

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

MEMBERS PRESENT

Paul Thomas, Chairman
Jack Auspitz

Gerald Dolan
Justin Carroll
Alex Ferrini
Gerry Thorpe

MEMBERS ABSENT

Tom Bonanno

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chairman Thomas opened the meeting to order at 7:02 pm. He gave his opening remarks about the agenda items. Six Sense Conference Center Special Permit is tentatively scheduled for a workshop on September 19, 2023 at 6 pm right before the regular Planning Board meeting. Chair Thomas also reminded the board members about the mandatory 4-hour training hours that the board members need to complete every year. He asked Ms. Campbell to send the board members the link or info to get on the mailing list about upcoming courses.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Hagopian Non-Hosted Short-Term Rental – 241 Fox Run Road, Tax Grid No. 6366-894141

Applicant seeks Special Permit to do Non-Hosted Short Term Rental pursuant to Sec. 250.69.1 of the Town of Zoning Regulation.

Ms. Hagopian was back before the board for the conclusion of her application. She briefly explained that she wishes to do a short term rental on her 3 bedroom house when not in use. This is a 6.47-acre property in the AR5 Zone District. They also have a home in New York City and wish to rent this home mostly on the weekends during summer. She is asking for 6 overnight and 6 additional daytime guests.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

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

Blaine Burnett, 236 Fox Run Road spoke indicating no objection about the proposal. He stated that they also use Short Term Rentals themselves and see no impact to the community.

There was no communication received from any of the neighboring properties.

Hearing no more comments, Chairman Thomas motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 6-0.

The board discussed the application.

Mr. Ferrini asked if a determination from the Building Inspector about the open item from the previous meeting was received. Ms. Campbell shared the text response from the Building Inspector stating the stairs are in compliance.

The board agreed to issue a resolution.

Chairman Thomas motioned that the Town of Clinton Planning Board approves the following resolution as crafted by Mr. Bonanno in the matter of Hagopian Non-Hosted Short Term Rentals on property located at 241 Fox Run Road, Tax No. 6366-00-894141.

WHEREAS:

1. The Town of Clinton Planning Board has received an application for a special use permit from Rachel Hagopian for 241 Fox Run Road Salt Point, LLC for the purpose of utilizing a principal residence located at 241 Fox Run Road, Salt Point, NY 12578, as a non-hosted short-term rental, pursuant to Section 250-69.1 of the zoning law; and
2. The subject property is identified as tax parcel 132400-6366-00-894141 located in the AR5 zoning district; and
3. A short term form EAF, part 1 has been received; and
4. The applicant has submitted a septic report dated 06/05/2023, stating the existing sewage disposal system is functioning as intended; and
5. The Zoning Administer has inspected the property on 08/01/2023 certifying the application as compliant for the use of the parcel as a

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

non-hosted short term rental within the town of Clinton; and

6. The Building Inspector has inspected the outdoor stairs and determined to be in compliant.
7. All fees have been paid in regards to application; and
8. The Special Use Permit shall remain in effect for one year from the date of approval by the Planning Board and shall require renewal by the Planning Board, upon request by the property owners pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance.

Now, Therefore Be It Resolved, that the Planning Board has determined the proposed project is a Type II action and that no further SEQRA review will be required

Be It Further Resolved that the Planning Board has determined that the maximum number of lodgers allowed shall be six persons and the maximum number of daytime visitors permitted on the property shall be six;

Seconded by Mr. Ferrini,

Discussion. Chairman Thomas asked the board if they wanted to limit the number of daytime guests.

Mr. Auspitz asked the applicant if she anticipated lots of guests. He noted that the board normally limits the number of daytime guests to prevent a large crowd.

Ms. Hagopian responded that the house is big and there is plenty of room, parking spaces and a large outdoor area for 6 guests.

Mr. Carroll said that the board normally limits the number of guests in the case of dense areas and when there are not enough parking spaces.

