

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
July 16, 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

Chairman Paul Thomas opened the meeting to order at 6:00 pm. Chair Thomas gave his procedural comments and update about the proposed revision in the planning board review process.

CORNERSTONE WORKSHOP

Cornerstone Workshop – Board discussion with the town and applicant's consultants re water testing. – Hydrologists from both parties were also present. The panel had a lengthy discussion about the number of substances to test. Applicants insisted on doing only 3 substances versus 22. This testing is focused on pharmaceuticals to check whether the contaminant is coming from the Cornerstone Facility.

The board motioned that Hanson Van Vleet revise their proposal per the July 16, 2024's discussion.

Mr. Auspitz motioned to authorize Hanson Van Vleet PLLC to revise their proposal in accordance with the July 16, 2024 discussion and to authorize the Planning board chairman to sign the revised proposal and to take such other and further actions to effect said revised proposal.

Seconded by Mr. Ferrini, all Aye, Motion carried, 7-0.

No other action taken.

The board took a five-minute break before returning to the regular agenda.

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

VARIANCE APPLICATION:

Wachs and Belcher Variance Recommendation - on property located at 289-295 Lake Drive, **Tax Grid No. 6469-00-042135.**

The applicants request an area variance to Sec. 250-22 (A)4 to increase the number of accessory structures from 3 to 6 on a 58.41-acre parcel in the C Zoning District in order to install an inground pool.

Adrian Glover appeared and explained their application as indicated above. He said that Katherine Wachs inherited the property and wishes to install an inground pool. There are already five accessory structures on the property and the inground pool will make it six.

Mr. Dolan asked about the proposed location of the inground pool over the field where the gazebo is. Mr. Glover responded, "Yes."

Mr. Carroll asked who was the actual owner of the property. Mr. Glover responded that the property is now owned by Ms. Wachs.

Mr. Carroll expressed no objection to the proposal. This is a 58.41-acre parcel.

The board agreed to issue a positive recommendation, to wit:

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

BE IT RESOLVED, THAT the Town of Clinton Planning Board Making a positive recommendation to the Zoning Board of Appeals on the requested area variance to Section 250-2(A)(4) to increase the maximum number of permitted accessory structures from three to six to allow the addition of an inground pool as requested by **Katrin Wachs** on a 58.4-acre property located at 289 Lake Drive in the Town of Clinton NY, **Tax Grid No. 132400-6469-00-042135** in a C Zoning District.

WHEREAS:

1. The Applicant is seeking to construct an inground pool on a lot that currently with five existing accessory structures.
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. The proposed pool is not within any of the setbacks.
3. The variance requested would increase the number of permitted accessory structures from three to six, thereby allowing the construction of an in-ground

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

pool in addition to the existing accessory structures. Granting the variance would not have a significant impact on the lot and therefore is not substantial.

4. An undesirable change will not be produced in the character of the neighborhood or be detrimental to nearby properties.
5. The proposed variance should not have an adverse effect or impact on the physical and environmental conditions of the neighborhood.
6. The alleged difficulty is self-created, but this should not necessarily preclude the granting of the area variance, considering the negligible impact of the proposed pool.
7. The Town has received an authorization form for Adrian Glover to appear on behalf of the Applicant.

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

Seconded by Mr. Ferrini,

Discussion. None.

All Aye, Motion carried, 7-0.

Mr. Thorpe recused himself for the next application.

Rosen Area Variance – property owned by **Jeffrey Rosen** located at 96 Nine Partners Road, **Tax Grid No. 6468-00-756374.**

The applicant requests area variances to Sec. 250-22 (A)4 to increase the number of accessory structures from 3 to 4 and to permit the number of allowed one car private garage to two garages on a 108.91-acre parcel in the AR5 Zoning District in order to convert an existing pool house to a new one car garage.

Gerry Thorpe appeared on behalf of the property owner for this application. He explained that they want to change the use of the pool house to a garage. Mr. Rosen just bought a vintage car and needs a place to store this car. He added that this is a 108-acre property and all the structures are located in the middle of the property.

Mr. Ferrini asked if the structure was already built? Mr. Thorpe responded, “Yes, this is an existing building.” This structure was given a certificate of occupancy for a pool house use. He explained that the building inspector caught a car parked in the structure during the inspection visit. The building inspector notified the property owner that he cannot use this structure as a garage unless the use is changed.

