

**TOWN OF CLINTON  
PLANNING BOARD MEETING  
FINAL MINUTES  
April 16, 2024**

**MEMBERS PRESENT**

Paul Thomas, Chairman  
Jack Auspitz

Gerald Dolan  
Justin Carroll  
Alex Ferrini

**MEMBERS ABSENT**

Tom Bonanno

Gerry Thorpe

**ALSO PRESENT**

Secretary – Arlene Campbell

Jeff Newman, MCEI  
Katherine Mustello, Board Liaison Officer

Chairman Paul Thomas opened the meeting to order at 7 :02 pm. He gave his procedural comments about the agenda items. The Town Board is in the process of working on updating the Short-Term Regulations. He also indicated the update about the Laserfiche in regards to posting.

**VARIANCE APPLICATION:**

None

**PUBLIC HEARING:**

**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 appeared with Ms. Daley. He made a recap of what had transpired from the previous meeting. He also indicated the Notice of Board of Health approval that they recently received dated 4-16-2024 regarding the OWTS (Onsite Wastewater Treatment System) for the proposed Accessory Dwelling Unit.

The board open the public hearing, Chair Thomas motioned to open the public hearing, seconded by Mr. Carroll, All Aye, Motion carried, 5-0.

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Hearing no comments, the board closed the public hearing,

Mr. Dolan motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

**APPLICATIONS:**

**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 to convert the existing garage to a one-bedroom accessory dwelling unit (ADU).

Marty Willms appeared with Ms. Daley and were back for the conclusion of their proposal.

The board discussed the application, reviewed the Short Form EAF and issued the following resolution.

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

**Be it Resolved**, that the Town of Clinton Planning Board has determined that Walther and Dailey Special Permit to convert an existing garage to an Accessory dwelling unit on property located 37 Shadblow Lane, **tax grid #6469-00-965259**, 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. Auspitz,

**Discussion.** None.

All Aye, Motion carried, 5-0

After all the deliberations were made, the board passed another resolution, to wit:

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

**BE IT RESOLVED**, THAT The Town of Clinton Planning Board grants approval for a Special Use Permit and Site Plan for 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

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Clinton identified as **tax parcel number 132400-6569-00-965259** and is located in the AR5A Zoning District

**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 Town of Clinton Zoning Board of Appeals approved the requested area variance modification to Section 250 Attachment 2 for a side yard setback reduction to 17'8" feet from the required 50 feet for the accessory dwelling unit, and

**Whereas**, the proposed ADU is as shown on drawings designated "Site Design: New 1BR ADU, 37 Shadblow Lane," bearing the revision date 3/14/2024, submitted by Martin J. Willms, PE (the "Site Plan"); and

**Whereas**, in accordance with Section 250-97 A (6) of the Town of Clinton Zoning Law a Public Hearing was held on April 16, 2024 and

**Whereas**, a SEQRA review of of this unlisted coordinated action has resulted in a negative declaration being prepared and declared in accordance with the NYS Environmental Quality Review Act and approved on 4/16/24, and

**Whereas**, the applicant received a Notice of Approval from Dutchess County Government Department of Behavioral & Community Health dated 4/16/24 for the necessary well and onsite wastewater treatment system, and

**Whereas**, This application conforms with the provisions of Sections 250-96 and 250-97 of the Town of Clinton Zoning Law pertaining to 'Site Plans' and 'Special Use Permits' providing any possible conditions are satisfied.

**NOW THEREFORE BE IT RESOLVED**, the Town of Clinton Planning Board grants approval of the requested Special Use Permit and Site Plan when the following condition is met:

- All Fees are paid.

Seconded by Mr. Ferrini,

**Discussion.** Chair Thomas asked the applicant who will be installing the well. Mr. Willms responded that he will be doing the ``well. This will be a standalone system for the ADU.

Ms. Campbell suggested including the new revision date on the latest map i.e. 3-14-2024.

Chair Thomas asked Mr. Dolan to include the area variance that was granted by the Zoning Board of Appeals.

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All aye, motion 5-0.

**Bamber Site Plan for Ground Mounted Solar Energy System** – property owned by Mark and Melissa Bamber located at 228 Browns Pond Road, **Tax Grid No. 6267-00-868974.**

Applicant proposes to install a Ground Mounted Solar System pursuant to Sec. 250.71.1

Mr. Auspitz disclosed that the Bambers live next to his property. He knows the property owners but noted the no conflict of interest.

Emily Woerthman and Sara Sensini from SunCommon Solar Company appeared for this application.

Ms. Woerthman explained that they are looking to install a ground mounted solar system at the rear of the 10.5 acre parcel in the AR5 Zoning District. There are currently four structures on the property (main house, pool, shed, & tennis court). She described the details of the proposed system. The northern portion of the array will contain 30 modules while the southern portion will contain 32 modules. The entire AC output of the ground mounted solar array will be 22.80 kW.

