

**TOWN OF CLINTON
PLANNING BOARD MEETING
FINAL MINUTES
August 6, 2024**

MEMBERS PRESENT

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

MEMBERS ABSENT

Gerry Thorpe

Secretary – Arlene Campbell

ALSO PRESENT:

Jeff Newman, MCEI
Katherine Mustello, Liaison Officer

Chairman Paul Thomas opened the meeting to order at 7:00 pm. Chair Thomas gave his procedural comments and update about the proposed revision in the planning board review process.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

None

APPLICATIONS:

Devereaux 2 lot subdivision – property located at 18 Hollow Road, **Tax Grid No. 6267-00-227660.**

Applicant wishes to subdivide a 9.83-acre lot that is intersected by a 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.

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Applicant is not in attendance of this application.

Chair Thomas gave a brief summary about the proposition as indicated above. They are creating two lots with Lot 2 containing the two wetland parcels on the west side of Route 9g. Per the applicant, she doesn't have any intention to sell the new lot but does not rule the idea in the future.

Mr. Bonanno asked why the applicant is subdividing the lot. Chair Thomas responded that the property owner is trying to get a mortgage but since the lot is intersected by state and county roads, the property has to go through the subdivision process. He noted that the other two pieces of this parcel are not buildable given the wetlands on the parcel.

Chair Thomas indicated the question to the town attorney to make sure that the lot is buildable. The town engineer recommended that the applicant can give a letter stating that the lot is buildable.

MCEI Newman read Sec. 250.19 of the zoning regulation as stated below.

§ 250-19 Minimum lot area per dwelling unit or establishment.

In Consideration of minimum lot area, the following restrictions apply:

(1) Individual septic tanks shall be permitted on existing lots of record of not less than 20,000 square feet in area.

The board discussed the application and exchanged opinions about the feasibility to add a driveway, house and septic system on Lot 2.

The board agreed to issue sketch plan approval.

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

WHEREAS, applicant Agnes Devereux is requesting a two (2) lot subdivision of lands on a ±9.8-acre site located at 18 Hollow Road, which is in an RH Zoning District in the Town of Clinton, tax grid #132400-6267-00-227660-0000, as shown on the plat created by Holtz Surveying, 679 Embought Road, Catskill, New York; and

WHEREAS, the acreage after the subdivision will be ±2.73 acres for Lot 1 and ±7.06 acres for Lot 2; and

WHEREAS, the applicant has submitted a Short Form EAF;

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WHEREAS, subdivision approval 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, subdivision approval is an Unlisted action under SEQRA;

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

1. The following items shall be included in the subdivision plat:
 - The address of the property should be added “18 Hollow Road, Town of Clinton, Dutchess County, New York”
2. The Planning Board shall receive confirmation from an engineer that it is feasible to add a driveway, house and septic system to the new Lot 2
3. Any waivers to the sketch plan requirements, if and to the extent necessary, shall be requested by the applicant in writing; and

Seconded by Mr. Auspitz,

Discussion. Chairman Thomas suggested adding a note about the request of waiver.

All aye, motion carried, 6-0.

The board agreed to declare the lead agency.

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

BE IT RESOLVED, the Town of Clinton Planning Board hereby declares its intention to be the lead agency for review of the two-lot subdivision for the Devereaux Property located at 18 Hollow Road in the Town of Clinton; and

BE IT FURTHER RESOLVED, the Planning Board hereby directs that the copies of the Subdivision Application, the Part I EAF, and the Preliminary Plat Plan be sent to the following agencies:

INTERESTED

Town of Clinton CAC
West Clinton Fire Department

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BE IT FURTHER RESOLVED, a public hearing on the proposed two lot subdivision will be held at the next Planning Board meeting August 20, 2024.

Seconded by Mr. Ferrini,

Discussion. Public hearing is set for August 20, 2024.

All Aye. Motion carried, 6-0.

East Clinton Fire District (Board discussion) – property located at 8 Firehouse Lane, Tax Grid No. 6566-00-523768.

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

Mr. Bonanno who is the fire commissioner in this district recused himself for this discussion and joined his team, Don Estes and Michael McCormack, from Liscum, McCormack and Vanvoorhis Architects.

Mr. Bonanno discussed that they wish to construct a new facility on this 4.3-acre parcel that is almost adjacent to the existing fire house. The proposed new facility will be one story, 5 bay garage, with 3 offices, radio room, bathroom, multi-purpose room and kitchen. The 11,500 square feet facility will have 125 sitting capacity and will be used for training and functions to help the community. The proposed access is Salt Point Turnpike. Survey is done and Jo Burger will be working with them in regards to the engineering aspect. Estimated cost is around \$5 million and will be seeking various grants and selling the existing facility to fund the proposal.

