

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
October 15, 2024**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Secretary – Arlene Campbell

**ALSO PRESENT:**

Jeff Newman, MCEI  
Katherine Mustello, Liaison Officer

Chairman Paul Thomas opened the meeting to order at 7:00 pm. Chair Thomas gave his procedural comments and latest update about the proposed revision in the planning board review process. He also indicated the Proposed Amendment to STR Local Law. The Town Board's public hearing is still open. There will be no meeting on November 5, 2024 in observance of the General Election Day. The next PB meeting is on November 19, 2024.

Chair Thomas recused himself for the first item on the agenda.

Deputy Chair Carroll took the floor.

**VARIANCE APPLICATION:**

**Lindsey Brown Area Variance to change home occupation** to an Accessory structure – property located at 99 Willow Lane, Tax Grid No. 6562-00-193832

The applicant wishes to do home occupation in an existing accessory structure when the regulation allows home occupation in the principal dwelling pursuant to Sec. 250-56.

This property is a 2.3 -acre lot in an AR5 Zoning District. The MCEI made a determination that this request is an area variance.

Ms. Brown said that she is an artist who has a business and sells arts online. Based on her understanding, in order for her to use her barn for her art business, she needs to move the operation of her business from her home to the barn.

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Mr. Ferrini narrated that the applicant is proposing to move the operation of her art business from her principal dwelling to the accessory structure (barn). He asked Ms. Brown if she intended to show and sell arts in the barn. Ms. Brown responded, "Yes."

Ms. Ferrini noted that the Planning Board only makes recommendations to the Zoning Board of Appeals. The board uses the criteria of the variance application in reviewing the application. The Planning Board may make any recommendations it deems appropriate to the ZBA.

Section 250-95E(4) states: "In considering variance applications, the Planning Board shall use the same criteria for evaluating the application as is prescribed herein for the Zoning Board of Appeals, and may recommend any conditions, safeguards or alternatives to the Zoning Board of Appeals as it deems appropriate."

Mr. Ferrini felt that the proposed application is a use variance. He read **Sec. 250.56 (Home Occupation)** which states that "A home occupation shall be conducted entirely within the principal residential structure; use of an accessory structure for other than storage is not permitted." No outdoor storage or displays shall be permitted.

Ms. Brown asked Mr. Ferrini what is the difference between an area and use variance.

Mr. Ferrini responded that there are different criteria in reviewing and approving an area and use variance. An area variance has 5 criteria factors while the use variance has much higher standards to meet like demonstration of unnecessary hardship for the property owner to not be able to use the property as intended.

Mr. Ferrini thinks that the board should first decide whether this is an area or use variance to be able to decide what criteria to use in doing their recommendation to the Zoning Board of Appeals.

Mr. Carroll concurred with Mr. Ferrini about making a determination first before proceeding with the recommendation. He solicited the board's thoughts about the matter.

Mr. Ferrini said that his view of an area variance relates with the dimensionality, setbacks, percentage of uses and building height. Use variance is exactly how it sounds like "whether use is permitted". In this case, it is basically asking about whether the use is permitted in this building or on this property in a way that is not otherwise permitted in the zoning code.

Mr. Carroll added that there is also a 25 percent use of the principal dwelling as a home occupation.

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Ms. Brown remarked that there was no problem getting an electrical permit and calling this barn an art studio when she bought this property.

Mr. Carroll commented that a structure can be a place to house an art collection. This can be a part of the discussion whether -- this can be approved as an art studio or as a home occupation.

Mr. Newman felt that there is a difference to having a private art studio.

Ms. Brown asked, "What is the law trying to achieve?" Mr. Ferrini responded that the law is trying to achieve the goal of not having a commercial business in a residential district. You can have a home business but it has to be in the principal dwelling.

Ms. Brown clarified that she can have an art studio and people can come and buy the arts as long as they are in her house. Mr. Ferrini responded, "That's correct."

Ms. Brown said that she is then requesting to be able to do this in her barn since it is much more appropriate to have the business in the barn, especially when showing arts to customers. She asked, "What's the difference in having a home occupation in the barn?"

