

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
March 19, 2024**

**MEMBERS PRESENT**

Paul Thomas, Chairman  
Jack Auspitz

Gerald Dolan  
Justin Carroll  
Alex Ferrini  
Gerry Thorpe

**MEMBERS ABSENT**

Tom Bonanno

**ALSO PRESENT**

Secretary – Arlene Campbell

Jeff Newman, MCEI

Chairman Paul Thomas opened the meeting to order at 7 :03 pm. He gave his procedural comments about the agenda items.

**VARIANCE APPLICATION:**

**333 North LLC (Koppelman) Variance Recommendation** - on property located at 146 Seelbach Lane, **Tax Grid No. 6367-00-283793.**

The applicant requests the following area variances in order to construct an inground pool in front of the principal dwelling on a 5.2 acre lot in the AR5 Zoning District.

Sec. 250-74-B Swimming Pools

A private swimming pool shall not be located in any required setback area or in front of the permitted principal use.

Sec. 250-23-A Measurement and Use of Yards

The front yard setback is measured from the nearest point on the centerline of the road or right-of-way. Where the width of the right-of-way is greater than 60 feet, the front yard is measured from the nearest edge of the right-of-way.

Stephen O'brien from Nejame Pools appeared and explained that the property owners are looking to install an inground pool to this newly developed lot. Due to the topography of the lot and location of the septic and well, Mr. O'brien stated that they were forced to locate the installation of the pool in the front yard.

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Mr. Newman stated that this lot is unique given the way the lot curves out.

Mr. Auspitz asked why there are no other areas to locate the pool. Mr. O'Brien responded that the backyard elevation is steep and rocky. The well and the septic system are on the flat side areas of the lot and the other areas of the property are wetlands. In terms of visuals, Mr. O'Brien stated that there will be hedge rows of trees to block views from the road. There will be a patio space between the house and the pool.

Mr. Newman stated that there's also a change of elevation on this property. Mr. O'Brien stated that the elevation from the road to the pool raised to approximately 16 feet. He described the details of the area of the proposed location.

Chairman Thomas commented that this is unusual so this application does not create precedence.

Mr. Auspitz agreed. This is straightforward.

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

**WHEREAS:**

1. Applicant 333 North LLC seeks an area variance to construct an inground swimming pool on its 5.23 acre property in an AR5 zone at 146 Seelbach Lane in the Town of Clinton.(#6367-00-283793)
2. Section 250-74(B) of the zoning code prohibits placing a swimming pool in front of the Principal Use of the property, which in this case is a single family home. The proposed pool would be in front of the home and slightly before the 100' front setback from Seelbach Lane. If the pool were simply an accessory structure, even a large one, it would meet the requirements of 250-22, which allows an accessory structure in front of the principal building if it also meets the required front yard setback. However, Section 74(B) contains no such exemption for swimming pools. Hence, a variance is required.
3. The proposal meets the standards set by 250-98(D) for area variances. It will not produce an undesirable change in the character of the neighborhood. There is no other house in immediate sight of the proposed pool. The pool area will be screened and landscaped and the pool will be high above Seelbach Rd because of the hilly nature of the property.
4. The benefit sought by the applicant cannot be achieved by some other method. In fact, the applicant's principal stated they would have preferred

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- the pool in back of the house but it could not be placed there because of various problems. The application states that due to the topography of the property and location of utilities and septic system, the proposed location is the only reasonable option.
5. The variance sought is substantial because of the amount of land involved but will have no adverse impact on the environmental conditions in the neighborhood. The difficulty is self-created.
  6. Because of the unusual nature and shape of the property, this recommendation is not intended to create a precedent regarding Section 74(B).

***NOW THEREFORE BE IT RESOLVED THAT*** the Planning Board respectfully makes a positive recommendation to the Zoning Board of Appeals with respect to this application for an area variance.

Seconded by Mr. Ferrini,

**Discussion.** Chair Thomas suggested including a verbiage in the resolution stating this application will not set precedence given the configuration of the road.