Ms. Hagopian noted that she requested 6 daytime guests in case the lodgers want to have more guests.

Mr. Thorpe commented that the neighbor doesn't seem to have an issue about Short Term rentals.

All Aye, motion carried, 6-0.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

Dutchess Reserve LLC aka Pumpkin 5 Lot Subdivision (Continuation of public hearing) – property located on Pumpkin Lane, 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 appeared for this application. The property owners were not in attendance.

Chairman Thomas noted that the public hearing has been opened since May of this year. He indicated the back-and-forth communications between the town consultants and the applicant in addressing the town consultant comments. He discussed the procedural process of the subdivision. Public hearing shall be closed within 120 days after it has been opened per Sec. 206-48 D of the Subdivision Regulation. Long Form EAF also needs to be reviewed.

Chairman Thomas motioned to close the public hearing, seconded by Mr. Dolan.

Discussion. Mr. Ferrini asked if there will be another public hearing once this public hearing is closed. Chair Thomas responded that it will be up to the board. The board can open the public hearing if any issues arise.

All aye, motion 6-0.

APPLICATION:

Dutchess Reserve LLC aka Pumpkin 5 Lot Subdivision (Preliminary Approval) – property located on Pumpkin Lane, 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 was back for this application. He made a recap about his comments per his letter dated July 28, 2023 in response to the town consultants' comments. (Refer to 8-01-2023 PB minutes). He also discussed the open items as per the town engineer comments letter dated 8-15-2023. One open item is about the stream that will be the common driveway. This is supposed to be Army Corps of Engineer wetland and appears as Class B

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

stream. Mr. Graminski stated that this needs a wetland permit per the town consultant.

Mr. Graminski stated that the intent is to not disturb the bed and banks. He opined that this normally doesn't involve permitting. He spoke with the environmental consultant and he will forward the plan to the board. He explained that they will use a 3-sided box culvert without disturbing the bed and the banks. He explained the definition of the "bed" and "banks" and noted that he will classify this matter with the DEC.

The board discussed the application.

Chairman Thomas stated that one of the conditions of the preliminary approval that was crafted is about the construction of the common driveway before the applicant can get the final approval. This will be inspected by the town engineer once it is constructed. He commented that if they need the Army Corps of Engineer or DEC permit, then they need to get these permits.

Mr. Graminski stated that there is already an existing crossing there now. Based on his conversation with the highway superintendent, they will need highway approval for the construction of the common driveway.

Chairman Thomas stated that the town attorney needs to review the language of the common driveway agreement. The verbiage of the deed restriction for the preservation areas also needs to be reviewed.

The board discussed easement and enforcement. Mr. Ferrini commented that enforcement should be the deed.

Mr. Auspitz asked about the deed restriction. Why use protected areas instead of dedicating lands to Dutchess Land Conservancy or Winnakee Land Trust? Mr. Graminski responded that the property owners are not interested in holding an easement.

The panel had a lengthy discussion about the matter. Chairman Thomas noted that the draft resolution includes that each lot should be demarcated with markers and signage that is acceptable to the town.

Chairman Thomas asked about the building envelopes. Mr. Graminski responded that they can move forward with the Health Department approval once they get the preliminary approval. They are required to draw one well per the regulation.

The board reviewed the long form EAF and issued a conditional Negative Declaration.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

Chairman Thomas motioned to accept the Negative Declaration as stated below, seconded by Mr. Ferrini, all Aye, Motion carried, 6-0.