Mr. Ferrini responded that the difference is the regulation. When the Town Board crafted the law, the policy makers saw a distinction in doing business in the house versus the accessory structure. The fact is --this is what the statute says. He read the regulation and accentuated "use of an accessory structure other than storage, is not permitted." He added that the Planning Board is not a policy maker, all they can do is take the law as given to them. The Zoning Board of Appeals has the authority to make an exception to that law.

Mr. Carroll said that his guess is the policy maker wants to do the home occupation incidental to the residential use given the impact to the traffic and the residential character of the neighborhood.

Mr. Ferrini said that if the application was about 30% of the principal dwelling use as a home occupation instead of 25%, for him, this is then clearly a request for an area variance. He strongly feels that the law is clear when it says the use of an accessory structure as a home occupation is not permitted.

Mr. Newman cited an instance about an application a year ago about the proposed apartment above the garage which is an attached ADU where he made a determination

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that the request was an area variance instead of a use variance. The Zoning Board of Appeals heard this determination and agreed to his determination after a lengthy discussion.

Mr. Newman said that in this case, since location is a physical designation, and since a Home Occupation is a permitted Use in the AR5 Zoning District, this application is an Area Variance. He noted that location is dimensional so it is an area variance. It deals with the physical requirements of a permitted Use in the AR5 Zoning District. The question is – What is the use? Is that use allowed in the residential district? In this matter, Home occupation is an allowed use in this district. He noted that he stands by his determination that this is an area variance.

Mr. Carroll and Mr. Newman exchanged opinions about the matter. Mr. Newman said that our code does not define “area variance” while a use variance is defined per Sec. 250-98 C-2 as stated below.

Sec. 250-98 C-2 Use variance. A property owner who desires to utilize any land and/or buildings for a use that is not permitted by this chapter within the applicable zoning district may apply for a use variance.

Mr. Carroll commented that home occupation in the accessory building is not permitted as clearly stated per Sec. 250-56. “...use of an accessory structure for other than storage is not permitted”

Mr. Newman remarked, “But the use of home occupation is permitted in that district.”

Mr. Carroll disagreed and re-read the sentence per Sec. 250-98 C-2. Mr. Newman stands by how he read the code, i.e. the home occupation use is allowed in that district so it is an area variance.

Mr. Auspitz suggested deferring the matter to the Zoning Board of Appeals.

Mr. Newman indicated the past case about Stewarts Shop’s request for a change of hours in the Hamlet. The town attorney supported the original determination that it was a use variance because the hours changed the use. The change of hours makes Stewarts Shop a convenience store instead of a grocery store and convenience stores are not allowed in the hamlet. In that instance, Mr. Newman stated that he agreed with the town attorney’s assessment that is a use variance but the ZBA ruled that is an area variance.

Mr. Carroll said that the ZBA spent long hours in determining that variance.

Mr. Bonanno asked, “When does home occupation become a business?” If you’re building something in your home to sell it and people come to your house to buy it,

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versus having a home office in your home.

Mr. Carroll felt that doing his office work in his home does not mean home occupation. That is just bringing your work home.

Ms. Campbell said that samples of home occupation are day care, dog sitting, hair salon, etc.

Mr. Newman stated that home occupation has to result in product or services.

Mr. Ferrini read the definition of Home Occupation per Sec. 250.105 as stated below.

**HOME OCCUPATION** - An occupation or business activity which results in a product or service, conducted entirely within a dwelling unit. A home occupation shall be clearly subordinate to the residential use of the dwelling unit. See § **250-56**, Home occupations.

Mr. Bonanno asked, "Where do you draw the line?" Mr. Newman responded that it comes down to an interpretation or determination of what is allowed.

The board had a lengthy discussion about the proposal.

Mr. Carroll asked the applicant about the details of her proposal. Will there be an impact to the neighborhood like an increase in traffic? Ms. Brown responded that there will be no impact on traffic. The clients can only come by appointment. She added that if she can put all the art works on the wall and sell them online, then it will be much easier for her. If somebody wants to see the work in person, then it will be by appointment.

Mr. Carroll asked, "How often will that happen?" Ms. Brown responded, "Not that often." It will not be a heavy traffic. She also does consultation. This will be just a base for her business.

Mr. Auspitz asked, "Are you offering this business in your house now?" Ms. Brown responded, "Yes." Mr. Auspitz asked again, "How many shows did you have in the last year?" Ms. Brown responded, "None."