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

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

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

BE IT RESOLVED, THAT the Town of Clinton Planning Board is making a Positive Recommendation to the Zoning Board of Appeals on the requested variance to Section 250-22.A(4) to allow 4 accessory structures and 2 garages for property owned by **Jeffrey Rosen** located at 96 None Partners Road in the Town of Clinton, tax grid number **132400-6468-00-756374-0000** in an AR5 Zoning District.

WHEREAS:

1. The Applicant is requesting an area variance to allow 4 accessory structures and 2 garages (through the conversion of an existing structure).
2. The property is a 108.91 acre lot in an AR5 Zoning District.
3. The property is not within the Scenic and Historic Preservation Overlay District. The property is within the Ridgeline Protection Area, but the structures are not visible from any road.
4. The site is not within a Critical Environmental Area.
5. The variance requested is not substantial in that the structures on site are existing.
6. The benefit sought by the applicant can be achieved by some other method, but would require construction of a new structure.
7. The proposed variance should not have an adverse effect or impact on the physical and environmental conditions of the neighborhood.
8. 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.

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

Seconded by Mr. Auspitz,

Discussion. Mr. Bonanno asked if the barn is heated, Mr. Thorpe responded, "It is not." It is just a structure quoted as a garage.

All Aye, Motion carried, 6-0.

Mr. Thorpe joined the panel back as a board member.

Malloy Area Variance – property owned by **Vivien Malloy** located at 487 Ruskey Lane, Tax Grid No. **6366-00-528665**.

The applicant requests the following area variances on a 3.008-acre parcel in the AR3 A Zoning District in order to build a 30' x 40' ft Detached Garage.

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

Sec. 250 Attachment 2 (Area Bulk Regulations)

- Front Yard Setback reduction from 100' to 34'
- Rear Yard Setback reduction from 75' to 30'

Sec. 250-22 (A)4

- to permit the number of allowed one car private garage

Jacob Angel, Halton Construction and Sal Triano, Engineer both appeared on behalf of Ms. Malloy.

Mr. Angel explained that Ms. Malloy recently downsized and sold her bigger properties. She just bought this property and they are looking to put up a garage that would mimic that barn with storage above. He added that Ms. Malloy wants to store her vehicles inside the garage instead of parking on the driveway and near the road. He also indicated the wetlands on the back property and why the proposed location is the most feasible location to install the garage.

Mr. Triano explained the variances that they needed. This property has two front yards since it is a corner lot.

Mr. Angel said that there's already a garage on this property (i.e. attached garage) and that's why they are seeking another variance to permit a second garage on the property.

Mr. Bonanno asked if the second floor of this structure was going to be finished. Mr. Angel responded that the second floor is going to be used as storage.

The board agreed to issue a recommendation.

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

BE IT RESOLVED, that the Planning Board is making a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals on the requested area variances to Section 250 Attachment 2 Minimum Setback, Front-100' to 55' and Rear-75' to 30' and 250-22.A(4) Accessory Structures (From: "No more than one shall be a Private Garage" To: "No more than two shall be a Private Garage" for property owned by **Vivian Malloy** and located at 487 Ruskey Lane, **tax grid number 132400-6366-00-528665** in the AR3A zone.

WHEREAS;

1. The applicant wishes to construct a 30'x40' detached garage for vehicles and personal storage requiring variances for Front to 55' and Rear to 30' setbacks and Accessory Structures to "No more than two

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

shall be a Private Garage” as specified in detail above.

2. This is a 3.008-acre site located in the AR3A zoning district.
3. The lot is not in an Ag District or a CEA.
4. It is noted that an area variance is a Type II action under SEQRA and requires no further action.
5. The site does not contain a NYSDEC wetland.
6. The site is on a Clinton Scenic/Historic Road, that being Ruskey Lane, and must conform to Local Law #3 of 2001.
7. With this additional detached garage, an undesirable change will not be produced in the character of the neighborhood or be a detriment to nearby properties as it is a barn style building that will compliment the area.
8. The benefit sought by the applicant cannot be achieved by any other feasible method.
9. The requested variance is substantial.
10. There will be no potential adverse effect or impact on the physical or environmental conditions in the neighborhood.
11. The alleged difficulty is self-created.
12. The application fee has been paid.
13. Per the Zoning Enforcement Officer, that are no known violations associated with this property.

NOW THEREFORE, BE IT RESOLVED, the Town of Clinton Planning Board provides a positive recommendation for approval to the Town of Clinton Zoning Board of Appeals.

Seconded by Mr. Carroll,

Discussion. Chair Thomas asked if the limitation to this section is the number of garage buildings or number of bays or doors?