**TOWN OF CLINTON PLANNING BOARD
SEQRA RESOLUTION AND CONDITIONAL
NEGATIVE DECLARATION**

Dutchess Reserve Subdivision – 5 Lots
Pumpkin Lane
Owner: Dutchess Reserve LLC
Applicant: Dutchess Reserve LLC

WHEREAS, the Applicant, Dutchess Reserve LLC, submitted an application dated September 22, 2022 to the Planning Board to subdivide a 110.957-acre parcel into five lots, each lot to be developed with a new single-family detached dwelling. Four parcels are to be accessed from a common driveway and one lot (Lot No. 3) will be accessed from a driveway directly from Pumpkin Lane. All four parcels with access from the common driveway will also have frontage onto Pumpkin Lane via “flag lot” configurations. Each lot will include a “Preservation Area” to limit future development and disturbance. Each new dwelling would be served by a septic system and individual well; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Clinton Tax Map as S/B/L 134200-6568-00-017281 and situated in the AR-5 Very Low Density Agricultural Residential Zoning District. Three stormwater management ponds are proposed throughout the development to treat runoff from the common driveway and individual driveways. Two on-site wetlands regulated by the US Army Corps of Engineers are present; one on the northern portion of the site and a second along the site’s southern boundary and not directly adjacent to proposed disturbance; and

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

WHEREAS, the Planning Board declared its intent to serve as Lead Agency for this unlisted action pursuant to Sections 617.6 (2) and (3) of 6 NYCRR 617, and a Notice of Intent was circulated to all involved and various agencies on May 1, 2023, and there being no objection, the Planning Board assumed Lead Agency; and

WHEREAS, a public hearing on the preliminary plat was opened on May 16, 2023, and closed on September 5, 2023, after comments from interested members of the public on all issues were sought and considered by the Planning Board; and

WHEREAS, the Planning Board has reviewed the plan set for Dutchess Reserve LLC prepared by Mark Graminski P.E. L.S. P.C. and last revised July 28, 2023, consisting of the following sheets, which may be further revised to address conditions of approval:

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

Sheet No.	Revision Date	Sheet Name
1 of 15	7-28-23	Existing Conditions Map
2 of 15	7-28-23	Major Subdivision Plat with Preservation Area
3 of 15	7-28-23	Preservation Area Boundary Plan
4 of 15	7-28-23	Site Plan – Lot 1 and 3
5 of 15	7-28-23	Site Plan – Lot 2, 4 and 5
6 of 15	7-28-23	Common & Individual Driveway, Grading, Erosion and Sediment Control Plan
7 of 15	7-28-23	Common & Individual Driveway, Grading, Erosion and Sediment Control Plan
8 of 15	7-28-23	Common & Individual Driveway, Grading, Erosion and Sediment Control Plan
9 of 15	7-28-23	Driveway Profiles
10 of 15	7-28-23	Driveway Profiles
11 of 15	7-28-23	Dutchess County Department of Health Design Calculations
12 of 15	7-28-23	Dutchess County Department of Health Design Calculations
13 of 15	7-28-23	Dutchess County Department of Health Details
14 of 15	7-28-23	Construction Details
15 of 15	7-28-23	Construction Details

WHEREAS, the Planning Board has analyzed the potential areas of environmental concern associated with the proposed action in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 implementing the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Planning Board consequently conditionally finds that the action will not have a significant adverse impact on the environment for the following reasons:

1. **Impact on Land.** The limits of disturbance are set forth on Sheet 3 of 15 of the site plan set. The total disturbance is estimated to be 13.60 acres, approximately 12% of the site.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

Approximately 70 acres of the 110.957 site will be within Preservation Areas to limit future development and disturbance. A Stormwater Pollution Prevention Plan (SWPPP) was prepared by Mark Graminski P.E. L.S. P.C., dated May 16, 2023 and revised July 28, 2023, and determined to be acceptable by the Town Engineer in a letter dated August 15, 2023. No significant adverse impacts associated with land disturbance are anticipated.

2. **Impact on Water.** Two on-site wetlands regulated by the US Army Corps of Engineers are present; one on the northern portion of the site and a second along the site's southern boundary and not directly adjacent to the proposed disturbance. These two wetland areas are also identified on the NYSDEC mapper. The wetland in the northern portion of the site is identified as part of the stream and tributaries to the Upper section of the Little Wappingers Creek (PLW ID 1305-0020) which are Class B streams. According to the fact sheet, the streams in that system are Class B streams. Thus, they are regulated by the NYSDEC, and disturbances require a Protection of Waters permit. The wetland in the southerly portion of the site is identified as part of the Middle section of Wappingers Creek (PWL ID 1305-0014). This stream system had a water quality classification of B(T). Any disturbances will require a Protection of Waters Permit from the NYSDEC. The site is not located within a 100-year floodplain.