Ms. Woerthman indicated the setbacks of the proposed structure. Front yard is 569', sides are 57' and 314', and the rear yard is 370 feet. The proposed structure cannot be seen from the road and is well screened from the abutting parcels. She underscored that this system will be for personal use and will never be sold in any capacity.

Chair Thomas opened questions and comments from the board.

Mr. Ferrini stated that the proposed solar array meets all the setbacks and height requirements. This is also within the 25 kW size capacity regulation as the proposed system is 22.8 kW/AC. Per the submission, it looks like the maximum usage is under 110%. The entire backyard is very secluded and is not visible from the road. He doesn't think that these arrays can be seen from the neighboring properties. The board can ask the applicant about the rendering of the proposed structure on how it would like.

Mr. Ferrini noted that the proposed array is also within 100 feet of the wetlands and wetlands permit application is received from the applicant. He indicated the procedural process of the application. The board needs to declare lead agency, set up an escrow and send the application to the town engineer for review. He's not sure if there is enough time to get the rendering of the proposal to set up the public hearing for the next board meeting.

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The board had a lengthy discussion about the application.

Chair Thomas asked about the details of the construction. Mr. Ferrini responded that there is a detail of the construction of the proposed structure in the submission.

Chair Thomas asked how this is attached to the ground. Ms. Worthman responded that there will be ground screws. There will also be a metal racking on the ground.

Chair Thomas suggested showing the trenching of the renderings on the map.

Chair Thomas agreed with Mr. Ferrini that they need to see the rendering of the panels. The submitted map shows where the proposed structure is going to be but it doesn't show what it is going to look like. He also asked the applicant to submit a site plan showing everything (structures, setbacks, watercourse, rendering of the panels, signature block, etc) on one map instead of numerous sheets. He explained the process of establishing an escrow and getting comments from the town engineer.

The board discussed the wetlands permit application.

Mr. Newman suggested moving the proposed structure away from the controlled area to eliminate the requirement of the wetlands permit. Ms. Wortman responded that they will try to discuss this with the property owners.

Mr. Auspitz commented that he also visited the property as a neighbor and spoke with the Bambers. Per the property owners, they do not want to see the solar array from their house. It will also be visible to the neighboring property if it moves away from the controlled area.

Ms. Wortman stated that the proposed site was chosen since other sites would require excavation and tree clearing. She will talk to her team and the property owners apropos moving it away from the controlled area.

Mr. Ferrini noted that the board has the option to waive the public hearing but it is good to have the public hearing to find out how much of the arrays can be seen to the neighboring properties.

The board discussed the agencies in regards to SEQRA circulation and agreed to set the public hearing on May 7, 2024.

Chair Thomas indicated that there is a requirement in the regulation about screening but they probably don't need it since it has natural screening. Mr. Ferrini agreed. The whole backyard is pretty surrounded by trees.

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The board agreed to declare the lead agency.

Mr. Ferrini motioned that the 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 **Bamber Site Plan for Ground Mounted SES Application** for the installation of Ground Mounted Solar Energy System on property located at 227 Browns Pond Road **Tax Grid No. 6267-00-868974** for this unlisted and uncoordinated action with Short Form EAF.

**BE IT FURTHER RESOLVED**, the Planning Board hereby directs the copies of Site Plan Application, Short Form EAF and Site Plan be sent to the identified interested agencies (NYS Army Corps of Engineers, West Clinton Fire Department, CAC and DC Planning Department).

Seconded by Mr. Carroll,

**Discussion.** None.

All Aye except for Mr. Auspitz who abstained,

Motion carried, 5-0.

**Burns and Vega Non-Hosted Short Term Rental Renewal** – property owned by Taryn Burns and Carlo Vega located at 468 Lake Drive, **Tax Grid No. 6469-00-200521.**

Applicants seek renewal of their Short-Term Renewal pursuant to Sec. 250-69.1

Mr. Ferrini explained that the renewal application was received within 90 days as per the requirement of the regulation. He also indicated the recent inspection report made by the MCEI. There were no complaints received.

The board agreed to renew the permit as indicated below.

Mr. Ferrini 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 **Taryn Burns and Carlo Vega** on property located at 468 Lake Drive, **Tax Grid No. 6469-00-200521.**

**Whereas**, the Town of Clinton Planning Board has received an application for renewal of a Special Use Permit from Taryn Burns and Carlo Vega for the purpose of utilizing a principal dwelling located at 468 Lake Drive in the

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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 132400-6469-00-200521-0000 and is located in the Conservation Agricultural Residential; and

Whereas, the Zoning Administrator has inspected the Dwelling Unit on 4/9/24 and certified 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 under AirBnB to which the only rental platform they will be only using.

