

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

MEMBERS PRESENT

Paul Thomas, Chairman
Jack Auspitz
Tom Bonanno

Justin Carroll
Alex Ferrini
Gerry Thorpe

MEMBERS ABSENT

Gerald Dolan

ALSO PRESENT

Secretary – Arlene Campbell

Eliot Werner, Liaison Officer
Jeff Newman, MCEI

Chair Thomas opened the regular meeting to order at 7:05 pm. He gave his procedural comments during the workshop meeting. Note that the Cornerstone workshop was held at 6 pm earlier tonight.

Minutes are not available for workshops. Video recording of this workshop can be viewed at the town website www.townofclinton.com

This meeting was live streaming on YouTube and on Local TV channel 22.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Clinton Community LLC Non-Hosted STR – property located at 740 Centre Road, **Tax Grid No. 6467-00-159507.**

Applicants wish to operate a Non-Hosted STR on a single dwelling property pursuant to Sec. 250-69.1 of the Town of Clinton Zoning Regulations.

Kathleen Flood, property owner appeared and briefly explained her proposal. They recently purchased a 2-bedroom house property and are looking to operate a Non-Hosted short term rental to supplement the expenses on the house. They are proposing five lodgers.

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

Mr. Speaker, who did not disclose his name, said that he lives next door to this property. This is a tiny house on a small lot with less than an acre. He asked about the details of the proposal and expressed concerns about hunters and people trespassing to his land. He noted that he has horses. He questioned the property lines and asked if there is a survey to this property. He expressed strong opposition to the proposal.

A lady who lives on 745 Centre Road asked if the owners will be living there and host a guest. She asked, "Is this like an AirBnB?"

Ms. Flood responded that they wouldn't be living in this house. They live a couple of miles away. There will be no host. It will be rented as an empty house.

Chair Thomas stated that the applicant will be using the AirBnB platform. In regards to the number of the lodgers, Mr. Thomas noted that the board has to decide on the capacity of the house. There are neighborhood protections in the Town Law governing these things such as noise, disruptions, and complaints. They can file a complaint to the town if there is a problem with the renters. The permit is renewable yearly to re-evaluate the application. One of the things that the board looks at in evaluating the renewal permit is whether there have been any problems or complaints received. He noted that the special permit can be revoked or terminated for non-compliance.

Mr. Speaker who abuts this property spoke and said that he wants the phone number of the property owner in case the renters are blasting fireworks at 2 am.

Mr. Thorpe explained how AirBnB works. If the tenants are behaving badly, they get kicked out of the AirBnB platform. You cannot hunt on a property less than an acre. There is a property manager who oversees the property. There is also an insurance coverage policy in case of liability. In regards to disruptions in the middle of the night, Mr. Thorpe commented that they can call the sheriff or police to file a complaint.

Ms. Flood addressed the concerns of the neighboring properties. This is a two-bedroom house. They bought this property to accommodate their daughter and other family members from California when they come around to visit. They don't have much room in their house to accommodate the whole family. She noted that they have a large family and thought that this is a good opportunity to give them a place to stay when they're in town.

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Ms. Flood indicated that she used to run a bed and breakfast in the 90s where she used to live. Most of her clients were from Omega Institute. She expressed her understanding about the public concerns and told Mr. Speaker that he doesn't have to worry about the hunters. She also indicated her willingness in giving him her contact info.

Chair Thomas asked the applicant if she is also acting as an agent of the short - term rental. Ms. Flood responded, "Yes". She noted that she lives two miles away from this property.

Ms. Campbell indicated one email correspondence received expressing strong concerns and opposition to short term rentals.

The board discussed the public concerns.

Chair Thomas suggested that maybe the applicant can inform her tenants to not navigate the property or be aware of the property lines.

Mr. Ferrini commented that maybe the applicant can let the renters know that there's a lot of land around the house that is not accessible to the lodgers. He indicated the land survey in 2019 about the lot line and recommended that this survey be posted in the house along with a cautionary note about the property lines.

Mr. Carroll asked about the occupancy rate. He asked if the occupancy rate is 30%. He stated that the board can put a cap with respect to the number of nights. He asked the applicant if she's willing to put a cap on the approval. Ms. Flood responded that she hopes that the number of nights won't be capped.