Mr. Auspitz asked, "How many guests did you have for your art gallery in the last year?" Ms. Brown responded, "Two in the house."

Mr. Carroll asked, "What about in the barn?" Ms. Brown responded, "None, she said that the barn hasn't been opened in the past year."

Mr. Ferrini commented that he'd remember seeing something like an art circuit maybe in the last 2 years. Ms. Brown responded, "Yes."

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Mr. Newman responded that he had a conversation with Ms. Brown about it that is not allowed. To his knowledge, this has stopped.

Mr. Ferrini asked if she's planning to do it again. Ms. Brown responded that it is up to the board. People have studios in their home and they do something on the weekend. This is common in the Hudson Valley.

Mr. Newman cited an instance about a garden tour.

Mr. Carroll commented that garden tours are something organized for a nonprofit. It is not like, come to my garden and buy something. It's a charity event. It's not like selling something for \$10k.

Ms. Brown said that this is just an opportunity for the people to come in. She is not doing high finance arts.

Mr. Newman explained why he cited the garden tour as an instance. He thought that if Ms. Brown was asked to join an open studio tour in Clinton then Ms. Brown would be able to say yes. Ms. Brown said yes to Mr. Newman.

Mr. Newman clarified that if the art gallery will be just opened to the public then that would be different.

Mr. Ferrini indicated the five factors of an area variance. He feels that there will be an undesirable change in the neighborhood which is an increase in traffic.

Ms. Brown noted that the answers to all these questions/factors are "No". There is hardly any increase in traffic. It's not going to have an impact like she's having a dinner or birthday party. There will be no change on anything. She wants to be able to use the barn building for what she's doing legally.

Mr. Thorpe exclaimed, "The key word is legally".

Mr. Ferrini asked Ms. Brown, "Were there any complaints from the neighbors about art shows, etc?" Ms. Brown responded, "No, there weren't."

Mr. Ferrini itemized and discussed the use variance criteria. In uniqueness, he doesn't think that the proposal is unique. The proposal to hold business in an accessory structure because it is more convenient to use is not uncommon in the town.

Ms. Brown questioned how she got a certificate of occupancy for this building as an art studio if this is the case. Mr. Ferrini responded that there is no definition of art studio in the zoning code. He feels that the distinction is to have an art studio for private use or enjoyment.

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The panel had a lengthy discussion about what an art studio is. Mr. Newman commented that there is a difference between an art studio for private use and for commercial use.

Mr. Auspitz asked if Ms. Brown paid a sculptor? Ms. Brown responded that she is a painter herself.

Mr. Auspitz commented that if Ms. Brown is doing painting for her own use, she can do it in the barn. If she decides to sell it then she has to do it in the house.

The board agreed.

Ms. Brown asked the board to define selling in the house.

Mr. Newman indicated that in the modern era, you will have the creation space in the barn, then you photograph things in the barn but then upload and sell them online, unless your computer is in the house.

Mr. Ferrini said that if no members of the public will ever go in the barn and any customers will just come to the house to get the art sold then he doesn't have a problem with it.

Mr. Newman commented that the barn becomes storage.

Mr. Carroll said that as currently proposed, it's the same thing as having a little arts store in Rhinebeck, there may be 50 arts on the wall and putting a price tag on them. That is what they have on Willow Lane now.

Ms. Brown responded, "No." It's not like she's setting up a little retail shop on Willow Lane."

The panel discussed different scenarios about the matter.

Mr. Carroll cited an instance that if a customer went on the property, made an appointment to come to the site and view the paintings or arts on the wall in the barn, offer to buy them, then he can walk out of there with all these arts that he bought.

Ms. Brown said that her friend can also come over to view the arts then mail her a check for the stuff or go to the house and write the invoice.

Mr. Auspitz stated that the distinction is displaying something for sale, where she can do that. If let's say she sells it online, and the customers come and look at it, then it seems to be for sale in that space. He added that if that space is in the barn then that is prohibited.

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Ms. Brown asked, "What if they are not for sale?" She is an artist and sometimes they come just for a show for that particular artist.

Mr. Auspitz commented that it sounds like the business is mostly online. If the applicant states that the business is purely online and nobody is coming to the property to look at the art then it will solve the issue.

Ms. Brown remarked that she wanted her clients to be able to come to the property.

After a very lengthy discussion, the board agreed to defer the matter to the Zoning Board of Appeals.