Whereas, the Planning Board has determined that the dwelling shall be used as maximum 2-bedroom unit and number of Lodgers allowed shall be 4 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), no later than the anniversary of such issuance; 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: Dave Heller, 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 expiration of the current permit.

**MAXIMUM NUMBER OF LODGERS PERMITTED: 4**  
**PERMIT REMAINS IN EFFECT UNTIL April 18, 2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)**

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

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**Marrott and Gili Non-Hosted Short Term Rental Renewal** – property owned by Morton Marrott and Lan Gili located at 869 Hollow Road, **Tax Grid No. 6467-00-070291.**

Applicants seek renewal of their Short-Term Renewal pursuant to Sec. 250-69.1

Mr. Auspitz indicated the next-door neighbor's concerns about the guests who were wandering at their property. After a lengthy discussion about the matter, the board agreed to include a condition on the renewal.

The board agreed to include conditions on the renewal about the property marking, Alex motioned to issue the renewal, seconded by Alex, 5-0.

Mr. Auspitz motioned that the Town of Clinton Planning Board approve the following resolution in the matter of Marrott and Gili Non-Hosted Short-Term Rental on property located at 869 Hollow Road.

***WHEREAS:***

1. Applicants Morton Marrott and Lan Gili seek to renew a special permit for a non-hosted short term rental ("STR") at 869 Hollow Road in the Town of Clinton (#6467-00-070291), pursuant to Section 250-69 1D(4)
2. Applicants' existing special permit is effective until 6/5 2024 and we deem this application, received Feb. 28, 2024, to be timely.
3. Applicants state that they rent only through AirBnb which provides insurance on properties rented out through that platform and on that representation, adequate proof of insurance has been provided. Satisfactory inspection of the 1,000 gal. septic tank was made on Feb. 27, 2024
4. The MCEO reports that "concerns" were expressed regarding trespass.
5. He further reports there are no outlets on the kitchen island and that the evacuation instructions were not posted by the door but were only in the manual and that the address was not specified as the "911" address. We urge applicants to deal with the issues referred to in this paragraph but at this time do not see them as prohibiting renewal.



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***NOW THEREFORE BE IT RESOLVED THAT*** applicants' request for renewal of their STR permit for 6 lodgers is granted for a period of one year from the current date of expiration subject to the following **conditions**:

1. The property line be clearly marked and specific notice be provided to all renters that no trespassing is permitted over that marked property line
2. Continuing compliance with any and all conditions previously imposed and
3. Payment of all appropriate fees

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

**PERMIT REMAINS IN EFFECT UNTIL 6/5/2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)**

Seconded by Mr. Carroll all Aye,

**Discussion.** None.

All Aye, Motion carried, 5-0.

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

Modification of the resolution.

Applicant was not in attendance for this matter.

It was noted that the board voted to issue a renewal permit with conditions at the previous meeting. Per MCEI Newman's Inspection letter dated 2-20-24, some camping trailers appeared to have been modified to appear to be tiny home houses. These camping trailers are not registered to DMV per Skip Backus.

The board passed the annual renewal permit at the last meeting subject to the following conditions.

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

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Chair Thomas explained that the town attorney suggested removing the first condition having not seen the resolutions executed in prior years. Per the town attorney's view, Chapter 218 of the Town Code applies regardless of whether it is specifically mentioned. He felt that the condition is unnecessary given the approach that the Town decided to take with regard to the 1990 Agreement. He doesn't think that a modification to the 1991 Deed Agreement of Covenants and Restrictions and Stipulation of Settlement is necessary.

Mr. Newman expressed his strong disagreement about the town attorney's decision to remove the condition. He stated that all camping vehicles shall have current state vehicle registrations and display current license plates during the operating season" is not referring to the Vehicle and Traffic Law because V&TL only governs vehicles on the road (§401.b."Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state..."). He doesn't believe there's anything in that law that states that camping vehicles permanently parked in a camping trailer campground must be licensed and registered with the State. He feels that the intent behind the inclusion of Article 2 Paragraph 5 in the agreement was specifically to help prevent the trailers from being permanently parked out of concern that it would lead to a state of disrepair.

Mr. Ferrini commented that he can always issue a notice of violation.

The board agreed to go with the town attorney's recommendation and passed the following resolution.

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.

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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.

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

-- Department of Health approval for 2024 to 2025.

Seconded by Mr. Ferrini,

**Discussion.** None.

All Aye, Motion carried, 5-0.

**BOARD DISCUSSION:**

None

**APPROVAL OF MINUTES:**

Mr. Dolan motioned to accept the minutes of April 2, 2024, seconded by Mr. Ferrini, all Aye, Motion carried, 5-0.

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**ADJOURNMENT:**

Mr. Dolan motioned to adjourn the meeting at 8:25 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 5-0.

Respectfully submitted,

A handwritten signature in cursive script that reads "Arlene A. Campbell".

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