Mr. Speaker commented that he thinks that this house was a one-bedroom house when he first moved up here in the 90s. He indicated the history and the previous owners of the property.

Mr. Ferrini noted that the size of this septic system accommodates the number of bedrooms in this house.

Ms. Campbell noted that this is a two-bedroom house per the town records.

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

The board discussed the number of lodgers. Mr. Ferrini said that he crafted a motion with 4 adult lodgers and 0 daytime guests.

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Mr. Carroll commented that they can have 4 adults plus children. The number of children is not regulated in the short-term regulation. The board agreed.

After a very lengthy discussion, the board passed a resolution.

Mr. Ferrini motioned that the Town of Clinton Planning Board approve the following resolution for a Special Permit for a Non-hosted Short Term Rental as requested by Clinton Community LLC on property located at 740 Centre Road, **Tax Grid No. 6467-00-159507.**

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from Clinton Community LLC for the purpose of utilizing a Dwelling located at 740 Centre Road in the Town of Clinton as a Non-Hosted Short-Term Rental pursuant to Section 250-69.1 of the Zoning Law; and

Whereas, the subject property is identified as tax parcel number 132400-6467-00-159507 and is located in an AR3A 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 Dwelling was adequately functioning for its 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, the applicant has otherwise complied with the requirements of Section 250-69.1.D(2); and

Whereas, all applicable fees have been paid; and

Whereas, the Planning Board conducted a public hearing during its regular meeting on December 5, 2023; and

Whereas, that the Planning Board has received no response concerning the application from the West Clinton Fire District or the Dutchess County Department of Planning and Development:

Now, Therefore Be It Resolved,

1. That the Planning Board has determined the proposed project is a Type II action and that no further SEQRA review will be required; and

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2. 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
3. The Planning Board has determined that the maximum number of Lodgers allowed shall be 4 adults and the maximum number of additional daytime visitors permitted on the property shall be 0 persons;
4. The Planning Board hereby grants approval of the requested Special Use Permit, pursuant to Section 250-69.1 of the Zoning Law, for a maximum number of 4 adult Lodgers and 0 additional daytime visitors, subject to the following **conditions:**
 - a. Rental listings shall be offered exclusively through AirBNB;
 - b. The applicant will post in the Dwelling the survey map submitted with the application, with a cautionary note advising Lodgers to respect the property lines;
 - c. 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;
 - d. the applicant shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while it is being utilized as a Non-Hosted Short-Term Rental and shall otherwise comply with applicable Town, County and New York State law and regulations governing such use.
 - e. All fees are paid.

MAXIMUM NUMBER OF LODGERS PERMITTED: 4

PERMIT REMAINS IN EFFECT UNTIL 12/5/2024 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)

Seconded by Mr. Auspitz,

Discussion. Mr. Ferrini advised the applicant that the renewal application should be submitted within 90 days of the expiry date. He noted that if no complaints are received then the renewal permit should be straight forward.

All Aye, Motion carried, 6-0.

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APPLICATION:

Medical Arts Sanitarium Inc dba Cornerstone of Rhinebeck Site Plan and Special Permit – property located at 73-93 Serenity Hill Road, Tax Grid Nos. 6469-00-531763 and 617725.

Applicant seeks Site Plan and Special Permit retroactive approval for an increase in residential population for its Alternate Care Facility pursuant to Sec. 250-31 B-5 of the Town of Clinton Zoning Law.

Jodi Cross, applicant's legal counsel along with her team, Warren Replansky, legal counsel, Caren LoBrutto, Planner, and Kyle Bardwell all appeared for their application.

Shane Egan, Town Attorney and Elizabeth Axelson, Town Planner were also present for this application.

A workshop focuses in identifying and resolving any open issues was held prior to this regular meeting. There were no minutes of the workshop but a video recording is available for viewing on the town website. Key points of the discussions are screening, landscaping as to increase plantings to the north of the property line and west of the Niagra Mohawk, use and number of calls to Emergency Services and State Police visit to the property, sewage disposal and periodic inspection in compliance with the Department of Health standards, and abandonment of the subdivision that was granted in 1990, agreed as a condition of the approval

Chair Thomas indicated his procedural comments about this application. There will be no public comments at this meeting and the public will have the opportunity to speak at a scheduled public hearing.

