEQRA. He commented that the regulation is unclear.

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Chairman Thomas responded that the board is only doing a recommendation to the Building Inspector. The house that will be rebuilt is bigger and there is no requirement to do SEQRA to build a house. He doesn't think that the board needs to review the SEQRA but it is up to the board.

The board had a lengthy discussion whether SEQRA is required and agreed to include in the resolution about a verbiage that the Short EAF form was reviewed but no action was taken.

The board passed a resolution, to wit:

Mr. Ferrini motioned on the Application of William and Jan Mershon Irrevocable Grantors Trust for a Permit to Demolish the Main House at 253-269 Nine Partners Road:

Motion for Lead Agency:

With respect to,

Be it Resolved, in the matter of an Application dated May 15, 2023, by the William and Jan Mershon Irrevocable Grantors Trust, being the owner of 253-269 Nine Partners Road, Parcel Number 132400-6468-00-930822, for a permit for the demolition of the main house at the property, the Town of Clinton Planning Board hereby declares itself lead agency for review of the this Type II, unlisted, uncoordinated action. pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617.

Review:

Question 1 – *no*

Question 2 – *no*

Question 3 – *no*

Question 4 – *no*

Question 5 – *no*

Question 6 – *no*

Question 7 – *no*

Question 8 – *no*

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Question 9 – *no*

Question 10 – *no*

Question 11 – *no*

Seconded by Mr. Auspitz, All Aye, Motion carried, 5-0.

Mr. Ferrini motioned that the Town of Clinton Planning Board approves the following resolution in the matter of William and Jan Mershon Irrevocable Grantors Trust for a Permit to Demolish the Main House at 253-269 Nine Partners Road, **Tax Grid No. 6468-00-930822**

Seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

Negative Declaration:

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The **TOWN OF CLINTON PLANNING BOARD**, as an involved agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: In the matter of an Application dated May 15, 2023, by the William and Jan Mershon Irrevocable Grantors Trust, being the owner of 253-269 Nine Partners Road, Parcel Number 132400-6468-00-930822, for a permit for the demolition of the main house at the property.

SEQR Status: Unlisted

Conditioned Negative Declaration: No

Description of Action:

The action is an application from the William and Jan Mershon Irrevocable Grantors Trust, being the owner of 253-269 Nine Partners Road, Parcel Number 132400-6468-00-930822, for a permit for the demolition of the

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main house at the property, located in the Low Density Agricultural (AR3) District. The Planning Board is the lead agency.

Location:

253-269 Nine Partners Road in the Town of Clinton, Dutchess County, New York.

Reasons Supporting This Determination:

1. The proposed demolition would not create a material conflict with any adopted land use plan or zoning regulation, would not result in a change in the use or intensity of land, will not have an impact on any Critical Environmental Area, will not cause an increase in the use of energy, will not affect and public or private water supplies or wastewater treatment utilities, and will not result in any adverse change to natural resources.
2. The proposed demolition would not have any significant effect on traffic on the road.
3. The project would not result in an increase in the local population, and there would be no increase in solid waste production.
4. No access drive, other than the existing driveway, is required. Accordingly, the project is not expected to cause a substantial adverse change in existing ground or surface water quality or quantity.
5. The work would occur in an area that was previously disturbed as part of the construction of the existing house. As a result, the Lead Agency has concluded that the project would not result in the removal or destruction of large quantities of vegetation or fauna, and would not substantially interfere with the movement of any resident or migratory fish or wildlife species. No disturbance to or a substantial adverse effect on any identified significant habitat areas, threatened, or endangered species of animal or plant, the habitat of such a species, or other natural resources has been identified.
6. The project is permitted under the Town Zoning Law subject to obtaining a demolition permit. The proposed activity is consistent with all current development plans and goals as officially approved and adopted, and would not

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result in a substantial change in the use, or intensity of use, of land devoted to agricultural, open space, or recreational use.

7. A review of the historical significance of the site and the building indicates that the demolition will do no harm to the historical character of the surrounding area.

8. The activity is a demolition project that would be of short-term duration and would be consistent with the low-density rural residential character of the area.

9. The proposed action would not result in a major change in the use of either the quantity or type of energy, and will not create a hazard to human health.