Mr. Newman responded that you can have multiple bays but the limitation is per building.

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

Mr. Bonanno asked about the dimensions of the proposed garage. He also asked about the height limitation for a garage. Mr. Angel responded that the dimension of the garage is 30' x 40'.

Mr. Newman responded that an accessory structure cannot exceed 25 feet in height.

Mr. Carroll asked if the attached garage counted as the first garage.

Mr. Newman responded, "Yes" and read the definition of the accessory structure per Sec. 250-105 as stated below.

Sec. 250-105

ACCESSORY STRUCTURE

A structure, the use of which is customarily incidental and subordinate to that of the principal building and is attached thereto, or is located on the same lot or premises as the principal building. Accessory structures shall include but are not limited to tennis courts, garages, swimming pools, garden or tool sheds, barns, studios, greenhouses, and playhouses, and such elements as satellite dish antennas and windmills. See also "structure."

Mr. Carroll commented that basically the attached garage is counted as another accessory structure.

Chair Thomas said that this is up to the Zoning Board of Appeals.

All Aye, Motion carried, 7-0.

PUBLIC HEARING:

West Clinton Fire District Site Plan Approval – property located at 6 Long Pond Road, Tax Grid No. 6468-00-312467.

Applicant is seeking approval of the Site Plan and Wetlands Permit for the purpose of constructing a 20' x 33.6' addition to an existing firehouse on a 0.613-acre parcel that is in Hamlet.

Jim Stutzman, West Clinton Fire District Commissioner, along with his contractor appeared for this application.

Chair Thomas motioned to open the public hearing, seconded by Mr. Dolan, all Aye, Motion carried, 7-0.

Hearing none, the board closed the public hearing.

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

Chair Thomas motioned to close the public hearing, seconded by Mr. Auspitz, all Aye, Motion carried, 7-0.

APPLICATIONS:

West Clinton Fire Department Site Plan Approval and Wetlands Permit – property on 6 Long Pond Road, **Tax Grid No. 6468-00-312467.**

Applicant wishes to expand Station 2 of the Firehouse that is in the controlled area pursuant to Sec. 250-78 of the zoning regulation.

Kevin Yereance from Liscum, McCormack VanVoorhis Architecture appeared along with James Stutzman, Chief of the Fire Department.

Mr. Yereance narrated that they are looking to construct a 20' x 33'6" basic addition to the existing firehouse. He explained the new site plan that was submitted to the board.

Mr. Setaro joined the panel and expressed his comments. He suggested adding a wording in the Negative Declaration resolution that the addition is just going to be used for apparatus storage areas and there will be no increase in water and sewage use.

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

Mr. Thomas motioned the following resolution, to wit:

**RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA
WEST CLINTON FIRE DISTRICT APPLICATIONS FOR SITE PLAN APPROVAL AND
A CONTROLLED AREA PERMIT**

WHEREAS, the Town of Clinton Planning Board has received applications for Site Plan Approval and for a Controlled Area Permit pursuant to Section 250-78 from the West Clinton Fire District for the purpose of constructing a 20' by 33.6' addition to an existing firehouse on a 0.613 acre parcel located at 6 Long Pond Road in the Town of Clinton as shown on a site plan and attachments designated "Site Plan" bearing the date 5/17/2024, with revisions dated 5/24/2024 and 7/10/2024, submitted by Liscum McCormack VanVoorhis LLP (the "Site Plan"); and

WHEREAS, the Planning Board has reviewed all available information regarding the proposed action, including the applicant's submissions, the EAF and comments from the Planning Board's Engineer and the Town of Clinton CAC; and

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

WHEREAS, the Planning Board has acted as Lead Agency in the uncoordinated review of this unlisted action; and

WHEREAS, the Planning Board has reviewed the environmental impacts that may be associated with this action; and

WHEREAS, upon review, the Planning Board has determined the following as answers to the Short Environmental Assessment Form Part 2 – Impact Assessment:

Question 1 – *no*

Question 2 – *no*

Question 3 – *no*

Question 4 – *no*

Question 5 – *no*

Question 6 – *no*

Question 7 – *no*

Question 8 – *no*

Question 9 – *no*

Question 10 – *no*

Question 11 – *no*

NOW THEREFORE BE IT RESOLVED, that the Planning Board has determined that the proposed action will not result in any significant adverse environmental impacts and that a Draft Environmental Impact Statement will not be required; and

FURTHER BE IT RESOLVED, that this resolution shall be deemed a notice of determination of non-significance issued pursuant to 6 NYCRR Part 617 and Article 8 of the Environmental Quality Review Act, and the Planning Board secretary is hereby directed to file and circulate this Notice in accordance with the requirements of Part 617; and

FURTHER BE IT RESOLVED, that the Planning Board cites the following reasons in support of this determination of non-significance.