All Aye, Motion carried, 5-0.

**Ustad and Oyen Area Variance** – property owned by **Mr. Ustad and Ms. Oyen** on property located at 12 4<sup>th</sup> Avenue, **Tax Grid No. 6469-10-284628.**

The applicants request the following area variances in order to construct a deck on a 0.09 acre lot in the C Zone District.

- Sec. 250 Attachment 2 (District of Area and Bulk Regulations)
- Front Yard setback reduction from 100' to 27'
  - Side yard setback reduction from 50' to 13'
  - Side yard setback reduction from 50' to 14'
  - Rear yard setback reduction from 75' to 34'
  - Maximum building coverage from 7% to 27%

Sec. 250-23-D Minimum yards may not be encroached upon construction.

Sec. 250-83-C Non-Conforming Buildings or structures states that “Nothing herein shall prohibit normal repair and maintenance or structural alteration of a nonconforming building, provided such action does not increase or create any new nonconformity. Further, any nonconforming building or structure declared unsafe by the Building Inspector or other

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proper authority may be restored to a proper condition within the time period provided by such authority.

Mr. Ustad, Ms. Oyen and their daughter Lilian all appeared for this application.

Ms. Oyen explained that they want to build an uncovered 11' x 17' deck that will have an exit door to an existing platform and staircase.

Mr. Ustad commented that there was a question about the aerial map showing the building that is on the water. He noted that this is not the case. The proposed area is already covered by a stone patio. He noted that they are proposing the same outline of the patio.

Lilian Oyen added that this proposal also prevents impact to the biodiversity of the area.

Ms. Oyen commented that the parcel access is not accurate.

Chair Thomas said that the board is familiar with this neighborhood. Properties in this area typically need multiple variances due to the small sizes of the lots.

Mr. Newman stated that given the nonconforming lots, the variances are necessary to correct the nonconformity as speedily as possible. Part of the correction is to issue the variances. This situation is typical in this area.

Mr. Ulstad stated that they are proposing a 34' setback to the lake side. He added that they submitted a couple of photos of similar properties that have decks in the neighborhood that are closed to the lake.

The board discussed the increase in building coverage from 7% to 27%. Chair Thomas and Mr. Carroll indicated no objection to the request as this is typical in this area.

The board passed a recommendation.

Mr. Carroll motioned that the Town of Clinton Planning Board is making a positive recommendation to the Zoning Board of Appeals on the requested area

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variances to Sections 250-23, 250-83 and Attachment 2 to permit the addition of an 11' x 17' deck to an existing home within the rear setback as requested by **Margaret Oyen and Ola Ustad** on a 0.09 acre property located at 12 Fourth Avenue in the Town of Clinton NY, **Tax Grid No. 132400-6469-10-284628** in a C Zoning District.

**WHEREAS:**

1. The Applicant is seeking to construct an 11' x 17' deck with additional landing and stairs to an existing home, which is on a nonconforming lot with a current rear yard setback of approximately 45 feet, a side setback of approximately 16 feet and building coverage of approximately 22%.
2. The property is in the Conservation (C) Zoning District, and pursuant to Section 250 Attachment 2 – District of Area and Bulk Regulations, the front yard setback is 100 feet, the side yard setbacks are 50 feet and the rear yard setback is 75 feet.
3. In addition, Section 250-23 states that minimum yards may not be encroached upon for construction and Section 250-83 states that structural alterations may not increase or create any new non-conformity.
4. The applicant has applied for a wetlands permit given the location of the proposed construction is within the wetlands buffer area. If a wetlands permit is granted, the requested change would not present an environmental threat or significant change in the current character of the property.
5. The variances requested would reduce the front setback from 100 feet to 27 feet, the side yard setbacks from 50 feet to 13 and 14 feet, the rear yard setback from 75 feet to 34 feet and increase the maximum building coverage from 7% to 27%. In addition, variances are required for Sections 250-23 and 250-83. Granting the variances would not have a noticeable impact on the building and therefore are not substantial.
6. An undesirable change will not be produced in the character of the neighborhood or be detrimental to nearby properties.
7. The proposed variances should not have an adverse effect or impact on the physical and environmental conditions of the neighborhood.
8. The alleged difficulty may be self-created and/or is due to the limitations of the site topography, but should not necessarily preclude the granting of

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the area variances, considering the negligible impact of the proposed addition to the existing structure.

