

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
April 2, 2024**

MEMBERS PRESENT

Paul Thomas, Chairman
Jack Auspitz
Tom Bonanno
Gerald Dolan

Alex Ferrini
Gerry Thorpe

ALSO PRESENT

Secretary – Arlene Campbell

MEMBERS ABSENT

Justin Carroll

Jeff Newman, MCEI
Katherine Mustello, Liaison Officer

Chairman Paul Thomas opened the meeting to order at 7 :02 pm. He gave his procedural comments about the agenda items.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Morse 2 Lot subdivision – property owned by Richard and Joyce Morse located at 610 Hollow Road, **Tax Grid No. 6366-00-442907**

Applicants wish to subdivide an 18-acre lot into two residential lots.
Parcel 1 - 5.07 acres and Parcel 2 – 13.45 acres

Mr. Morse appeared and explained that he has 18 acres of land and wanted to curve 5 acres to sell it. Sketch plan was issued and he is now back before the board to continue the process of his proposal.

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

Hearing none, Mr. Dolan motioned to close the public hearing, seconded by Mr. Ferrini, all Aye, Motion carried, 6-0.

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APPLICATIONS:

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

Applicant wishes to subdivide an 18 acre lot into 2 residential lots.
Parcel 1 - 5.07 acres and Parcel 2 – 13.45 acres

Mr. Morse indicated the waiver request that he submitted in regards to the scale of the map.

The board discussed the application.

Chair Thomas commented that there should be a note on the map from an engineer stating that parcel 1 can support the installation of a septic system.

Mr. Morse noted that there was a letter from his engineer addressing this issue. Chair Thomas noted that this note should be on the map. The board agreed that this can be a condition of the resolution.

The board reviewed the Short Form EAF and issued a negative declaration.

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

Be it Resolved, that the Town of Clinton Planning Board has determined that the Morse 2 Lot subdivision on property at 610 Hollow Road, in the Town of Clinton (**#6366-00-442907**) will not have a significant impact on the environment; and;

BE IT FURTHER RESOLVED, that the Town of Clinton Planning Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act 6 NYCRR 617.6 (g) and in accordance with Article 8 of the Environmental Conservation Law.

Seconded by Mr. Ferrini,

Discussion. None.

All Aye, Motion carried, 6-0.

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

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Mr. Dolan motioned that the Town of Clinton Planning Board grant Final Approval to **Richard M. and Joyce S. Morse** for the purpose of subdividing lands on a 18.52-acre site located at 610 Hollow Road, which is in an AR-3 Zoning District in the Town of Clinton, **tax grid #132400-6366-00-442907**.

WHEREAS:

1. The applicant is requesting a two (2) lot subdivision as shown on the drawing created by Spencer S. Hall, L.S., license #49138, dated 9-11-23.
2. The acreage after the subdivision will be 5.07 acres for Parcel 1 and 13.45 acres for Parcel 2.
3. The property is not located within an Ag District.
4. Mr. Morse received a variance for a lot line issue outline during the Sketch plan review.
5. It was agreed at the 3-18-24 meeting that the Sketch Plan septic system condition was satisfied by the 12/18/23 communication from the engineer Ernst Martin that there is sufficient area located to the rear of the existing shop to construct a "fill" or "super fill" subsurface SDS for residential use and satisfy the design requirements of the Dutchess County Health Department.
6. In accordance with the town of Clinton Zoning Law, a Public Hearing was held on April 2, 2024.
7. A SEQRA review of this unlisted, uncoordinated action has resulted in a negative declaration being prepared and declared in accordance with the NYS Environmental Quality Review Act
8. At its 4-2-24 meeting, the Planning Board the applicant's request to waive specific elements of the site plan requirements were granted.

NOW, THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board grants Final approval for the requested subdivision of lands when the following **conditions are met:**

- a) Statement from the engineer that the lot can support the septic system on Parcel 1.
- b) A note on the final plat per Sec. 206-20-A-2 and Sec.206-53 D-6 as indicated below:

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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.

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 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).

- a) All fees are paid including the recreation fee of \$4750.00

Seconded by Mr. Auspitz,

Discussion: Chair Thomas asked to include the payment of recreational fees. Ms. Campbell added to also include the publication fees.

Chair Thomas stated that there should be a note on the map about the septic system.

Ms. Campbell asked to include the acceptance of the requested waiver in the resolution. The board agreed.

Mr. Bonanno questioned parcel 1. This is currently a contractors' yard. He asked what happens to parcel 1 once the lot is subdivided and somebody decides to build a house there.

Mr. Newman responded that the use of that building is not changing. It remains a contractor's yard.

Mr. Bonanno asked, “What will be the principal use of parcel 1?” Will it be a contractor's yard or residential lot?”