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

1. A small portion of the proposed addition will be built within 100 feet of Little Wappinger Creek, a "Controlled Area" under Section 250-78. There will be no construction or excavation in the watercourse itself.
2. The proposed addition will be used to store fire equipment and will not entail increased demands on the existing water supply and wastewater disposal systems. No modification or expansion of those systems is proposed.
3. The proposed addition will be built in a previously paved area and no clearing of trees or vegetation will be required.
4. Given the distance of the construction area from the watercourse, the Planning Board's Engineer has concluded that a permit from NYSDEC is likely not required, but it remains the responsibility of the applicant to determine whether other agency approvals must be obtained.
5. The Planning Board has concluded that the proposed activity would not result in the removal or destruction of significant vegetation or fauna, and would not interfere with the movement of any resident or migratory fish or wildlife species. No disturbance to or a substantial adverse effect on any identified significant habitat areas, threatened or endangered species of animal or plant, the habitat of such a species, or other natural resources, has been identified.
6. There are no sites or districts listed on the state or national registers of historic places reported on the property. Accordingly, the proposed project would have no known adverse impact on historic or pre-historic cultural resources of local, state or federal significance.
7. The proposed activity will occur in a Critical Environmental Area, but is not expected to impair the character or quality of important historical, archaeological, architectural, or aesthetic resources or the existing community or neighborhood character.

Seconded by Mr. Bonanno, all Aye Motion carried, 7-0.

The board discussed the site plan and wetland permit application.

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

Mr. Thomas motioned the following resolution, to wit:

After reviewing the Short Form EAF, the board issued a negative declaration pursuant to SEQRA.

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

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

Whereas, the Town of Clinton Planning Board has received applications for Site Plan Approval and for a Controlled Area Permit pursuant to Section 250-78 from the West Clinton Fire District for the purpose of constructing a 20' by 33.6' addition to an existing firehouse on a 0.613 acre parcel located at 6 Long Pond Road in the Town of Clinton as shown on a site plan and attachments designated "Site Plan" bearing the date 5/17/2024, with revisions dated 5/24/2024 and 7/10/2024, submitted by Liscum McCormack VanVoorhis LLP (the "Site Plan"); and

Whereas, there is no existing site plan on file for the parcel; and

Whereas, the proposed addition will consist of an equipment bay for the storage of fire equipment and no expansion or modification of the sewage disposal or water supply systems is proposed or will be permitted; and

Whereas, a small portion of the addition will be constructed within 100 feet of a watercourse (Little Wappinger Creek) necessitating the issuance of a Controlled Area Permit pursuant to Section 250-78 of the Zoning Law; and

Whereas, the subject property is identified as tax parcel number 132400-6468-00-312467 and is located in the Hamlet (H) Zoning District; 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: (b) names of adjacent owners of record; (c) structures and uses on

adjacent properties within 100 feet; (p) existing and proposed stormwater drainage system; (t) measurements of lot boundaries with bearings; and (ee) specifications for materials of the proposed improvements; and

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

Whereas, the Planning Board's Engineer has reviewed the applicant's submission and, in a memorandum to the Planning Board dated June 22, 2024, issued his comments, including a recommendation that applicant show a staging area for construction equipment and vehicles on the Site Plan; and

Whereas, the application materials, Site Plan and EAF were submitted to the Dutchess County Department of Planning and Development ("DCDPD") pursuant to GML Section 239-m; and

Whereas, the Planning Board held a public hearing on this application at its meeting scheduled for July 16, 2024 and received no comments:

Whereas, at its July 16, 2024 meeting, the Planning Board reviewed the EAF and related submissions by the applicant, as well as the Planning Board Engineer's report

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

and comments from the Town of Clinton Conservation Advisory Council, and issued a negative declaration of significance; and

Whereas, after review of the Site Plan and all other submissions by the applicant, the Planning Board has determined that the application is otherwise in compliance with the requirements of the Town of Clinton Zoning Law and the Town Master Plan; and

Whereas, the Planning Board has further concluded that the proposed 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, the applicant shall be required to obtain a building permit, to comply with all applicable building and fire codes and to obtain a certificate of occupancy for the proposed addition; and

Whereas, any further expansion of or significant modifications to the building or site may require an amendment to the Site Plan approved by the Planning Board prior to construction; and

Whereas, there are no known zoning violations on the property per the MCEI:

Now, Therefore Be It Resolved, that the Planning Board grants Site Plan Approval and a Controlled Area Permit provided the following conditions are met:

1. Payment of all applicable fees.
2. Receipt by the Planning Board of a response from DCDPD to the Section 239-m referral indicating no concerns.
3. Submission of a final Site Plan for signature by the Chairman of the Planning Board.