Mr. Ferrini motioned that the Town of Clinton Planning Board is making a recommendation to the Zoning Board of Appeals on the requested variance to Section 250 -56 to allow a home occupation to be located in an accessory structure on property owned by Lindsey Brown at 99 Willow Road, **Parcel ID 6567-00-193832**

**WHEREAS:**

1. The Applicant is requesting a variance to conduct her home occupation in a barn already existing on her property.
2. The property is a 2.3 -acre lot in an AR5 Zoning District.
3. The property is not within the Ridgeline, Scenic and Historic Preservation Overlay District.
4. The site is not within a Critical Environmental Area.
5. It is unclear to the Planning Board whether the requested variance is an area variance or a use variance.
6. If an area variance:
  - a. It does not appear that the variance would create an undesirable change in the character of the neighborhood or a detriment to nearby properties in that the applicant states that the use would not intensify, and the structure is existing;
  - b. The variance requested is not substantial, in that it involves to alteration of the existing structure(s) on the property.
  - c. It appears that the benefit sought by the applicant can be achieved by some other method.
  - d. We are unable to determine whether the proposed variance would have an adverse effect or impact on the physical and environmental conditions of the neighborhood.



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- e. The alleged difficulty is self-created (in that the benefit can be achieved by some other method), but should not necessarily preclude the granting of the area variance.
7. We note that the applicant did not apply for a use variance, and thus did not submit information pertinent to a use variance, but, If a use variance:
- a. It does not appear that the applicant can demonstrate an unnecessary hardship;
  - b. The property does not appear to have conditions or features that are not generally applicable throughout the AR5 zoning district;
  - c. It does not appear that the applicant has demonstrated an inability to realize a reasonable return under a permitted use of the property;
  - d. The applicant may be able to prove that the requested modification will not change the character or quality of the neighborhood, in that the change in location of the business may not effect any change, but it is unclear to us as the application does not contain enough information for us to be able to make a recommendation

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board is making a neutral recommendation for the approval of this requested variance to the Clinton Zoning Board of Appeals, partly because we recognize that any area variance may run with the land and not this particular applicant (and, in the event the ZBA is inclined to grant an area variance, we recommend that it expire upon this applicant's transfer of the property).

Seconded by Mr. Bonanno,

**Discussion.** The board discussed the environmental impacts. The barn is existing and already there so there is no adverse impact. With regards to the traffic, the board agreed that it will not be a significant increase.

Mr. Newman added that it is important to note that since the use of home occupation is allowed in the principal dwelling unit then there couldn't be an undesirable change that would result from the area variance since the use is the same.

Mr. Auspitz commented that it's changing the scale of use.

Ms. Brown said that it's not like she's going to have more people since she's doing it in the barn versus the house.

Mr. Auspitz asked Ms. Brown if that is the reason why she wants to do it in the barn – to get more people. Ms. Brown responded, "No, it's not about getting more people". It is about displaying the work in a way that it looks the best. Some of the pieces that she has would look good on a bigger wall that is lit in the barn than having it in the house.

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Mr. Thorpe indicated his struggle between the area and use variance.

Mr. Carroll said that they are deferring this question to the Zoning Board of Appeals.

Mr. Thorpe felt that the recommendation should be negative. The law is clear that the home occupation should be kept in the principal dwelling and not in an accessory structure.

Mr. Bonanno asked if the use runs with the land. Mr. Newman responded, "Yes, unless there is a special restriction put on the variance."

Mr. Bonanno asked, "What if the future owners put a big gallery out there?"

Mr. Newman stated that an area variance runs with the land. It is very common for a use variance to have an expiry date. The use is specific. The board can also put a limitation or be specific to this applicant.

Mr. Newman stated that it is important to note that the applicant only applied for an area variance and thereby did not submit any information pertinent to the use variance.

Ms. Brown questioned why they think this doesn't post unnecessary hardship. Mr. Ferrini responded that unnecessary hardship is defined by 3 criteria namely: uniqueness, reasonable return and character.

Mr. Carroll stated that it also states that the unnecessary hardship cannot be created by the applicant. You can't say I'd rather have that space since it is better for me. It can't be preference. It has to be a matter of a disaster or something. This is self-created. She's the one creating the hardship.