A determination by the Planning Board that the action will not have a significant adverse impact on the wetlands must be conditioned on the applicant receiving all permits and approvals from the New York State Department of Environmental Conservation.

3. **Impact on Drainage.** A Stormwater Pollution Prevention Plan (SWPPP) was prepared by Mark Graminski P.E. L.S. P.C., dated May 16, 2023, and revised July 28, 2023, and determined to be acceptable by the Town Engineer in a letter dated August 15, 2023. The SWPPP addresses methods to ensure that potential soil erosion and sedimentation do not occur during construction of the subdivision.

With the measures set forth in the SWPPP in place, no significant adverse impacts to drainage are anticipated.

4. **Impact on Air.** The subdivision will not have any significant adverse impact on air resources.

5. **Impact on Plants, Animals and Wetlands.** The subdivision is not within an area designated as significant natural community and the site does not contain any species of plant or animal that is listed by the federal government or New York State as endangered or threatened, it does not contain any areas identified as habitat for an endangered or threatened species, and it does not contain any species of plant or animal that is listed by New York State as rare, or as a species of special concern. Given the amount of preservation area being reserved on the site (approximately 70 acres), no significant adverse impacts are anticipated.

6. **Impact on Agricultural Use.** The subject property is not located within a NYS-certified agricultural district. The site is located within 500 feet of a working farm in an Agricultural District

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

located to the west of the site but is separated from that farm parcel by an intervening property. As the site is not in agricultural use, no significant adverse impact is anticipated.

7. **Impact on Aesthetic Resources.** Pumpkin Lane has been identified as a Scenic/Historic Road by the Town. The common drive and the driveway for Lot 3 will have access onto Pumpkin Lane; only two new driveways will be accessed from the road. The nearest dwelling will be located approximately 200 feet from the roadway. Also, approximately 70 acres of the 110.957 site will be within Preservation Areas with disturbed areas buffered from adjacent properties and Pumpkin Lane. The proposed disturbances associated with this 5-lot subdivision will not have a significant adverse impact on any scenic resources.

8. **Impact on Historic and Archaeological Resources.** A “Phase IA Literature Search and Sensitivity Assessment and Phase 1B Archeological Field Reconnaissance Survey” was prepared by Hudson Cultural Services, dated June 2023, evaluating the historic and archaeological potential for artifacts to be present within the Area of Potential Effect (APE). The investigation report was transmitted to the NYS Office of Parks, Recreation and Historic Preservation (OPRHP), Division for Historic Preservation. In a letter dated July 27, 2023, the agency noted that no archeological sites were identified by the survey. It was the opinion of OPRHP that no properties, including archeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project. No significant adverse impacts are anticipated.

9. **Impact on Traffic and Transportation.** For the 5-lot subdivision, four parcels are to be accessed from a common driveway accessed from Pumpkin Lane, and one lot (Lot No. 3) will be accessed from a driveway directly from Pumpkin Lane. The dwellings will generate a nominal number of trips during the peak AM and PM peak hours, and no significant adverse traffic impacts are anticipated. The Applicant will obtain approvals from the Town Highway Superintendent for road access.

10. **Noise and Odor.** The subdivision will not generate any significant adverse noise or odors.

11. **Critical Environmental Area.** The proposed project is not located within a Critical Environmental Area. No significant adverse impact will result.

12. **Energy.** The proposed five single-family dwellings are not anticipated to create a significant adverse impact or demand on energy facilities. Dwellings can be furnished with electric, propane, or oil for heating, cooling, and energy use. All telephone, cable, and electric utilities will be installed below ground.