Seconded by Mr. Ferrini,

Discussion. None.

All Aye, Motion carried, 7-0.

Chair Thomas recused himself for this application.

Deputy Carroll took over to chair the next item on the agenda.

Lindsey Brown Section 250-78 Wetlands Permit for Activities in a Controlled Area – 99 willow Lane, Tax Grid No. 6567-00-193832

- Applicant seeks wetlands permit for the work done in the controlled area.

FD Schilling, Lindsey Brown's husband spoke and explained their application. He noted

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

that they withdrew their application to build a garden shed. They are basically in limbo and don't know how to proceed.

Mr. Ferrini who is the lead member for this application explained that the application before the board is basically to restore what was on there before some activities on the site. The town issued a Stop Work Order and the property owner applied for a permit to cover the work done. Based on the discussion with the MCEI, the property owner abandoned the original plan and they should file a Wetlands permit for this kind of restoration work pursuant to Sec. 250.78. The board asked Mr. Newman at the last meeting to make a determination whether the work done rose to the level of needing a permit under Sec. 250.78.

Mr. Ferrini continued that Mr. Newman came back with a recommendation that there is a provision in Sec. 250.78 that the Planning Board can waive the permit requirements for a Wetlands permit and Mr. Newman's recommendation is to waive the requirements of the section. Mr. Ferrini also indicated the appeal to this determination that was received from the adjoining property owner's lawyer. He asked the applicant whether they want to proceed with the Planning board's application given the appeal that is before the Zoning Board of Appeals and the applicant responded, "Yes, they want to proceed with the Planning Board's application".

Mr. Ferrini stated that the question for the board is whether they want to agree to waive the requirements of the code and immediately issue the wetlands permit. Mr. Ferrini commented that the statute of Sec. 250.78 states that they have to issue essentially a set of findings and basis for a determination like the ZBA resolution. The threshold issue is whether the board feels that at this stage, to accept or reject the MCEI recommendation or do the board think that they needed more information to make that recommendation. He feels that they should refer this application to the town consultant since this is restoration work. Do they feel that this is de minimis enough to waive the requirements of the law or do they need the town consultant to review the work done.

The board had a lengthy discussion about the matter and agreed for the following.

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

BE IT RESOLVED, that pursuant to Sec. 250-78(H) in the matter of **Lindsey Brown Wetlands Permit application** property located at 99 Willow Lane with Tax Grid No. 6567-00-193832 to: 1) waive the information requirements contained in Subsection F(4); 2) waive referrals to outside agencies; and 3) suspend the permitting process for the action and authorize the immediate issuance of the permit; ALL SUBJECT TO the ZBA's determination on the neighbor's appeal of the MCEI's Letter of Recommendation dated June 11, 2024, AND FURTHER SUBJECT TO the circulation and approval of a writing setting forth the PB's decisions and reasons therefor to be filed with the Office of the Planning Board.

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

Seconded by Mr. Auspitz, all Aye, except for Mr. Carroll who opposed and Mr. Thomas who abstained and recused himself, Motion carried, 5-1-1.

Mershon Wetlands Permit to Rebuild Single Family Dwelling - 253-269 Nine Partners Road, Tax Grid no. 6468-00-930822

Applicant seeks Wetlands Permit pursuant to Sec. 250-78 in order to rebuild the primary dwelling and bridge.

The board agreed to issue the following after all the reviews were made.

Mr. Ferrini motioned that the Town of Clinton Planning Board approves the following resolution on the request of William and Jan Mershon Irrevocable Grantors Trust for a Wetlands Permit pursuant to §250-78, at 253-269 Nine Partners Road, Parcel ID **#132400-6468-00-930822**.