For Further Information: Hon. Paul Thomas
Town of Clinton Planning Board
Town Hall
1215 Centre Road
Rhinebeck, New York 12572
Tele: 845-266-5704

THIS NEGATIVE DECLARATION WAS AUTHORIZED AT A MEETING OF THE LEAD AGENCY HELD ON June 20, 2023.

After a lengthy discussion, the board passed a resolution.

Mr. Ferrini motioned the following:

BE IT RESOLVED, THAT THE Town of Clinton approves the application of William and Jan Mershon Irrevocable Grantors Trust for a Permit to Demolish the Main House at 253-269 Nine Partners Road, **Tax Grid No. 6468-00-930822**

WHEREAS:

1. Section 250-93 of the Town of Clinton Zoning Law requires a Permit for the demolition of a building.
2. In an Application dated May 15, 2023, the William and Jan Mershon Irrevocable Grantors Trust, being the owner of 253-269 Nine Partners Road, Parcel Number 132400-6468-00-930822, requested a permit for the demolition of the main house at the property.

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3. The Town of Clinton Planning Board is the lead agency for this unlisted, uncoordinated action. A SEQRA review was conducted and resulted in a negative declaration of significance in accordance with the New York State Environmental Quality Review Act on June 20, 2023.
4. All appropriate fees have been paid.
5. The application has met all of the requirements of Section 250-93, including a narrative indicating why and how the building is to be demolished.
6. A review by the Planning Board and the Clinton Historical Society has determined that there is no historical significance to the building in its current configuration.
7. The Planning Board has reviewed the application with regard to the requirements of Section 250-93 of the Zoning Law and determined that the proposed demolition will not do harm to the character of the surrounding area and buildings.

NOW, THEREFORE BE IT RESOLVED, that the Town of Clinton Planning Board recommends approval of the requested permit and refers the matter to the Building Inspector for further action consistent with the Town Zoning Law.

Seconded by Mr. Auspitz,

Discussion. Jeff said that the PB is approving the demolition plan. Jack suggested just stating PB approves the demolition plan.

All Aye, 5-0.

Corrigan Non-Hosted STR – property owned by **Scott Corrigan and Gilberto Oliveros** located at 73 Long Pond Road **Tax Grid No. 6468-00-230572.**

Applicants seek a Special Permit in order to operate a Non-Hosted Short Term Rental.

Sara Hutchings, property manager appeared for this application and explained that the property owners are full time residents who wish to use the property as short term rentals when the house is not in use. They are seeking 6 lodgers with no guests and will only be doing the AirBnB STR platform.

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Chairman Thomas stated that per the application submitted, the septic tank is satisfactory.

Mr. Dolan motioned to schedule the public hearing on July 18, 2023, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

Mr. Dolan motioned the following resolution, to wit:

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Scott Corrigan and Gilberto Oliveros for the purpose of utilizing a principal residence located at 73 Long Pond 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 132400-6468-00-230572 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; 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 July 18, 2023.

Seconded by Mr. Auspitz,

Discussion. None.

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All Aye, Motion carried, 5-0.

Winnakee Land Trust Subdivision – properties owned by Winnakee Land Trust located at 991-995 N Quaker Lane, **Tax Grid Nos. 6267-03-485178 (Hyde Park) & 6267-00-619164 (Clinton parcel)**

Winnakee Land Trust wishes to alter the lot lines between a 69.096-acre lot (Parcel #444254) and a 90.51-acre lot (Parcel #485178) to create a new 154.17-acre parcel and a 5-acre parcel. Note that no action is proposed on the Clinton parcel.

Chairman Thomas explained the courtesy referral received from the Town of Hyde Park Planning Board. The Town of Hyde Park PB classified this as a Type II action per SEQRA. There is no application before the Clinton PB. Once the Town of Hyde Park approves the subdivision, then this matter can come before the Clinton PB for board approval so that the map can be signed by the Clinton Chair.

No action taken.

OTHER MATTERS:

1. Mr. Werner discussed the proposed Local Law Farm Operations. He also noted that the Town Board set the public hearing date on July 11, 2023.
2. The board agreed to schedule a site visit to Cornerstone property after the workshop.

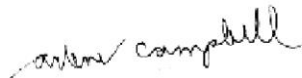
APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Mr. Carroll motioned to adjourn the meeting at 8:50 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 5-0.

Respectfully Submitted,



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