13. **Growth and Character of Community or Neighborhood.** The 5-lot subdivision is proposed to be used for single-family detached dwellings, consistent with the Town’s zoning law. The five lots will range in size from 9.644 acres to 27.024 acres, consistent with the overall pattern

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

of residential parcels in the surrounding area, which has a mix of lot sizes. No significant adverse impact on growth and character is anticipated.

14. **Community Facility and Services.** The proposed project and the construction of five single-family detached dwellings will not have a significant adverse impact on community facilities and services, except for recreational resources – see below.

15. **Environmental Health.** The proposed project will not result in any activities or processes that would impact environmental health. The site has not been identified on any database as one having undergone or requiring environmental remediation. No significant adverse impacts are anticipated.

With regard to utilities, the applicant will obtain permits from the respective agencies for sanitary disposal systems and water supply for on-site wells. The Dutchess County Department of Behavioral and Community Health is requiring that a test well meeting water quality and quantity standards be drilled on Lot 3 prior to final approval by their office. No significant adverse impacts are anticipated.

16. **Recreation.** The proposed 5-lot subdivision will not place a significant demand on the Town’s recreational facilities. As there is insufficient area on the project site to provide a public park to address the demand, the applicant shall provide a fee in lieu of recreational land in accordance with the fee schedule of the Town of Clinton.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Planning Board determines that the action as proposed will not have a significant adverse effect upon the environment as proposed and an environmental impact statement will not be required, subject to the conditions set forth herein.
2. That this resolution shall be deemed a notice of determination of non-significance issued pursuant to 6 NYCRR Part 617 and Article 8 of the Environmental Quality Review Act, and the Planning Board secretary is hereby directed to file and circulate this Notice in accordance with the requirements of Part 617.

Resolution offered by Member Thomas, seconded by Member Ferrini, adopted on a vote of 6 ayes, 0 nays, 0 members abstaining, and 1 member absent.

All Aye, Motion carried, 6-0.

	Roll Call Vote			
Planning Board Member	Aye	Nay	Abstain	Absent

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

Paul Thomas, Chairperson	x			
Jack Auspitz	x			
Tom Bonanno				x
Justin Carrroll	x			
Gerald Dolan	x			
Alex Ferrini	x			
Gerry Thorpe	x			

Dated: September 5, 2023

Contact Person: Arlene A. Campbell
 Planning and Zoning Assistant
 Town of Clinton
 1215 Centre Road, Rhinebeck, NY 12572
 (845) 266-5853 x 115

Discussion. Mr. Thomas stated that one condition is about the DEC approval. These findings might need to be revisited.

Mr. Carroll suggested using the verbiage “No significant adverse impact.” Mr. Ferrini concurred with Mr. Carroll.

Chairman Thomas felt that there is no impact in some cases but agreed with Mr. Carroll's suggestion.

All Aye, Motion carried, 6-0.

The board discussed the draft resolution for the preliminary approval as crafted by NPV Consultant.

Chairman Thomas discussed Condition A #6 of the Preliminary Subdivision Plat approval. He commented that these permits are being approved. Other town permits will be addressed if needed later on.

Mr. Graminski expressed his disagreement about condition #5 in regards to the requirement of DEC permit for the disturbance of the bed and bank. He remarked that this is clearly stated in the DEC requirement. He stated that he will contact the DEC about this matter.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

The board discussed the DEC verbiage about the disturbance of the bed and bank. Mr. Graminski to reach out to DEC about the final say.

After a very lengthy discussion, the board passed another resolution, to wit:

Chairman Thomas motioned to approve the preliminary approval as crafted by the Town Consultant (NPV).