9.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board is making a positive recommendation for the approval to the Clinton Zoning Board of Appeals for these requested variances.

Seconded by Mr. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 5-0.

**PUBLIC HEARING:**

None

**APPLICATIONS:**

**Ustad and Oyen Wetlands Permit** – property owned by **Mr. Ustad and Ms. Oyen** on property located at 12 4<sup>th</sup> Avenue, **Tax Grid No. 6469-10-284628.**

Applicants request wetlands permit pursuant to Sec. 250-78 in order to construct a 11' x 17' deck that is in the controlled area.

The Ustads and Oyens reiterated their request in addition to the variance application given the proximity of the lake.

Mr. Carroll commented that the board can declare a lead agency at this meeting.

Chair Thomas stated that part of the procedure is to send the application to the town engineer for review. The board needs to set an escrow.

Ms. Oyen questioned the requirement of an escrow account. Chair Thomas explained the process to the applicant. The town engineer needs to review the application as part of the process. They can wait to get their variance before coming back to the board to get the wetlands permit if they are not comfortable in doing the escrow now.

After a very lengthy discussion and given the timeline to construct the deck, the applicant agreed to set up an escrow.

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Mr. Carroll motioned to set up a \$500.00 escrow in the matter of Ustad and Oyen Wetlands Permit, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

Mr. Thorpe joined the panel at 7:20 pm.

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

**Be it Resolved**, that the Town of Clinton Planning Board hereby declares itself lead agency for review of the project pursuant to Sections 617.6(2) and (3) of 6 NYCRR 617, in the matter of **Oyen and Ustad Wetlands Permit Application** on property located at 12 fourth Ave **Tax Grid No. 6469-00-284628** for this unlisted and uncoordinated action.

**WHEREAS**, the applicants have applied for a wetlands permit in order to construct an construct an 11' x 17' deck with additional landing and stairs to an existing home within 100 feet of a watercourse, lake or pond; and

**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 SEQRA;

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Board hereby declares itself lead agency pursuant to SEQRA for the uncoordinated environmental review of the Bon wetlands permit.

Interested Parties:

Clinton Conservation Advisory Committee  
NYS Department of Environmental Conservation

Seconded by Mr. Auspitz,

**Discussion.** None

All Aye. Motion carried, 6-0.

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**Dutchess Reserve 5 Lot Subdivision Preliminary Approval** – property located on Pumpkin Lane, **Tax Grid No. 134200-6568-00-017281**

Applicant requests six month extension of the Preliminary Approval from March 5, 2024 to September 5, 2024.

The applicant was not in attendance at this meeting.

Chairman Thomas indicated that Dutchess Reserve submitted their request in time to extend their preliminary plat approval. He added that the applicant asks for a 6- month extension.

The board agreed to extend the preliminary approval.

Chair Thomas motioned to extend the preliminary approval as stated below:

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RESOLUTION TO EXTEND**

**PRELIMINARY MAJOR SUBDIVISION PLAT APPROVAL**  
Dutchess Reserve Subdivision - 5 Lots Pumpkin Lane  
Owner: Dutchess Reserve LLC  
Applicant: Dutchess Reserve LLC

**WHEREAS**, on September 5, 2023, by written resolution entitled, “Preliminary Major Subdivision Plat Approval Resolution” (the “Resolution”), the Planning Board granted the applicant, Dutchess Reserve LLC (the “Applicant”), conditional preliminary plat approval to subdivide a 110.957-acre parcel into five lots, each lot to be developed with a new single family detached dwelling (the “Subdivision”); and