Ms. Cross gave an introduction and a recap of the application. She indicated the site visit with the board and noted the substantial submission in September to address the comments from the town consultants. One of the biggest submissions was about updating the EAF report. They also foiled the EMS report to get some data over the years and made a supplemental submission a couple weeks ago to provide the foil document they recently received from the State police.

Chair Thomas indicated that the board has a resolution about the public hearing and lead agency circulation as crafted by the town planner.

The board discussed the public hearing date and interested agencies for the SEQRA circulation as indicated in the following resolution.

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

Town of Clinton Planning Board
Lead Agency Notification, Scheduling and Notification of a Public Hearing,
Referral to Dutchess County Department of Planning, and Waivers
Matter of Medical Arts Sanitarium Inc. dba Cornerstone Real Estate LLC
Special Use Permit and Site Plan Applications

Whereas, the Town of Clinton Planning Board has received applications from Medical Arts Sanitarium Inc. dba Cornerstone of Rhinebeck ("Cornerstone") for Special Use Permit and Site Plan for retroactive approval, pursuant to the Code of the Town of Clinton, Chapter 250 Zoning, section 250-31 (B)(5), of an increase in residential population for its alternate care facility at 73-93 Serenity Hill Road in the Town of Clinton (tax parcel identification numbers 6469-00-531763 and 617725); and

Whereas, the project site is located in the C (Conservation Agricultural Residential) zoning district; and

Whereas, the proposed increase in residential population would not involve any construction; and

Whereas, the Planning Board hereby makes a preliminary determination that the concurrent Special Use Permit and Site Plan approval would be an Unlisted Action under Article 8 of the Environmental Conservation Law, as per the SEQR regulations sections 617.4 and 617.5; and that the Planning Board is the only identified involved agency; and

Whereas, the Planning Board has reviewed the applications for Special Use Permit and Site Plan Approval, the proposed site plan map, the Full Environmental Assessment Form (Full EAF), reports, and other information provided by the applicant and believes that it has the greatest capability for

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providing the most thorough environmental assessment of the proposed action and therefore should serve as the lead agency;

Whereas, the Planning Board had previously held a public hearing session on the applications on April 19, 2022 and the hearing and the review of the applications was stayed as of April 29, 2022 due to an appeal on a matter related to the applications; and

Whereas, the Planning Board has reviewed previously and recently submitted application materials, including site plans, a Full EAF, Full Environmental Assessment Report, and other information;

Now Therefore Be It Resolved, that the Planning Board hereby declares that it will serve as the Lead Agency for review of the Proposed Unlisted action pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617 in an uncoordinated SEQR review; and

Be It Further Resolved, that the Planning Board as Lead Agency will circulate copies of the application for Special Use Permit and Site Plan approval, the Part 1 EAF, and the Site Plan Map to the following interested agencies, for their review and any comments they may offer:

- New York State Department of Environmental Conservation (NYSDEC);
- Dutchess County Department of Planning and Development (DCDP&D);
- Dutchess County Department of Behavioral and Community Health (DCDBCH); and
- East Clinton Fire Department (East Clinton Fire District [ECFD])
- West Clinton Fire Department (East Clinton Fire District [WCFD]); and

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Be It Further Resolved, that the Planning Board hereby schedules a combined public hearing for the concurrent Special Use Permit and Site Plan approval applications for January 16, 2024 and authorizes publication of a notice for the hearing; and

Be It Further Resolved, that the Planning Board hereby makes a referral of the application under General Municipal Law section 239-m to the Dutchess County Department of Planning for review; and

Be It Further Resolved, that the Planning Board, having considered the applications, including the level of detail provided on the recently submitted plans, and the minor and minimal disturbance proposed to remedy existing improvements in previously disturbed areas near and north of the site property line, hereby grants waivers of the following:

- a. the requirement to show and label existing vegetative cover including wooded areas, single large trees (eight or more inches [8"+] in diameter) or clusters of trees; brushy or meadow areas; lawns; and planted medians;
- b. the requirement to show and label the areas of rock outcroppings; and
- c. the requirement to show and label "topography and proposed grading at 2-foot contour intervals, extending 50 feet beyond the property".