**TOWN OF CLINTON PLANNING BOARD
PRELIMINARY MAJOR SUBDIVISION PLAT APPROVAL RESOLUTION**

Dutchess Reserve Subdivision – 5 Lots
Pumpkin Road
Owner: Dutchess Reserve LLC
Applicant: Dutchess Reserve LLC

WHEREAS, the Applicant, Dutchess Reserve LLC, submitted an application dated September 20, 2022, to the Planning Board to subdivide a 110.957-acre parcel into five lots, each lot to be developed with a new single-family detached dwelling. Four parcels are to be accessed from a common driveway and one lot (Lot No. 3) will be accessed from a driveway directly from Pumpkin Lane. All four parcels will also have frontage onto Pumpkin Lane via “flag lot” configurations. Each lot will include a deeded “Preservation Area” to limit future development and disturbance. Each new dwelling would be served by an on-site septic system and individual well; and

WHEREAS, the lands that are the subject of this application are designated on the Town of Clinton Tax Map as S/B/L 134200-6568-00-017281 and situated in the AR-5 Very Low Density Agricultural Residential Zoning District. Three stormwater management ponds are proposed throughout the development to treat runoff from the dwellings, common driveway and individual driveways. Two on-site wetlands regulated by the US Army Corps of Engineers are present; one on the northern portion of the site and a second along the site’s southern boundary and not directly adjacent to proposed disturbance. As per the NYSDEC Environmental Resource Mapper, a Class B stream is present on the site; and

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

WHEREAS, the Planning Board resolved to conducting coordinated SEQR review pursuant to Sections 617.6 (2) and (3) of 6 NYCRR 617, and a Notice of Intent was circulated to all involved and various agencies on May 1, 2023, and there being no objection, the Planning Board assumed Lead Agency; and

WHEREAS, in accordance with the regulations implementing the NY State Environmental Quality Review Act (“SEQRA”), Part 1 of a Long Environmental Assessment Form (EAF), was submitted and last revised on July 28, 2023. The Planning Board duly considered the record, together with the

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

action, and having analyzed each of the potential areas of environmental concern associated with the subdivision in accordance with procedures set forth at 6 NYCRR Part 617 and the criteria set forth at 6 NYCRR Part 617.7 pursuant to the requirements of the State Environmental Quality Review Act (SEQRA), Article 8 of the Environmental Conservation Law of the State of New York, the Planning Board on September 5, 2023, adopted a Conditional Negative Declaration, finding that approval of the major subdivision would not have a significant adverse impact on the environment for the reasons and upon the conditions stated therein; and

WHEREAS, a public hearing on the preliminary plat was opened on May 16, 2023, and closed on September 5, 2023, after comments from interested members of the public on all issues were sought and considered by the Planning Board; and

WHEREAS, the Planning Board has reviewed the plan set for Dutchess Reserve LLC prepared by Mark Graminski P.E. L.S. P.C. and last revised July 28, 2023, consisting of the following sheets, which may be further revised to address conditions of approval:

Sheet No.	Revision Date	Sheet Name
1 of 15	7-28-23	Existing Conditions Map
2 of 15	7-28-23	Major Subdivision Plat with Preservation Area
3 of 15	7-28-23	Preservation Area Boundary Plan
4 of 15	7-28-23	Site Plan – Lot 1 and 3
5 of 15	7-28-23	Site Plan – Lot 2, 4 and 5
6 of 15	7-28-23	Common & Individual Driveway, Grading, Erosion and Sediment Control Plan
7 of 15	7-28-23	Common & Individual Driveway, Grading, Erosion and Sediment Control Plan
8 of 15	7-28-23	Common & Individual Driveway, Grading, Erosion and Sediment Control Plan
9 of 15	7-28-23	Driveway Profiles
10 of 15	7-28-23	Driveway Profiles
11 of 15	7-28-23	Dutchess County Department of Health Design Calculations
12 of 15	7-28-23	Dutchess County Department of Health Design Calculations
13 of 15	7-28-23	Dutchess County Department of Health Details
14 of 15	7-28-23	Construction Details

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

15 of 15	7-28-23	Construction Details
----------	---------	----------------------