WHEREAS:

1. Section 250-78 of the Town of Clinton Zoning Law requires a Permit for the erection of any structure in any wetland, watercourse or controlled area.
2. The Town of Clinton Planning Board is an involved agency for this unlisted, uncoordinated action. A SEQRA review was conducted and resulted in a negative declaration of significance in accordance with the New York State Environmental Quality Review Act on July 16, 2024.
3. There are no known violations per the ZEO.
4. All appropriate fees have been paid.
5. The application has met all of the requirements of Section 250 – 78(F).
6. The Planning Board has considered the factors set forth in Section 250-78(G), and determined that the application and proposed work meet all of the requirements of 250-78(I), specifically:
 - A. *The proposed regulated activity is consistent with the policy of the Zoning Code to preserve, protect and conserve wetland, watercourse and water body function and the benefits derived therefrom.*
 - B. *The permit issued for the proposed regulated activity is at least as restrictive as would result under application of the Freshwater Wetlands Act of the State of New York, Environmental Conservation Law § 24-0501 et seq.*
 - C. *The proposed activity is compatible with the public health and welfare.*

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

D. The proposed regulated activity cannot practicably be relocated on site to eliminate or reduce the intrusion into the wetland, watercourse or water body or the controlled areas adjacent thereto.

7. The Town Engineer has no objection to the application.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby grants approval of the requested Wetlands Permit pursuant to Section 250-78 for work indicated on the site plans submitted by the applicant dated May 16, 2024, conditioned upon payment of all fees.

Seconded by Mr. Carroll,

Discission. None.

All Aye, Motion carried, 7-0.

Devereaux 2 Lot Subdivision (Sketch Plan discussion) – 18 Hollow Road, Tax Grid 6267-00-227660

Applicant wishes to subdivide a 9.83-acre lot that is intersected by state and county roads, into two lots in order to obtain a mortgage. This property is in Residential hamlet 1a zoning district.

Parcel 1 – ±2.43 acres

Parcel 2- ±7.06 acres.

It was noted that the property owner is seeking subdivision in order to get a mortgage per the mortgage company's requirement.

The board had a lengthy discussion whether a lot that is intersected by a county road is naturally subdivided.

After a very lengthy discussion, the board agreed to establish a \$500.00 escrow. Mr. Carroll to coordinate the question to the Town Attorney.

No action taken.

Drago Non-Hosted Short Term Permit Renewal – 238 Hollow Road, Tax Grid No. 6267-00-703319

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

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

Mr. Thomas motioned that the Town of Clinton Planning Board approves the following resolution for a Special Permit for a Non-hosted Short Term Rental as requested by Joseph and Nancy Drago on property located at 238 Hollow Road, **Tax Grid No. 6267-00-703319**.

Whereas, the Town of Clinton Planning Board has received an application to renew a Special Use Permit from Joseph and Nancy Drago for the purpose of utilizing a principal residence ("Dwelling Unit") located at 238 Hollow Road in the Town of Clinton as a Non-Hosted Short-Term Rental ("STR") pursuant to Section 250-69.1 of the Zoning Law; and

Whereas, the subject property is identified as tax parcel number 6267-00-703319 and was previously issued a Special Use Permit for an STR effective as of November 1, 2022; and

Whereas, the applicants do not propose any permit changes with respect to the Dwelling Unit or its use as an STR; and

Whereas, the Zoning Administrator has inspected the Dwelling Unit and certified that it is in compliance with the permitting requirements set forth in Section 250-69.1 for use of the Dwelling Unit as an STR 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, after review of the renewal application and all other submissions by the applicants, 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, the Special Use Permit shall remain in effect for one year and shall require annual renewal, 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 applicants shall ensure that the Dwelling Unit complies with the requirements of Section 250-69.1 at all times while it is being utilized as an STR 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 date of this resolution.

MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults

MAXIMUM NUMBER OF DAYTIME GUESTS: 0

PERMIT REMAINS IN EFFECT UNTIL 7/16/2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE)

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

Seconded by Mr. Auspitz, All Aye, Motion carried, 7-0.

Upstate Modernist Non-Hosted Short Term Permit Renewal – 722 Slate Quarry Road, Tax Grid No. 6469-00-262542

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

No action taken

There is an outstanding item that needs to be resolved.

BOARD DISCUSSION:

None

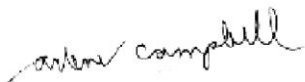
APPROVAL OF MINUTES:

Mr. Ferrini motioned to accept the minutes of June 4, 2024, seconded by Mr. Thorpe, all Aye, Motion carried, 7-0.

ADJOURNMENT:

Mr. Thorpe motioned to adjourn the meeting at 9:55 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