Ms. Brown said that in order to make a living, this should fall into hardship.

Mr. Carroll commented that she bought the land without the right to do this per the code.

Ms. Brown said that she bought this property with the intention of turning that barn into an art studio and she received a c of o for the use of that.

Mr. Carroll and Ms. Brown have a lengthy exchange about an art studio versus the home occupation in an accessory structure. This is just not allowed in the code.

Ms. Brown argued that for her, an art studio is a place where an artist draws and shows her work and if she's lucky, someone buys it.

Mr. Carroll said that the board is just here to read the law. It is up to the Zoning Board of Appeals to rule or make a decision.

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Mr. Ferrini added that per Mr. Newman's comment earlier, there are also building permits that were issued with classifications that are not in line with the zoning code classification. The art studio classification on the building permit issuance does not mean or constitute a variance.

After all the discussions and comments were made, the board unanimously agreed to recommend a neutral recommendation to the Zoning Board of Appeals.

All Aye, Motion carried, 6-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

Chair Thomas joined the panel back for the next item on the agenda. Tom Bonanno recused himself.

**East Clinton Fire District Site Plan Approval for new Fire House – 8 Firehouse Lane, Tax Grid No. 6566-00-523768**

Clinton East Fire District wishes to construct a new fire house.

The intent is to construct a new facility on this 4.3-acre parcel that is almost adjacent to the existing fire house. The new facility will be one story, 5 bay garage, with 3 offices, radio room, bathroom, multi-purpose room and kitchen. The proposed 11,500 square feet facility will have 125 sitting capacity and will be used for training, and functions to help the community. The proposed access is Salt Point Turnpike.

Mr. Bonanno who is one of the commissioners appeared with his architect, Michael McCormack for this application.

Mr. McCormack explained that they are still waiting for the site plan to be finalized from their engineer, Jo Berger. They are hoping that the board declares a lead agency to permit funding for their proposal. They know that the board does not meet on the 1<sup>st</sup> Tuesday of November given the Election Day so they have a timeline issue. He noted that it is not the board's fault in any form but they are hoping to get some resolution from this meeting from a bond point of view. They were told that all they need is for the board to declare lead agency. It is not a SEQRA determination. He added that a Short Form EAF has been provided to the board.

Chair Thomas stated that they were not given enough time to review the latest submission but noted the willingness of the board to work with the applicant about the

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proposal. The town consultants need to review this submission. He thinks that it might need a lot coverage. The MCEI also needs to review whether any variance is required. The town engineer said that this requires a Long Form EAF.

Chair Thomas expressed his bafflement about the requirement that was imposed about the funding. He asked, "Is this just an expression to show the seriousness of doing this project?" He doesn't understand why lead agency resolution is a requirement to get funding.

Mr. Bonanno responded that the process needs to be started. This is the only one that they are looking for right now to get the funding process started.

Mr. Newman commented that it sounds that what their bond counsel is telling them is they need SEQRA to get started and not to get a SEQRA determination.

Chair Thomas indicated his meeting with the town consultants. The town consultant needs to look at it and the agencies need to be identified. They will be in attendance at the next meeting (November 19) to give recommendations and craft a resolution for the board. He also mentioned to the town attorney the intention of the board to declare lead agency at this meeting. The board will not be circulating materials to agencies but will issue a resolution about the intention to declare lead agency at the next meeting. The board can acknowledge the submission to the board, intention to declare lead agency and circulate to the involved and interested agencies at the November 19<sup>th</sup> meeting. He suggested establishing an escrow account. The board needs a site plan. It is still premature to do SEQRA but the board is willing to work with the applicants in regards to their funding.

Mr. McCormack thanked the board for their understanding and helping them with the process.

The board had a lengthy discussion about the language of the resolution, i.e. the intent to initiate the SEQRA process and expect to declare the lead agency at the November 19<sup>th</sup> meeting.

Mr. Ferrini commented that given the property in the Hamlet, it seems that the building coverage is more than 12%, he asked Mr. McCormack if he thinks this will need a variance. Mr. McCormack responded that he will look into it.

The board exchanged opinions whether they can start the process of the SEQRA or wait for the variance. Chair Thomas stated that per the town consultant, the board can issue a resolution about the intent to declare a lead agency but the town consultants will start with their review of the application once received.