WHEREAS, in a correspondence dated July 27, 2023, the East Clinton Fire Company Fire Chief, Don Estes, noted that, based on his review of the proposed Dutchess Reserve subdivision, he observed no significant obstacles related to emergency response; and

WHEREAS, in a form dated July 29, 2023, the Town of Clinton Superintendent of Highways, Todd Martin, noted that, following inspection of the proposed driveway entrances for the Dutchess Reserve subdivision, he found the plans “Satisfactory”; and

WHEREAS, the applicant has applied for approvals for a Town of Clinton Soil Erosion and Sediment Control Plan, a Town of Clinton Steep Slopes Permit, and a Town of Clinton Freshwater Wetlands Permit, and according to the Town Engineer in a correspondence dated August 15, the standards for these permits have been met for the construction of the common driveway, and the Town Engineer may require further review and approval for these permits prior to Final Plat approval; and

NOW, THEREFORE, BE IT RESOLVED that:

Findings. The Planning Board finds that the Major Subdivision Plan layout would result in a benefit to the Town of Clinton for all the reasons stated herein and in the Conditional Negative Declaration adopted by the Town of Clinton Planning Board.

Preliminary Major Subdivision Approval. The Town of Clinton Planning Board grants preliminary major subdivision plan approval to the Dutchess Reserve subdivision, as shown on a map, last revised July 28, 2023, for the creation of five (5) lots for five new single-family detached dwellings subject to the conditions, limitations and restrictions set forth in Schedule A.

Upon motion of Member Thomas, seconded by Member Auspitz, and the affirmative vote of 6 members, the negative vote of 0 members, the abstention of 0 members, 1 member being absent, the Planning Board approves the 5-lot preliminary major subdivision plan for Dutchess Reserve LLC, subject to the conditions set forth herein.

Planning Board Member	Roll Call Vote			
	Aye	Nay	Abstain	Absent
Paul Thomas, Chairperson	x			
Jack Auspitz	x			
Tom Bonanno				x

**TOWN OF CLINTON
 PLANNING BOARD MEETING
 FINAL MINUTES
 September 5, 2023**

Justin Carrroll	x			
Gerald Dolan	x			
Alex Ferrini	x			
Gerry Thorpe	x			

NOW, THEREFORE, BE IT FURTHER RESOLVED that:

Within six months of the approval of the preliminary plat, the applicant must submit the plat in final form. If the Final Plat is not submitted within six months, approval of the preliminary plat shall be considered to have been revoked by the Planning Board unless a mutual extension has been agreed to in writing by the Planning Board and the applicant. Extensions of six months' duration may be granted, at the end of which, if not renewed, the approval shall be considered to have been revoked by the Planning Board. The Planning Board's grant of an extension is entirely discretionary; it is under no obligation to grant such extension. The Applicant shall be responsible for the payment of any extension fees as may be required by the then existing Fee Schedule of the Town of Clinton.

The Planning Board hereby directs the Secretary of the Planning Board to file a copy of this decision in the office of the Town Clerk and mail a copy of the decision to the applicant, and, as applicable, file and circulate it to the applicant and all involved and interested agencies, pursuant to the requirements of the New York State Town Law.

SCHEDULE A - CONDITIONS OF PRELIMINARY SUBDIVISION PLAT APPROVAL

1. Submission of a Final Subdivision Plat ("Final Plat") in proper form, revised so as to conform to the conditions of approval set forth herein and the requirements of the subdivision regulations and zoning law of the Town of Clinton, and signed by the owner and the duly licensed professional who prepared the plat.
2. The Final Plat shall comply with all requirements of the Zoning Law, the Subdivision Regulations, Town Street and Road Specifications and other applicable laws and regulations, including the area and bulk requirements of the AR-5 Zoning District and as shown on the bulk table of the subdivision plan.
3. Payment of all outstanding application, review, and other fees applicable to review and approval of the preliminary plat.
4. The Final Plat shall be consistent with the Conditional Negative Declaration adopted by the

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

Planning Board on September 5, 2023, and shall incorporate the intent and purpose of the Conditional Negative Declaration. All of the assumptions and requirements of the Conditional Negative Declaration are incorporated in this Resolution as if fully set forth herein.