The panel had a very lengthy discussion and talked about septic system and Health Department approval, parking, wetlands on the parcel, procedural process and timeline.

No action taken. The applicant will need to submit a site plan approval to file an application.

Corrigan NonHosted Short Term Renewal – property located at 73 Long Pond Road, Tax Grid No. 6468-00-230572.

Applicant wishes to renew their permit pursuant to Sec. 250-69.1 of the Town of Clinton Zoning Law.

The board agreed to renew the permit as stated below.

Mr. Dolan motioned that the Town of Clinton Planning Board approves the following resolution for a Special Permit renewal application for a Non-hosted Short Term Rental as requested by Scott Corrigan on property located at 73 Long Pond Road, Tax Grid No. 6468-00-230572.

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Whereas, the Town of Clinton Planning Board has received an application for renewal of a Special Use Permit from Scott Corrigan for the purpose of continued use of their dwelling located at 73 Long Pond Road in the Town of Clinton as a Non-Hosted Short-Term Rental pursuant to Section 250-69.1 of the Zoning Law; and

Whereas, the subject property is identified as tax parcel number 132400-6468-00-230572 and is located in the C Zoning District; and

Whereas, the Zoning Administrator has inspected the Dwelling Unit on 7/18/24 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 applicant has provided a Host Liability Insurance coverage through Airbnb and will only schedule through Airbnb to assure such coverage.

Whereas, the Planning Board has determined that the maximum number of Lodgers allowed shall be 6 and the maximum number of daytime visitors on the property shall be 0;

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 pursuant to Section 250-69.1D(4), no later than 90 days before the anniversary of such issuance; and

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

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

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

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

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

MAXIMUM NUMBER OF LODGERS PERMITTED: 6

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

Seconded by Mr. Ferrini,

Discussion. None.

All Aye, Motion carried, 6-0.

Upstate Modernist NonHosted Short Term Renewal – property located at 722 Slate Quarry Road, **Tax Grid No. 6469-00-262542.**

Applicant wishes to renew their permit pursuant to Sec. 250-69.1 of the Town of Clinton Zoning Law.

Mr. Newman explained that there is a pond on the parcel that is being used for swimming. He expressed his concern about the AirBnB use given the no safety barrier.

Mr. Auspitz commented that you can just walk into a pond. It's like an ordinary pond.

Mr. Bonanno asked if there was liability insurance. Mr. Auspitz responded, "Yes, it's covered by the STR rental policy.

Mr. Ferrini remarked, "Swim at your own risk".

Mr. Auspitz echoed the comment.

The board exchanged opinions about the issue and agreed to state nothing on the approval. It's like a regular pond where you can just walk in or swim.

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

Mr. Thomas motioned the following:

Whereas, the Town of Clinton Planning Board has received an application to renew a Special Use Permit from Upstate Modernist LLC for the purpose of utilizing a principal residence located at 722 Slate Quarry Road 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 6469-00-262542 and is located in the C Zoning District was previously issued a Special Use Permit for an STR on August 15, 2023; and

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

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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 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 applicant shall utilize AirBnb exclusively as a rental platform and shall maintain liability insurance through AirBnb;

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 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 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 August 6, 2024.

MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults

MAXIMUM NUMBER OF DAYTIME VISITORS PERMITTED: 6 adults

PERMIT REMAINS IN EFFECT UNTIL August 6, 2025 (SEE SECTION 250-69.1D(4) FOR ANNUAL RENEWAL PROCEDURE).

Seconded by Mr. Ferrini,

Discussion. None.

All Aye, Motion carried, 6-0.

Wes Aull NonHosted Short Term Renewal – property located at 62 E Meadowbrook Lane, **Tax Grid No. 6367-00-501394.**

Applicant wishes to renew their permit pursuant to Sec. 250-69.1 of the Town of Clinton Zoning Law.

Mr. Dolan indicated that there is still an outstanding item that needs to be resolved in

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this matter. The pool fence is not in compliance.

After a lengthy discussion, the board agreed to wait for the outstanding item to be addressed before renewing the permit.

No action taken.

BOARD DISCUSSION:

The panel had a very lengthy discussion about the proposed revision on Short Term Rental Local Law.

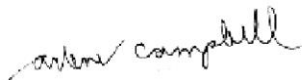
APPROVAL OF MINUTES:

No minutes were approved.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 8:45 pm, seconded by Mr. Auspitz, All Aye, Motion carried, 6-0.

Respectfully Submitted,

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

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