

**TOWN OF CLINTON
PLANNING BOARD INPERSON MEETING
MINUTES
May 3, 2022**

MEMBERS PRESENT

Art DePasqua, Chairman
Jack Auspitz
Gerald Dolan

Paul Thomas
Tom Bannono

Secretary – Arlene Campbell

MEMBERS ABSENT

Justin Carroll
Michael Galantich

ALSO PRESENT

Eliot Werner, Liaison Officer

Chairman DePasqua called the meeting to order at 7:32 pm.

VARIANCE APPLICATION:

None

PUBLIC HEARING:

Francois and Pierson Non Hosted STR – property located at 17 Schoolhouse Road, **Tax Grid No. 6467-00-043348.**

Applicant wishes to do NonHosted STR on a single family dwelling pursuant to Section 250.69-1 (Non-Hosted Short Term Rental) of the Town of Clinton Local Law 3 of 1991 (Zoning Law)

Mr. Francois was back before the board for the conclusion of his application. He explained that they moved to this property in 2014. Due to family reasons, they recently moved full time to Philadelphia. He noted that they we're not able to come to this house as often as they can when they used to live closer to the town.

Mr. Francois stated that they would like to make this house available to others so that they can enjoy the country. He underscored that they are not doing the Short Term Rental for investment purposes. This is their home and had lived here since 2014. He also indicated the local contact person that they hired to oversee the rental.

The board agreed to open the public hearing.

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

Chairman DePasqua solicited questions from the public. Ms. Campbell indicated that there is one letter received from the neighboring properties who is supporting the proposal.

Hearing no comment from the public, the board agree to close the public hearing.

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

Francois and Pierson Non-Hosted STR – property located at 17 Schoolhouse Road, **Tax Grid No. 6467-00-043348.**

Applicant wishes to do Non-Hosted STR on a single family dwelling pursuant to Section 250.69-1 (Non-Hosted Short Term Rental) of the Town of Clinton Local Law 3 of 1991 (Zoning Law)

The board discussed the application.

Mr. Thomas asked about the insurance information per the zoning requirement. Mr. Francois responded that the insurance documents were submitted on file.

The board had a lengthy discussion about the insurance documents.

Mr. Thomas explained that the issue is whether there is a rider about the short term rental. The insurance should include commercial liability for the short term rental and Town of Clinton should be added as an additional insured.

Mr. Francois explained that everything was submitted per his email dated May 2, 2022.

Mr. Thomas stated that the document states “personal property”. He said that the insurance should also include personal liability. The insurance rider is very important. The \$1M coverage should extend to short term rental

After a lengthy discussion about the issue, the board agreed to include this document as a condition to the approval.

Mr. Auspitz asked about the number of parking spaces this property can accommodate. Mr. Francois responded that there is a three-car parking spaces on the property.

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

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

WHEREAS:

1. Eric Francois has applied for a special use permit to establish a Non-Hosted Short Term Rental at his residence at 17 Schoolhouse Rd. in the Town of Clinton (#132400-6467-00-043348), pursuant to Section 250-69.1 of the Zoning Code
2. The property is in an H zoning district and applicant does not propose any alteration, excavation or construction in the site in connection with the requested permit.
3. Applicant has submitted a septic inspection report, dated within 90 days of the date of the application, stating that the septic system, including a 1,000 gal. septic tank, was adequately functioning at the time of the inspection.
4. A Short Form EAF, Part 1, has been received and reviewed
5. The Planning Board has determined that the proposed action will not have a significant adverse impact on the environment based on the criteria set forth in 6 NYCRR 617.7 and qualifies as a Type II action under SEQRA.
6. A public hearing was held during the Board's regular meeting on May 3, 2022 and no adverse comments were received. A letter in support of the application from the across the street neighbors was received and made a part of the record.
7. The Zoning Administrator has inspected the premises and certified it is in compliance with the permitting requirements set forth in 250-69.1 for use as a non-hosted Short Term Rental and there are no known violations on the property.
8. The Dutchess County Department of Planning and Development was notified and stated an STR application is a matter of local concern
9. The Planning Board has determined that the maximum number of Lodgers allowed is 6 adults and the maximum number of daytime visitors permitted on the property is 6
10. After review of the application and all other submissions by the applicant, the Planning Board has determined that the application and premises are otherwise in compliance with the requirements of 250-69.1.
11. This Special Use Permit 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 250-69.1D(4) no later than the anniversary of its issuance.
12. Applicant shall ensure that the Dwelling Unit complies with the requirements of 250-69.1 at all times while it is being used as a short term rental and shall otherwise comply with all applicable Town, County and State laws and

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regulations governing such use. Applicant states he has the required insurance.

NOW THEREFORE BE IT RESOLVED that the Planning Board hereby grants approval of the requested Special Use Permit, effective as of the date of this resolution, subject to 1) providing proof of liability insurance a required by 250-69.1 and 2) payment of all applicable fees.

MAXIMUM NUMBER OF LODGERS PERMITTED: 6 adults

PERMIT REMAINS IN EFFECT UNTIL MAY 2, 2023

Seconded by Mr. Bonanno,

Discussion. Chairman DePasqua reminded the applicant that there is a yearly renewal for this permit. There will be an issue about the renewal if a complaint or violation is received.