Seconded by Mr. Ferrini.

Discussion: Chairman Thomas stated that the public can send written comments if they are not comfortable in speaking at the public hearing. Mr. Carroll added that written comments are extremely helpful.

Ms. Cross asked if they can receive the copies of the public comments so that they can address them. Chair Thomas responded that the board will take legal advice about the matter. Ms. Axelson suggested that there should also have copies available for the public. The board agreed.

Vote:

Paul Thomas, Chairman Aye

Tom Bonanno Aye

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Jack Auspitz	<u>Aye</u>	
Justin Carroll	<u>Aye</u>	
Gerald Dolan		<u>Absent</u>
Alex Ferrini III	<u>Aye</u>	
Gerry Thorpe	<u>Aye</u>	

All Aye, Motion Carried, 6-0.

Kohler and Pham Non-Hosted Short-Term Rental – property located at 1473 Hollow Road, **Tax Grid No. 6566-00-072402.**

Applicants wish to operate a Non-Hosted STR on a single dwelling property pursuant to Sec. 250-69.1 of the Town of Clinton Zoning Regulations.

Allis Pham appeared for their application. This is a three-bedroom house with a basement. They are proposing to operate a non-hosted short-term rental.

Mr. Bonanno stated that all the items on the inspection report are taken care of per the MCEI report. The only item missing is about the \$1M insurance policy per the STR requirement. The insurance policy should have a rider about the short-term rental and the Town of Clinton should be named as additional insured. Ms. Pham noted that her insurance agent is working on this policy right now.

Mr. Bonanno stated that the applicant asks for 6 overnight lodgers and 4 daytime guests. This is a three-bedroom house with a 1,000 gallon septic tank. He indicated the draft resolution that he crafted.

The board discussed the application. Chairman Thomas stated that they will also need the email address and contact info of Adrian Velasquez who is the local contact info.

Mr. Bonanno commented that it seems that Ms. Pham is listed as the secondary property owner. Ms. Campbell said that in the absence of Mr. Kohler, a letter of authorization from Ms. Pham's husband, Mr. Kohler authorizing her to speak on his behalf about the proposal is required.

After all the deliberations were made, the board agreed to set the public hearing on December 19, 2023.

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

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit from **Matthew Kohler and Allis Pham** for the purpose of utilizing a principal residence located at 1473 Hollow 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 132400-6566-00-072402 and is located in the AR5 Zoning District; and

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

Whereas, the applicant does not propose any alteration, excavation or construction on the site in connection with the requested permit; and

Whereas, the applicant has submitted an inspection report, dated within ninety days of the date of the application, stating that the existing sewage disposal system serving the principal dwelling is adequately functioning for the intended use at the time of inspection; and

Whereas, the Zoning Administrator has inspected the property and certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for the use of the parcel as a Non-Hosted Short-Term Rental

within the Town of Clinton, provided the conditions set forth in his inspection report dated November 29, 2023 are met; and

Whereas, all applicable fees have been paid:

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

Be It Further Resolved, that the Planning Board directs that the application and related documents be sent to the following interested agencies: West Clinton Fire District and Dutchess County Department of Planning and Development; and

Be It Further Resolved, that the Planning Board will hold a public hearing on this application at its meeting scheduled for December 19, 2023 subject to the following conditions:

1. Proof of Insurance showing \$1 M coverage and rider for STR
2. Email address for the local contact info.

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3. Letter of authorization from the husband, Matthew Kohler authorizing Ms. Pham to obtain the STR special permit and appear at the board meeting.

Seconded by Mr. Ferrini, all Aye, Motion carried, 6-0.

Discussion. Mr. Bonanno suggested that the inspection report should list an item about a pool to make sure that the pool and pool fence is in compliance with the code. This is a safety issue for the guest.

Chair Thomas applauded the suggestion commenting that this is an excellent idea. The inspection report should indicate whether there is a pool on the premises and whether this is in accordance with the code. The board agreed.