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Chair Thomas commented that he thought the use of the building was a workshop.

The board has a lengthy discussion about the issue.

Mr. Newman noted that there was a pre-existing use of the contractor's yard on this lot. It's always been a contractor's yard.

Mr. Morse stated that everything stays as it is right now. The use will be the same.

Mr. Bonanno expressed his concern about parcel 1 becoming a residential lot in the future. Mr. Morse noted that they are not proposing this parcel to be residential as of right now.

Chair Thomas noted that this matter was discussed previously. There was a letter from the engineer that this parcel can support a septic system.

Mr. Newman noted that there was only one area variance granted for this application, i.e. front building line reduction. The variance to wetlands was not required.

All Aye, Motion carried, 6-0

Walter and Dailey Special Permit for an Accessory Dwelling – property located at 37 Shadblow Lane, Tax Grid No. 6569-00-965259

Applicants seek site plan and special permit application pursuant to Sec.250-96 and 97 7to convert the existing garage to a one-bedroom accessory dwelling unit (ADU).

Marty Willms, engineer, appeared for this application. He explained his application and indicated the setback variance that was granted by the ZBA. He noted that the shed roof was located 17'8" of the property line.

Mr. Willms stated that since they were revising their drawings, Mr. Newman suggested doing two bedrooms instead of one bedroom. Mr. Willms said that he tried but cannot fit the two-bedroom septic system given the onsite wetlands.

Mr. Newman suggested putting "maximum of one bedroom" in the resolution.

Chairman Thomas asked if this will be connected to the existing septic system. Mr. Willms responded that the proposed ADU will have a new septic system. They're in the process of doing their final submission to the Board of Health. He

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indicated the conditional approval from the Department of Health that is contingent to the Planning Board approval.

Chair Thomas solicited questions and comments from the board. He indicated that the board needs to declare a lead agency and set a public hearing. He discussed the draft resolution that he crafted. The property owner wishes to convert the existing garage to a one-bedroom accessory dwelling unit. There is enough acreage per the zoning regulation and the floor space is 980 square feet. Applicants need the board of health approval before they can proceed. He asked the applicant to submit a letter of waiver of request for the items that are not on the site plan. Mr. Willms agreed.

The board declared the lead agency.

Chair Thomas motioned the following resolution, to wit:

Whereas, the Town of Clinton Planning Board has received an application for a Special Use Permit and Site Plan approval from Allen Walther and Leslie Dailey for the purpose of converting the upper level of an existing garage into an accessory dwelling located on a 10.54-acre parcel at 37 Shadblow Lane in the Town of Clinton as shown on drawings designated “Site Design: New 1BR ADU, 37 Shadblow Lane,” bearing the revision date 2/10/2024, submitted by Martin J. Willms, PE (the “Site Plan”); and

Whereas, the requested Special Use Permit would authorize the use of the upper level of an existing garage on a conforming lot with an owner occupied principal dwelling as a one-bedroom accessory dwelling unit with interior floor space of no more than 988 square feet; and

Whereas, the applicants will be required to demonstrate, as a condition of final approval, that the water supply and sewage disposal systems serving the accessory dwelling unit will meet current Dutchess County Health Department requirements and are otherwise adequate to service the proposed accessory dwelling; and

Whereas, the subject property is identified as tax parcel number 132400-6569-00-965259 and is located in the AR5A Zoning District; and

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

Whereas, the Planning Board has granted the following waivers from the Site Plan requirements set forth in Section 250-96(C)(3) of the Town of Clinton Zoning Law: (c) structures and uses on adjacent properties within 100 feet; (n) landscaping plan; (p) existing and proposed stormwater drainage system; (q) existing and proposed lighting; and (v) building setbacks.

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Whereas, all applicable fees have been paid; and

Whereas, the Planning Board has determined the proposed project is an Unlisted Action and that an uncoordinated review of the action will be undertaken.

Now, Therefore Be It Resolved, the Planning Board determines that the application is sufficient for purposes of commencing its SEQR review pursuant to 6NYCRR 617; and

Be It Further Resolved, that the Planning Board hereby declares its intent to assume the role of Lead Agency for this unlisted, uncoordinated action pursuant to Article 8 of the Environmental Conservation Law and Sections 617.6 (2) and (3) of 6 NYCRR Part 617 and directs that a copy of the Short Form EAF Part 1, the application and related documents be sent to the following involved and interested agencies:

Dutchess County Department of Behavioral and
Community Health (involved) and
West Clinton Fire District (interested); and

Be It Further Resolved, that the Planning Board will hold a public hearing on this application at its meeting scheduled for April 16, 2024.

Seconded by Mr. Thorpe,

Discussion. Mr. Bonanno asked about the square footage of the proposed unit. He asked Mr. Newman about the calculation of the square footage of the building.