All Aye, Motion carried, 5-0.

Slate Quarry Rd LLC Demolition Plan – property owned by Eric Slogan also known as Slate Quarry Riad property located at 428 Mountain View Road, **Tax Grid. No.** 6369-00-520662

Applicant proposes to demolish the single family dwelling on the property.

Jason Jones, the property owner's general contractor appeared on behalf of the property owner. He explained that the property owner bought this property for buffer. At a time when this property was for sale, there was a rumor that a potential subdivision is proposed and homes will be built. The Slogans who do not wish to view more than one home from their property bought this property with the goal to create more privacy. Mr. Jones noted that Slogans do not have any intention of re-building or putting any structure on this lot. The land will remain vacant.

Mr. Jones explained the condition of the building i.e. disrepair. It will be costly to do a renovation.

Mr. Dolan stated that the property card listed a 688 square feet horse barn built in 1970. Mr. Jones responded that he did not see any horse barn on this property. He opined that barn was probably old and had been removed. There is a horse paddock and a 10' x 12' shed on the property but not a 688-square feet barn.

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Mr. Dolan advised the applicant to talk to the assessor about updating the assessor's property card. Mr. Dolan stated that he included the garage and the shed in the demolition approval.

Mr. Bonanno asked if the Slogan's home on 418 Mountain View a renovated home. Mr. Jones responded, "No, this is a new construction."

Mr. Bonanno asked if the property owner took a mortgage on the home on 428 Mountain View. He's not sure if you can demolish a home that is bank owned. Mr. Jones responded that he doesn't know the answer to this question but will convey the question to the property owner.

Mr. Thomas remarked that this concern is between the property owners and the bank.

Mr. Dolan asked the applicant about their plans regarding the septic and oil tank. Mr. Jones responded that the oil tank in the basement will be property removed. The septic will be pumped out and will be filled with sand.

Mr. Bannano asked if the foundation will also be removed. Mr. Jones responded, "Yes." Mr. Bonnanno asked if this lot will remain buildable. Mr. Auspitz responded, "Yes." The property owner can also save money on taxes by consolidating these lots.

Mr. Thomas asked about the home appliances. Mr. Jones responded that the Slogans will be donating these appliances.

The board agreed to do the short form EAF and issued the following resolution.

Mr. Dolan motioned that the Town of Clinton Planning Board finds that Slate Quarry LLC Demolition Plan to demolish the existing house, garage and shed on 428 Mountain View will have a negative impact on the environment and thereby issues Negative Declaration per State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and Part 617 of thr New York Codes, Rules and regulations,

Seconded by Mr. Thomas, all Aye, Motion carried, 5-0.

The board passed another resolution, to wit:

Mr. Dolan motioned that the Town of Clinton approves the following resolution, to wit:

BE IT RESOLVED, the Town of Clinton Planning Board issues a Demolition Plan Approval to the Building Inspector for the house belonging to Slate Quarry Road

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LLC on property located at 428 Mountain View Road, Tax Grid 132400-6369-00-520662-0000, a 15.47 acre parcel in the AR5A zone

Whereas:

1. The house in this application for demolition was built in 1968 on this 15.47 acre parcel. It is a 1658 sq ft structure with attached garage, porch and shed. There is not any designation of significance on this property as confirmed by [National Register of Historic Places](#) in [Dutchess County, New York](#).
2. This building is planned for demolition because it is in need of extensive renovation and maintenance, and the owners have no plans to occupy it or rent it.
3. Demolition will take place by use of an excavator and the carting away of the material by truck. The oil tank will be removed prior to demolition. The septic tanks will be pumped and filled. Standard silt fencing will be installed around the work area.
4. Proposed future use of the property is to plant grass where the building currently stands and leave the property to remain vacant.
5. At the meeting on 5/3/22 the Environmental Assessment Form submitted by the applicant was completed by the board resulting in a negative declaration which was approved by the board as required by State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law and Part 617 of the New York Codes, Rules and regulations.
6. Photographs of all sides of the exterior and the interior rooms were provided.
7. Historically the building was used as a residence and it is currently uninhabited.
8. An aerial photo was provided showing the location of the building on the property.
9. A letter of authorization is on file in the building/planning/zoning office allowing Jason Jones to represent the owners.
10. All appropriate fees have been paid.

Now, therefore, be it resolved, the requested Demolition Plan is granted approval by the Town of Clinton Planning Board.

Seconded by Mr. Bonanno.

Discussion. None.

All Aye Motion carried, 5-0.

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BOARD DISCUSSION:

Mr. Werner discussed zoning revision committee will resume the zoning review the next day, May 4, 2022.

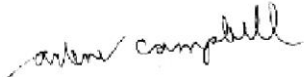
APPROVAL OF MINUTES:

Mr. Dolan motioned to accept the minutes of April 5, 2022, seconded by Mr. Auspitz, all Aye, Motion carried, 5-0.

ADJOURNMENT:

Mr. Dolan motioned to adjourn the meeting at 9:10 pm, seconded by Mr. Bonanno All, Aye, Motion carried, 5-0.

Respectfully Submitted,



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