All aye, Motion carried, 6-0.

Marrott and Grimaldi Lot Line Adjustment– property located at 869 Hollow Road and 12 Schoolhouse Road, **Tax Grid Nos. 6467-03-070291 and 077325.**

Applicants wish to do a lot line adjustment in order to sell one acre lot.

Kirk Horton, Land Surveyor appeared on behalf of the property owners. He explained that the Grimaldis have 4 acres of land that is split by the Wappingers Creek. Ms. Grimaldi's house is located to the west of the property. Mr. Marrott is buying an acre of the Grimaldi's lot that is on the east side of the property and attaching it to his existing land.

Chairman Thomas solicited questions and comments from the board.

Mr. Auspitz commented that per the MCEI, the proposal appears to violate the subdivision rule that 75% or more of the property not in the wetlands.

MCEI Newman concurred as per his determination.

Sec. 206-16 – C (Lots) of the Town of Clinton Subdivision regulations states that “Not less than 75% of the minimum lot area within any zoning district must be fulfilled by land which is outside any NYS DEC-designated wetland. Likewise, not less than 75% of the minimum lot area within any zoning district must be fulfilled by land which is outside a FEMA-designated floodplain or Army Corps of Engineers designated wetland.”

Mr. Auspitz commented that this requirement cannot be waived given the violation to Sec. 250-16 C. This will need a variance before the lot line can be approved.

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Mr. Newman stated that both parcels will need a variance. The Grimaldi's land will fall below the 75% threshold for the minimum land not in the wetlands after the lot line. This will increase the nonconforming use of this parcel which is not allowed. The other parcel would also become substandard with the sale.

The board had a lengthy discussion about the application. Mr. Auspitz opined that there is enough information on hand to give a variance recommendation to the Zoning Board of Appeals. The board agreed to pass a recommendation, to wit:

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

WHEREAS:

1. Applicants Lan Gili and Morton Marott, who own 869 Hollow Rd. (6467-03-070291) seek to purchase one acre of land from the adjacent landowner, applicant Christine Grimaldi, of 12 Schoolhouse Rd.(6467-03-077325). The purchase would reduce Grimaldi's 4.3-acre property to 3.3 acres and increase Gili and Marott's property from 1.016 acres to 2.016 acres. They seek a lot line adjustment to facilitate this transaction.

2. The properties are in RH and H zones, where the minimum lot size is one acre. Thus, the size of the proposed lots is acceptable. However, the Zoning Officer points out that proposal appears to violate Section 206-16(C) of the Subdivision of Land Code which requires that at least 75% of the minimum lot area not be in a wetland, either state or federal. Applicants have not shown wetlands in their sketch plan but have asked for a waiver on the ground that the wetlands locations are not necessary to the lot line adjustment since no disturbance is associated with it. Applicants do show floodplain locations which indicate that the Grimaldi lot is below the 75% threshold and, even though it is a permitted pre-existing lot, would become more substandard with the lot line adjustment, which is prohibited. The other lot would also become substandard with the sale.

3. Section 206-16(C) makes no reference to disturbance of the land but deals solely with minimum lot size. To waive the requirement that a sketch plan show wetlands locations would amount to the granting of a variance, which the Planning Board is not empowered to do in connection with a lot line alternation. See Zoning Code Section 250-95(K)(4) Only the Zoning Board of Appeals may grant a variance. Because the proposed lot line adjustment would create or increase two substandard lots, two variances are required.

4. To expedite the process, we believe we have adequate information to

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make a positive recommendation to the ZBA regarding such variances. As applicants point out, no disturbance of land would occur. No building is proposed (and none might be possible). Thus, there would be no undesirable change in the character of the neighborhood. The benefit sought by applicants cannot be achieved by some other means. The variance is not substantial in absolute terms, although it represents a substantial percentage of the properties in question. It will not have an adverse effect on the environment. It is self-created.

NOW THEREFORE BE IT RESOLVED that the Planning Board denies the request to waive the requirement of a plan showing any relevant wetlands and defers action on the request for a lot line adjustment until such time as applicants obtain variances for both lots from the Zoning Board of Appeals. The Planning Board respectfully makes a positive recommendation to the ZBA with respect for such variances.