Mr. Newman read the regulation as indicated below. He stated that he eliminated the stair case for the calculation of the floor space.

Sec. 250-29 B-6 Accessory Dwelling unit states that “The accessory unit shall contain no greater than 35% of the total habitable space of the existing principal structure prior to the construction of such accessory apartment or 1,000 square feet of floor space, whichever is more restrictive.

Mr. Willms said that he took out the square footage of the staircase and took the measurement of inside the wall. The house is 3,380 square feet and 35% of that is 1,183 square feet. The floor space is 988 square feet.

All Aye, Motion carried, 6-0.

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Ustad and Oyen Wetlands Permit – property owned by **Mr. Ustad and Ms. Oyen** on property located at 12 4th 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.

Lilian, the daughter, appeared for her parents' proposal. She explained that they are proposing to build a 11' x 17' deck as well as a 4' x 4' walkway to the side of the lake. The required area variances were granted at the last Zoning Board of Appeals meeting. She also indicated the comments received from the town engineer supporting their wetlands permit. In regards to the question whether they need DEC permit, Ms. Ustad noted that they reached out to the DEC about the matter and are awaiting to hear back. She expressed her hope to receive conditional approval contingent on the DEC ruling.

Chair Thomas asked about the construction of the deck. Will there be footings? Ms. Ustad responded that there will be big 5-foot footings located on the existing stone patio to support the weight of the deck. There will be no excavation, no leveling and everything will be hand digging. She underscored that there will be no impact to the environment or to the lake.

The board reviewed the short form EAF and issued a negative declaration that is incorporated with the wetlands permit resolution.

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

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution in the matter of Ustad and Oyen Wetlands Permit as stated below:

Whereas, the Town of Clinton Planning Board has received an application for a Controlled Area Permit pursuant to Section 250-78 of the Zoning Law from Margaret Oyen and Ola Ustad allowing the construction of an 11 by 17 foot deck and walkways within a wetland, watercourse and/or Controlled Area on a 0.09 acre parcel located at 12 Fourth Avenue in the Town of Clinton; and

Whereas, the subject property is identified as tax parcel number 132400-6469-10-284628 and is located in the C Zoning District; and

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

Whereas, the Planning Board determined the proposed project is an Unlisted Action and an uncoordinated review of the action was undertaken; and

Whereas, the Planning Board did not conduct a public hearing; and

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Whereas, various area variances were required in connection with the application relating to setbacks and lot coverage on this nonconforming lot, which area variances were granted by the Zoning Board of Appeals at its regular meeting on March 28, 2024; and

Whereas, the Planning Board's Engineer has reviewed the applicants' submission and, in a memorandum to the Planning Board dated March 29, 2024, issued his comments, including a recommendation that applicants notify NYS DEC Region 3 of the proposed construction and obtain a determination whether a DEC permit is required; and

Whereas, no ground disturbance shall be permitted other than is required for installation of the deck footings and walkways and such installation shall not entail the removal of aquatic vegetation, grading, or disturbance of the lake bed or banks; and

Whereas, the Planning Board has concluded that the proposed deck construction will not have a significant adverse impact on the ecology of the Controlled Area, the public health and welfare, flood hazards or water supply in the area; and

Whereas, at its April 2, 2024 meeting, the Planning Board reviewed the EAF and related submissions by the applicant, as well as the Planning Board Engineer's report, and issued a negative declaration of significance.

Now, Therefore Be It Resolved, that the Planning Board grants the requested Controlled Area Permit provided the following conditions are met:

- a) All appropriate fees have been paid.
- b) Prior to issuance of a building permit, applicants shall request a determination in writing from NYS DEC Region 3 whether a DEC permit is required in connection with the proposed project and provide a copy of any correspondence with the DEC to the MCEI. If a permit is required, one shall be obtained and submitted to the MCEI prior to the start of construction.
- c) Ground disturbance shall be limited to installation of footings and walkways.

Seconded by Mr. Ferrini

Discussion. The board discussed the condition of the approval.

All Aye, Motion carried, 6-0.

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Long Pond Campground Annual Permit Renewal – property located at 150 Lake Dr, Tax Grid No. **tax grid #132400-6468-00-032842-00.**

Applicants seek their annual permit renewal.

Applicant was not in attendance of this annual permit renewal.

Mr. Dolan indicated the renewal permit application on hand and read the resolution that he crafted.