The board agreed to establish a \$5,000 escrow account.

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After all the reviews and discussions were made, the board passed a resolution, to wit:

Mr. Ferrini motioned that the Planning Board approves the following resolution:

**Whereas:**

- 1. Applicant has made an initial submission dated October 8, 2024, with an associated Site Plan issued by Liscum McCormack VanVoorhis, LLP, dated October 8, 2024, for review by the Planning Board pursuant to Section 250-96 of the Town of Clinton Zoning Law; and
- 2. The applicant has submitted a Short Form Environmental Assessment Form;

***NOW, THEREFORE, BE IT RESOLVED,*** that the Planning Board hereby:

- 1. Acknowledges its receipt of applicant's initial submissions;
- 2. Refers the applicants' submissions to its consultants Rennia Engineering and Nelson Pope Voorhis LP, for their review and comment;
- 3. Establishes an escrow in the amount of \$5,000 to cover the costs of such review, and for other consultant fees as may be required to review the applicant's submission;
- 4. Declares its intent to classify the action and declare itself lead agency to conduct the review required by the State Environmental Quality Review Act at its next regular meeting on November 19, 2024, subject to its receipt and review of comments from the Board's consultants relating to the application.

Seconded by Mr. Auspitz,

**Discussion.** Chair Thomas commented that all the board is doing is acknowledge the application, set up an escrow and defer the applications to the town consultants. This will also give the MCEI enough time to review the application whether a variance is required.

All Aye Motion carried, 6-0.

**Perry Non Hosted STR** – property owned by Jennifer Perry and Tamal Mannan, located at 406 Mountain View Road, **Tax Grid No. 6369-00-463575.**

Applicants wish to operate Non-Hosted Short Term Rental pursuant to Sec. 250.69.1 of the Town of Clinton Zoning Law.

Mr. Bonanno joined the board for this application.

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Ms. Perry and Mr. Mannan both appeared for this application. Ms. Perry explained that this is a 3-bedroom house and they are hoping to host 6 lodgers with no guests. This will be managed by Red Cottage. They will be the emergency contact since they live locally.

Mr. Newman noted that all the outstanding items were resolved.

The board agreed to schedule a public hearing.

Mr. Auspitz motioned to have the public hearing on November 19, 2024, seconded by Mr. Ferrini, all Aye, Motion carried, 7-0.

**Clinton Community STR Renewal** – property located at 745 Centre Road, **Tax Grid No. 6467-00-159507.**

Applicants wish to renew their special permit to operate Non-Hosted Short Term Rental pursuant to Sec. 250.69.1 of the Town of Clinton Zoning Law.

The applicants were not in attendance for this renewal permit.

Mr. Ferrini indicated the inspection report passed by the MCEI. All the outstanding items on the report were addressed. He recommended approval of the requested permit as stated in the following resolution.

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

**Whereas**, on December 12, 2023, the Town of Clinton Planning Board approved an application for Special Use Permit from Clinton Community LLC for the purpose of utilizing a Dwelling located at 740 Centre Road in the Town of Clinton, tax parcel number 132400-6467-00-15950, as a Non-Hosted Short-Term Rental pursuant to Section 250-69.1 of the Zoning Law; and

Whereas, the Town of Clinton Planning Board has timely received an application to renew that Special Use Permit; and

Whereas, the applicant does not propose any alteration or different conditions from the Planning Board's original approval; 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

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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, no public hearing is necessary on such an application for renewal;

**Now, Therefore Be It Resolved,**

1. The Planning Board hereby grants approval of the requested renewal, on the same terms and conditions as originally approved by the Planning Board.

MAXIMUM NUMBER OF LODGERS PERMITTED:   4  

PERMIT REMAINS IN EFFECT UNTIL 12/5/2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)

Seconded by Mr. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 7-0.

**Aull And Fite Non-Hosted STR Renewal** – property owned by Wes Aull and Fite, located at 62 E. Meadowbrook Lane, Tax Grid No. . **6367-00-501394**.

Applicants wish to renew their special permit to operate Non-Hosted Short Term Rental pursuant to Sec. 250.69.1 of the Town of Clinton Zoning Law.

Applicants were not in attendance for the renewal process.

Mr. Dolan indicated that per the MCEI report, all the outstanding items on the inspection report were resolved.

The board agreed to pass a renewal permit.