**WHEREAS**, pursuant to Section 206-12A of the Subdivision Regulations, “[t]he final plat, including supplementary documents, shall be filed with the Clerk to the Planning Board within six months after approval, with or without modifications, of the preliminary plat, unless such time is extended by written mutual consent of the applicant and the Planning Board”;

**WHEREAS**, the Applicant submitted a proposed Final Plat to the Clerk of the Planning Board on February 19, 2024, within six months of the Preliminary Plat approval granted on September 5, 2023, and the Planning Board reviewed the proposed Final Plat at its regular meeting on March 5, 2024;



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**WHEREAS**, the Applicant further requested approval for filing the subdivision in sections pursuant to Section 206-12G and the submission requirements and other details relating to the request are under discussion by the Applicant's representatives, the Planning Board's Engineer and the Town Attorney, which discussions may necessitate revisions to the Final Plat as submitted;

**WHEREAS**, the Applicant has accordingly requested a six month extension to submit a revised Final Plat from March 5, 2024 to September 5, 2024;

**NOW THEREFORE BE IT RESOLVED**, that the Planning Board grants the requested six month extension to submit a Final Plat, which extension shall expire on September 5, 2024.

Seconded by Mr. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 6-0.

**Morse 2 Lot subdivision** (Preliminary Approval) – property located at 610 Hollow Road, Tax Grid No. 6366-00-442907

Applicants wish to subdivide an 18-acre lot into 2 residential lots.

Parcel 1 - 5.07 acres and Parcel 2 – 13.45 acres

Richard Morse was back for his application.

Mr. Dolan made a recap of this application. An Area variance and Sketch Plan were issued. He commented that the only remaining item is about the small parcel in regards to the septic system.

Mr. Morse indicated the condition of the Sketch Plan approval apropos Parcel 1. He doesn't think that this requirement is correct since this is a 5-acre subdivision. He opined that he doesn't need a septic plan though he needs proof that a septic system can be installed in there. He indicated the letter from his engineer dated December 18, 2023 stating that a septic system can be put in this lot. He underscored that this issue has been satisfied.

The panel had a lengthy discussion about the matter. Mr. Dolan commented that there is a specific verbiage for this matter in the regulation.

Mr. Ferrini read the letter from the engineer stating "It can support a property site system but needs to do further evaluation for residential use".

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Mr. Morse remarked that there is another letter after that letter.

Chair Thomas read the latest letter from the engineer stating “There is sufficient area located to the rear...”. He commented that this letter is a little ambiguous.

The board discussed the waiver. Mr. Morse doesn’t think that he needs a waiver as long as the engineer puts in the letter that a septic system can be installed in this parcel. This is noted on the Dec. 18, 2023 letter. The condition to the sketch plan approval needs to be removed.

Mr. Dolan agreed and noted that the applicant submitted a completed application.

Chair Thomas commented that the scale of the map needs to be 1 inch = 50. He asked the applicant if he is requesting a waiver for this requirement.

The applicant agreed to submit a letter of request waiver.

Chair Thomas stated that in addition to the nonreality subdivision a note on the map per Sec. 206-20 A-2 stating “verification by the applicant's engineer that there is sufficient area on each lot where on-site water supply and sewage disposal facilities can be located”.

**Sec. 206-20 A-2 Private and Public Utilities** - Under Articles 16 and 19 of the Dutchess County Sanitary Code, lots not requiring approval by the Health Department as part of subdivision approval still require approval prior to construction. As a condition for subdivision approval the Planning Board requires a signature on the plat by the Health Department advising: (1) of Health Department approval or nonapproval, or (2) that the subdivision does not require Health Department approval since applicable Health Department permit requirements must be met prior to the issuance of a building permit by the Town of Clinton; a note shall also include verification by the applicant's engineer that there is sufficient area on each lot where on-site water supply and sewage disposal facilities can be located.

Chair Thomas stated that per the regulation, this note should be on the map. Mr. Morse agreed.

Mr. Newman commented that Sec. 206-53 D-6 should also be added on the map.