Mr. Dolan motioned the following:

The Town of Clinton Planning Board approve the following with regard to the application for annual renewal of a special permit for the operation of Long Pond Campground, 150 Lake Drive, **tax grid #132400-6468-00-032842-00.**

WHEREAS:

- 1) On February 15,2024, Robert Backus escorted the MCEI through the Long Pond Lake Campground, located at 202 Lake Drive in the Town of Clinton.
- 2) The MCEI has inspected the site and confirms, by memo to the Planning Board dated Feb 15, 2024, that Campground continues to maintain 74 or fewer Camp Units.
- 3) There is no change in the number of sites
- 4) A current site plan is on file with the Town of Clinton Zoning Office.
- 5) The MECI noted that some Camping Trailers had been modified into what appear to be more like tiny houses on a trailer bed. While technically still “roadworthy” according to Mr. Backus, these are not registered with the DMV. Mr. Backus explained that the cost and production of having the trailers inspected and registered had become prohibitive. The MCEI’s recommendation to Mr. Backus is to review the Deed Agreement of Covenants and Restrictions and Stipulation of Settlement as agreed to on January 23, 1991, and proposed a new such agreement.
- 6) Long Pond Campground has a Dutchess County Health Department approval to operate the campground, for the period from April 30, 2023 to April 23, 2024 with the permit on file.
- 7) All applicable fees have been paid.

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NOW THEREFORE, BE IT RESOLVED, the Planning Board follows the MCEI's recommendation that this permit be renewed for 2024 with the following **conditions:**

- That either a new Deed Agreement of Covenants and Restrictions and Stipulation of Settlement is made or the Campground be made to be in compliance with Town of Clinton Town Code Section S218 Trailers and Trailer Parks prior to renewal in 2025
- Department of Health approval for 2024 to 2025.

Seconded by Mr. Ferrini,

Discussion.

Mr. Bonanno asked, "Out of the camping trailers, how many are tiny homes? Mr. Newman responded that there are fewer than 74 sites that are being used. There are four that have been modified.

Mr. Bonanno asked about the original stipulation which states that these camping trailers have to be registered.

Mr. Newman responded that these camping trailers haven't had valid registrations in a while. Per Mr. Backus, these registrations are the owners' expense.

Mr. Newman indicated his conversation between the town supervisor and the town attorney about the interpretation of the section of the law.

Mr. Ferrini commented that the deed agreement and stipulation states that there should be a valid registration.

Mr. Newman stated that his recommendation about the approval is to state that there is no significant change to the use of the campground and that this is an oversight.

Mr. Ferrini remarked that it doesn't sound like an oversight. It doesn't seem that they want to do it. Mr. Newman agreed.

Chair Thomas asked, "How many of these trailers are registered and how many are not?" Mr. Newman responded that he believed that none of them are registered.

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The board had a very lengthy discussion about the issue. Chair Thomas asked the board if they can even do this.

Mr. Newman noted that the town attorney's argument is that part of that stipulation is under the purview of the Department of Motor Vehicles.

Mr. Dolan asked if they were trying to work it out.

Mr. Auspitz commented that they have a year to work it out. They are not giving it away. They are just giving it some time to meet the condition. The board agreed.

Mr. Bonanno questioned the inspection report from the MCEI that states, "There are no changes". He commented that these are changes.

Mr. Newman responded that he didn't know if these trailers were not registered when he first inspected the property last year. This wasn't part of his inspection until after reading the stipulation agreement. The previous inspection reports always state no changes.

Mr. Auspitz said that they have to solve it by next year or their permit won't be renewed.

Mr. Ferrini said that the town can issue a violation.

Chairman Thomas asked Mr. Newman if he ever issued a violation notice. Mr. Newman responded, "No."

The board exchanged opinions about the matter. Chair Thomas said that the board can wait to vote on this matter to get the town attorney's opinion.

Mr. Newman noted that the town attorney's opinion is that these trailers do need to be registered.

Mr. Bonanno said that it's a campground that is not mobile anymore.

Mr. Newman said that the camping trailer is not required to be mobile per the current regulation. However, in this stipulation agreement, registration is one of the agreements.

Chair Thomas noted that the board is not waiving the requirement of the law. They are merely giving the applicant an extra time to comply with the law. He commented that if this is a requirement of the law, then he will not be voting on this. This is a seasonal campground. It's not like there is a safety issue.

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Mr. Thorpe commented on the yearly inspections on this property that indicate no changes.

Chair Thomas commented that nobody knows if this has been going on for a while.

Mr. Auspitz expressed good words about Mr. Newman for his thoroughness.

All Aye except for Mr. Bonanno who Nay Motion carried, 5-1.

BOARD DISCUSSION:

None

APPROVAL OF MINUTES:

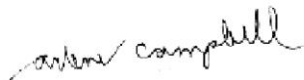
Mr. Dolan motioned to accept the minutes of March 19, 2024, seconded by Mr. Thorpe, all Aye, Motion carried, 6-0.

Mr. Dolan motioned to accept the minutes of February 6, 2024, seconded by Mr. Bonanno, all Aye, Motion carried, 6-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 9:55 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

Respectfully Submitted,



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