Mr. Dolan motioned that the Town of Clinton Planning Board approves the following resolution for a Special Permit renewal application for a Non-hosted Short Term Rental as requested by **Aull and Fite** on property located at 62 E. Meadowbrook Lane, **Tax Grid No. 6367-00-501394**.

Whereas, the Town of Clinton Planning Board has received an application for renewal of a Special Use Permit from Aull and Fite for the purpose of continued use of

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their dwelling located at 62 E. Meadowbrook Lane 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 132400-6267-00-591394 and is located in the AR3A Zoning District; and

Whereas, the Zoning Administrator has inspected the Dwelling Unit on 10/14/24 and certified, after repair of a pool barrier, that it remains in compliance with 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 or complaints on the property; and

Whereas the applicants have provided a Host Liability Insurance certificate dated through November 2, 2025 providing \$1,000,000 liability per Host property; and

Whereas applicant provided a copy of current Dutchess County Hotel Occupancy Tax Certificate, and

Whereas, the Planning Board has determined that the dwelling shall be used as maximum 4 bedroom unit and number of Lodgers allowed shall be 8 and the maximum number of daytime visitors on the property shall be 4;

Whereas, the Special Use Permit renewal 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 to Section 250-69.1D(4) in writing by submitting a Type-2 Non-Hosted Short-Term Rental Renewal Form to the Planning Board at least ninety [90] days prior to such anniversary; and

Whereas, the Dwelling Unit will be utilized as a Non-Hosted Short-Term Rental subject to the following conditions and limitations: Maximum of 90 rental days per year; maximum of 6 off road parking spaces; and

Whereas, the applicants shall ensure that the Dwelling Unit complies with the requirements Section 250-69.1 at all times while it is being utilized as a Non-Hosted Short-Term Rental and shall otherwise comply with applicable Town, County and New York State law and regulations governing such use; and

Whereas, the applicants have provided the name and contact information for a local individual: Emily Reid, that the renters can contact in the event the owners are away from the area.

Whereas, as long as all applicable fees have been paid;

Now Therefore Be It Resolved, that the Planning Board hereby grants approval of the requested Special Use Permit renewal, effective as of the date of this resolution.



**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
October 15, 2024**

MAXIMUM NUMBER OF LODGERS PERMITTED: 8  
PERMIT REMAINS IN EFFECT UNTIL August/15/2025 (SEE SECTION 250-69.1D(4)  
FOR ANNUAL RENEWAL PROCEDURE)

Seconded by Mr. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 7-0.

**OTHER MATTERS:**

**BOARD DISCUSSION:**

1. Ms. Mustello indicated the email from Mr. Dickett, She noted that Mr. Dickett is very, very unhappy. It is a complaint about the nextdoor neighbors' short-term rental.

Mr. Auspitz stated that Ms. Krolak asked to change the fence into vegetation. This will cost more than the fence.

Mr. Newman explained that the original condition was to put up a fence. The first approval stated that she had to put up a fence to block the view to Mr. Dickett's property, then she asked if she could put up part of the fence. This was installed. On the renewal permit process application, Ms. Krolak asked if she could install vegetation instead. The board agreed then she asked again if she can go back with the fence. This was agreed upon. He noted that based on his inspection and given the new 3 sections of the fence, you cannot see Mr. Dickett's house from inside her house but just part of the garage. Mr. Newman noted that he is satisfied with the fencing.

Ms. Mustello asked, so the answer to Mr. Dickett's question is Ms. Krolak has completed the requirements to the satisfaction of the MCEI. Mr. Newman responded, "Yes."

Mr. Carroll noted that the next review of this permit is on the annual renewal.

Mr. Newman commented that based on Mr. Dickett's email, he seems to expect that the fence will completely cover his entire property. He noted that this was never ever agreed upon.

2. The board discussed the proposed Local Law regarding the STR amendment.

3. Ms. Mustello discussed the update about the NRI maps.

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
October 15, 2024**

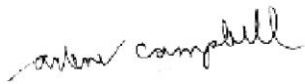
**APPROVAL OF MINUTES:**

Mr. Dolan motioned to approve the minutes of 9-3-2024, seconded by Mr. Thorpe, All Aye, Motion carried, 7-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 9:30 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 7-0.

Respectfully Submitted,

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

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