5. Prior to Final Plat submission, the applicant shall consult with and obtain a Protection of Waters Permit for any work being conducted within 50 feet of the state-regulated streams on the project site, as follows, or provide evidence from the NYSDEC that no such permits are required:

- a. The stream and tributaries to the Upper section of the Little Wappingers Creek (PLW ID 1305-0020) which are Class B streams.
- b. The stream which is identified as part of the Middle section of Wappingers Creek (PWL ID 1305-0014). This stream system had a water quality classification of B(T).

6. The applicant shall satisfy all comments set forth in the CPL letter dated August 15, 2023, prior to approval of the Final Plat, including but not limited to:

- a. Regarding preservation areas, provide markers, the design to be acceptable to Town of Clinton, along the width of the lots, at intersections and 100-foot intervals and install them.
- b. Provide an easement, in a form approved by the Town Attorney, with descriptions for cross lot drainage between Lot 4 and Lot 5.
- c. Provide an easement, in a form approved by the Town Attorney, with descriptions for the drainage pipe from Lot 2 to Lot 3 .
- d. Provide an easement, in a form approved by the Town Attorney, with descriptions for the drainage pipe at the west end of Lot 5 driveway.
- e. Provide maintenance agreements and easements, approved by the Town Attorney, for the common drive and related improvements.
- f. The common drive and all drainage pipes, culverts and stormwater management practices shall be constructed prior to Final Plat approval. A restoration bond in the amount of \$25,000 in a form acceptable to the Town Attorney shall be provided prior to the start of construction. All required ACOE and NYSDEC permits, if any, shall be obtained prior to construction. The applicant shall consult with the Town Engineer regarding the common driveway design and materials prior to construction.
- g. The common drive and related improvements shall be inspected and approved as built by the Town Engineer prior to Final Plat approval.
- h. Detailed design and calculations of the box culvert, stamped and signed by a NYSPE shall be submitted and approved by the Town Engineer prior to construction.
- i. Maintenance easements for all stormwater management practices shall be provided. A note shall be added to Sheet 2 to indicate the regular maintenance required for each practice. A document indicating the responsible party for maintenance of each practice shall be submitted and approved by the Town Attorney.
- j. Proposed deed restrictions relating to the designated Preservation Areas shall be submitted for review and approval by the Town Attorney and Planning Board.
- k. Proposed setback (building) envelopes shall be depicted on the Final Plat when submitted for Planning Board approval.

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
September 5, 2023**

7. The applicant shall receive approval for the following permits prior to Final Plat approval:
- a) Town of Clinton Soil Erosion and Sediment Control Plan,
 - b) Town of Clinton Steep Slopes Permit,
 - c) Town of Clinton Wetland Permit.

Seconded by: Mr. Auspitz,

Discussion: The board discussed the amount of restoration bond. Mr. Auspitz and Mr. Ferrini felt that \$10,000 is too low. The driveway is 2,000 feet long and construction material is item 4 base.

After a lengthy discussion, the board agreed to a \$30,000 restoration bond to be provided before construction of the common driveway.

All aye, motion carried, 6-0.

OTHER MATTERS:

- 1. Mr. Werner discussed the update about the reduction of the speed limit on Salt Point Tpke, they sent an application to the county. He feels that it should be a school zone limit.
- 2. The board had a lengthy discussion about the short term rental regulation.

APPROVAL OF MINUTES:

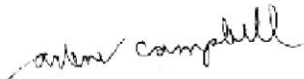
Mr. Dolan motioned to accept the minutes of 8-1-2023, seconded by Mr. Ferrini, all Aye, Motion carried, 6-0.

Mr. Dolan motioned to accept the minutes of 8-15-2023, seconded by Mr. Auspitz, all Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:50 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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