**Sec. 206-53 D-6 states that** “To the extent required by the Public Health Law and the Dutchess County Sanitary Code, endorsement and approval by the Dutchess County Health Department for the plans for all water supply and

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sewage disposal facilities shown on the final plat. If Dutchess County Health Department approval is not required, certification by the applicant's licensed professional engineer that an approvable individual sewage disposal system location exists on each of the proposed lots and that it is likely that a suitable individual on-site water supply may also be developed on each of the proposed lots (such certification by the applicant's engineer shall be noted on the final plat).

Mr. Dolan stated that the board needs to do lead agency declaration and set a public hearing at this meeting.

The board agreed to declare lead agency for SEQRA purposes.

Mr. Dolan motioned that the Planning Board designated itself lead agency in the matter of Morse 2 lot subdivision on property located at 610 Hollow Road, Tax Grid No. 6366-00-442907 for this unlisted and uncoordinated action with interested parties being NYSDOT, Dutchess County Department of Health and West Clinton Fire District.

Be it Resolved that the Board approved a motion scheduling a public hearing on this matter for the April 2, 2024 meeting

Seconded by Mr. Ferrini,

**Discussion.** None.

All Aye, Motion carried, 6-0.

**Alberini & Celis Non-Hosted Short-Term Rental Renewal** – 296 Lake Dr. Tax Grid No. 6469-00-265074

Applicants wish to renew the Special Permit to do Non-Hosted Short Term Rental that was approved in 2023. Alberni STR Renewal.

Mr. Carroll said that there is no local contact person for this short-term rental. The property owner wants to be contacted first in case of emergency.

Mr. Newman noted that he was able to ask the applicant to provide contact info of their property manager which is local.

The board passed a resolution.

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

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**Whereas**, the Town of Clinton Planning Board has received an application to renew a Special Use Permit from Francisco Alberini and Cristina Celis Alberini for the purpose of utilizing a principal residence (“Dwelling Unit”) located at 296 Lake Drive 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 6469-00-265074 and is located in the C Zoning District was previously issued a Special Use Permit for an STR on April 18, 2023; and

**Whereas**, the applicant’s application for renewal of the Special Use Permit was received on February 26, 2024, and the applicant does not propose any permit changes with respect to the Dwelling Unit or use as an STR; and

**Whereas**, the Zoning Administrator has inspected the Dwelling Unit and certified that, except as set forth below as a condition of approval, it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as a Non-Hosted Short-Term Rental and that there are no known zoning violations on the property and that no complaints have been received regarding the property’s use as an STR; and

**Whereas**, the applicants shall rent only through AirBnB and are therefore covered under the AirBnB insurance policy;

**Whereas**, the Applicant has provided the name, address and phone number of a local contact person;

**Whereas**, after review of the renewal application and all other submissions by the applicant, the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

**Whereas**, this Special Use Permit shall remain in effect for one year from the date of the expiration of the prior permit and shall require annual renewal by the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

**Whereas**, the applicant shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while 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**, all applicable fees have been paid:

**Now Therefore Be It Resolved**, that the Planning Board hereby grants renewal of the requested Special Use Permit, effective as of the date of the expiration of the prior STR permit, April 17, 2024, provided that the applicants may only rent the Dwelling Unit through AirBnB.

**MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults**

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**MAXIMUM NUMBER OF DAYTIME VISITORS PERMITTED: 6**

**PERMIT REMAINS IN EFFECT UNTIL April 17, 2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)**

**RENEWAL APPLICATION IS DUE ON OR BEFORE January 17, 2025**

Seconded by Mr. Thorpe,

**Discussion.** None.

All Aye, Motion carried, 6-0.

**Salstein and Yee Non-Hosted Short-Term Rental Renewal** – property located at 505 Browning Road Tax Grid No. 6367-00-924117.

Applicants wish to renew the Special Permit to do Non-Hosted Short Term Rental that was approved in 2023.

The property owners were not in attendance of this renewal.

Chair Thomas motioned to renew the above application.