Seconded by Mr. Ferrini,

Discussion. None

All Aye, Motion carried, 6-0.

Westcott Wetlands Permit – property owned by Carla Wescott, located at 438 Hibernia Road, **Tax Grid No. 6566-00-651080.**

Applicant seeks Wetlands Permit pursuant to Sec. 250-78 of the Town of Clinton Zoning Regulation to construct an addition to an existing house.

Alex Ferrini recused himself and left the room for this application.

Ms. Westcott along with her architect, Kathryn Whitman appeared for this application.

Ms. Whitman explained that they are proposing two additions to an existing house and also do kitchen renovation. This is a two-acre rear lot in the Residential Hamlet Zone District. The existing porch will be removed and converted to a conditioned space and construct a master bathroom, closet space and expand the deck area. They are also proposing another addition towards the front setback. She explained the variance application that they submitted. Since this is a rear lot, Ms. Whitman said that they need a 50-foot setback from the point where the lot reaches a width of 100 feet which is the minimum width for this area. She doesn't think that this proposal will change the character or impact the neighborhood since the proposed action will not be visible from the road. This will also not impact the immediate neighboring house since the proposed

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project will only come out to the house front boundary. She discussed the five factors in granting a variance.

Ms. Whitman opined that they cannot meet their goal without getting these approvals. They want to add the master bathroom on the first floor on the side that is farther from the stream. She discussed the site plan that she submitted showing their proposal and wetlands on the property. She noted that this property is 20-25 feet above the height of the stream so flooding won't be an issue. Given the close proximity of the stream, Ms. Whitman said that they will need a Wetlands Permit.

Chair Thomas asked for questions and comments from the board.

Mr. Carroll stated that per his conversation with the MCEI, the house is already within the setback and the proposed addition will not extend it more into the setback. It's already nonconforming. The proposed action does not need a variance per the MCEI.

In regards to the wetlands permit, Mr. Carroll said that the board needs to declare a lead agency for SEQRA purposes and refer the application to the town engineer.

Chairman Thomas asked if they need approvals from other agencies like the Army Corps of Engineer. Mr. Carroll responded that he doesn't think so.

The board agreed that no other permitting is necessary.

Mr. Carroll motioned the following resolution, to wit:

Resolution of the Planning Board of the Town of Clinton to Declare Lead Agency under SEQRA for Westcott 438 LLC Wetlands Permit
Dated December 5, 2023

WHEREAS, Westcott 438 LLC has applied for wetlands permit in order to build additions and enlarge a deck within a controlled wetlands area and/or buffer zone;

WHEREAS, granting a wetland permit is an "Action" to be reviewed under the State Environmental Quality Review Act and its implementing regulations found at 6 NYCRR Part 617 (collectively referred to herein as "SEQRA"); and

WHEREAS, approval of the wetland permit is an Unlisted action under

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SEQRA;

WHEREAS, the applicant has already submitted materials to and has been in communication with the Town of Clinton Zoning Enforcement Officer regarding this project;

NOW THEREFORE, BE IT RESOLVED, that the Planning Board hereby declares itself lead agency pursuant to SEQRA for the uncoordinated environmental review of the Westcott 438 LLC wetlands permit, subject to applicant paying an escrow amount of \$1,000 for the Town of Clinton engineer.

Materials to be circulated to the following interested parties:

Town of Clinton Conservation Advisory Committee
U.S. Army Corps of Engineers
NYS Department of Environmental Conservation
Town of Clinton Engineer

Seconded by Mr. Auspitz,

Discussion. The board agreed to establish a \$1,000 escrow account.

All aye, Motion carried, 5-0.

OTHER MATTERS:

Mr. Ferrini joined the panel back.

Mr. Werner encouraged the board to submit comments in regards to the Short-Term Rental Regulation. The town is in the process of tweaking or revising the current law.

Mr. Werner and Mr. Newman discussed the Proposed Local Law Farm Operations with the board.

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APPROVAL OF MINUTES:

No Minutes were approved.

ADJOURNMENT:

Mr. Thorpe motioned to adjourn the meeting at 8:35 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Arlene A. Campbell".

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