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

**Whereas**, the Town of Clinton Planning Board has received an application to renew a Special Use Permit from Lisa Salstein and Michael Yee for the purpose of utilizing a principal residence (“Dwelling Unit”) located at 505 Browning Road 296 Lake Drive in the Town of Clinton as a Non-Hosted Short-erm Rental pursuant to Section 250-69.1 of the Zoning Law; and

**Whereas**, the subject property is identified as tax parcel number 6367-00-924117 and is located in the AR3 Zoning District was previously issued a Special Use Permit for an STR on May 2, 2023; and

**Whereas**, the applicant’s application for renewal of the Special Use Permit was received on February 14, 2024, and the applicant does not propose any permit changes with respect to the Dwelling Unit or use as an STR; and

**Whereas**, the Zoning Administrator has inspected the Dwelling Unit and certified that, except as set forth below as a condition of approval, it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as a Non-Hosted Short-Term Rental and that there are no known zoning violations on the property and that no complaints have been received regarding the property’s use as an STR; and

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**Whereas**, the applicants shall rent only through AirBnB and are therefore covered under the AirBnB insurance policy;

**Whereas**, the Applicant has provided the name, address and phone number of a local contact person;

**Whereas**, after review of the renewal application and all other submissions by the applicant, the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

**Whereas**, this Special Use Permit shall remain in effect for one year from the date of the expiration of the prior permit and shall require annual renewal by the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

**Whereas**, the applicant shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while 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**, all applicable fees have been paid:

**Now Therefore Be It Resolved**, that the Planning Board hereby grants renewal of the requested Special Use Permit, effective as of the date of the expiration of the prior STR permit, May 2, 2024, provided that the applicants may only rent the Dwelling Unit through AirBnB.

**MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults**

**MAXIMUM NUMBER OF DAYTIME VISITORS PERMITTED: 0**

**PERMIT REMAINS IN EFFECT UNTIL May 2, 2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)**

**RENEWAL APPLICATION IS DUE ON OR BEFORE February 2, 2025**

Seconded by Mr. Auspitz,

**Discussion.** Mr. Ferrini suggested adding a statement on the checklist requirements for the inspector about the “no complaints received”. The board agreed.

All Aye, Motion carried, 6-0.

**Fasman and Payson STR Renewal-** property located at 429 Lake Dr Tax Grid No. 6469-00-106349

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Applicant wishes to renew the Special Permit to do Non-Hosted Short Term Rental that was approved in 2023.

Mr. Fasman and Ms. Payson both appeared for the renewal of their permit. Mr. Fasman noted that their local contact is from the Town of Milan. All the outstanding items were already satisfied.

The board passed a resolution.

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

**Whereas**, the Town of Clinton Planning Board has received an application to renew a Special Use Permit from Michael Fasman and Karin Payson for the purpose of utilizing a principal residence and an accessory dwelling unit (“Dwelling Units”) located at 425 Lake Drive 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 6469-00-106349 and is located in the C Zoning District was previously issued a Special Use Permit for an STR on March 7, 2023; and

**Whereas**, the applicants’ application for renewal of the Special Use Permit was received on February 29, 2024, and the applicant does not propose any permit changes with respect to the Dwelling Unit or use as an STR; and

**Whereas**, the Zoning Administrator has inspected the Dwelling Unit and certified that, except as set forth below as a condition of approval, it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as a Non-Hosted Short-Term Rental and that there are no known zoning violations on the property and that no complaints have been received regarding the property’s use as an STR; and

**Whereas**, the applicants have provided an updated proof of insurance;

**Whereas**, the Applicants have identified a local contact person, and requested that the Applicants be the first point of contact;

**Whereas**, after review of the renewal application and all other submissions by the applicant, the Planning Board has determined that the application and Dwelling Unit are otherwise in compliance with the requirements of Section 250-69.1; and

**Whereas**, this Special Use Permit shall remain in effect for one year from the date of the expiration of the prior permit and shall require annual renewal by the Planning Board, upon timely request by the property owner pursuant to Section 250-69.1D(4), no later than the anniversary of such issuance; and

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**Whereas**, 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; and

**Whereas**, all applicable fees have been paid:

**Now Therefore Be It Resolved**, that the Planning Board hereby grants renewal of the requested Special Use Permit, effective as of the date of the expiration of the prior STR permit, March 6, 2024.

**MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults  
MAXIMUM NUMBER OF DAYTIME VISITORS PERMITTED: 6**

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

**RENEWAL APPLICATION IS DUE ON OR BEFORE December 5, 2024**

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

**RV Interlake Annual Permit Renewal-** property located at 428 Lake Dr, **Tax Grid No. 6469-00-218434-00.**

Applicant seeks renewal of their annual permit for 2024.

Sally Bishop, RV Interlake manager appeared and explained that they are seeking to renew their permit to operate this year.

Mr. Newman indicated his report per his letter. He explained that the condition of the previous approval (2023 permit) has been satisfied.

The board passed a resolution.

Mr. Dolan motioned the following:

**BE IT RESOLVED THAT THE** Town of Clinton Planning Board conditionally approves the annual renewal of a special permit for the operation of Interlake RV Park, LLC, located at 428 Lake Drive, tax grid #132400-6469-00-218434-00.

**WHEREAS:**

- 1) Interlake RV Park is Nonconforming Use as a Camping Trailer Campground allowed to operate in the Conservation Zoning District, determined



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as a result of an Article 78 filing on January 2, 1990. Under this determination, RV Interlake is regulated by Local Law #4 of 1971, entitled Trailer Law of the Town of Clinton. Also, the Article 78 established the total number of camping sites allowed is 159.

- 2) On March 14<sup>th</sup>, 2024 the MCEI along with Michelle Kelly of the Dutchess County Department of Behavioral and Community Health conducted an inspection of the site as required as part of their permit renewal process. Michelle Kelly confirmed that permits are currently in place with the Department of Health and that the renewal process for them has begun.
- 3) On March 14, 2024 Sally Bishop, the new General Manager, provided the MCEI with a revised map of the property, showing that 12 camping sites which needed to be decommissioned before the expiration of the 2023 Permit issued by the Planning Board on April 18, 2023 had been removed to bring the count to the approved 159. However, the sites themselves had not been changed.
- 4) The MCEI requested that Ms. Bishop remove the site number placards, padlock the electrical boxes, cap the water supplies and the wastewater ports, which she assured to him it would be done prior to her appearance at the Planning Board meeting scheduled for Tuesday, March 19, 2024
- 5) RV Interlake Park will continue the Customarily Accessory Use of renting individual rooms within the Main Office building, in which there will be 2 suites and 4 rooms for a total of 6 units. Later in the season, the Cottage will be put into use as well as a rental. The MCEI confirmed in the language of Judge King's decision in 1990 as part of the Article 78 filing that the limit of 159 was for "camping sites", therefore allowing for continued use of the rooms as outside the limit of 159.
- 6) Some minor stormwater washout issues were addressed during the inspection and a follow up inspection during the season is planned to assure the number of camping sites remains at 159 and that the washouts have been repaired.
- 7) The Zoning Enforcement Officer further confirms that there are no known zoning violations on the property.
- 8) A site plan of the campground is on file with the Town of Clinton Zoning Office.

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Board recommends the approval of the annual renewal of a special permit to the Town Clerk with the following condition

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- Health Department approval for 2024–2025 is granted.

Seconded by Mr. Carroll,

**Discussion.** None.

All Aye, Motion carried, 6-0.

**BOARD DISCUSSION:**

The board agreed that Short Term Renewal applications do not have to go before the Planning Board. This change can be proposed when the Town Board amends the Short Term Regulations.

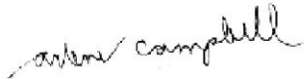
**APPROVAL OF MINUTES:**

Mr. Dolan motioned to approve the minutes of March 5, 2024, seconded by Mr. Auspitz, all Aye, Motion carried, 6-0.

**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 9:58 pm, seconded by Mr. Ferrini, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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