

The Clinton Town Board held their zoning revision meeting on this day in the Town Hall. Present were Supervisor Ray Oberly and Board Members Nancy Cunningham, Dean Michael, Michael Whitton, and Eliot Werner. There were nine residents in the audience.

Supervisor Oberly called the meeting to order at 7:00 PM and led the Pledge of Allegiance.

Councilmember Michael's Comments

Councilmember Michael read comments from emails the sections to be discussed next. He read Merida Wells email from the last meeting which attached in its entirety as appendix A and Ian Shrank Appendix B, and Tom Myers Appendix C.

Michael Whitton: 205-15.2 and 15.3 “Shall be subject to regulation” after overlay.

250-29 Accessory dwelling units

Oberly: Accessory Dwelling units are not defined. Should change in definitions

Whitton: Agrees with Shrank about accessory dwelling unit and said it should be capitalized.

Eliot Werner: In #B4 it should say on which more than 1 dwelling unit

Art Wieland: said an Accessory dwelling unit should say an owner should live in 1 not in a 2 family situation.

Oberly: Questions #B5 number of bedrooms is limited to 2 “we took this out” and questions Questions #B6 what is gross floor area need to fix in definitions?

Art Wieland: said we should add back into the definitions.

Werner said we changed from habitable space because it was more restrictive. #6 change to Gross floor area so it's consistent.

Oberly: Questions #6 if the new dwelling unit why do you need a subdivision and #10 why do stairway be location on the front.

Rich Morris if you're restricted to 1000 sq ft can you covert part of a barn to an accessory apartment. The board said it can.

Oberly: Questions #C2 the grandfathering of items done to new standards.

Wieland said if it was prior to zoning and question the date of zoning. Accessory dwelling units with the interpretation that pool houses can have sanitary facilities that later become apartments.

Russ Tompkins Why is the CO contingent on the date prior to this law? #C2 should be deleted. In D3 question why you need twice the lot size?

Michael stated that he is in support of ECHO housing which means we would need to change that section D3

Wieland: We've allowed for these before and don't think we should have mass density.

Whitton does think we want to be like Westchester.

Morris existing building is gets turn down often for a variances. Thinks it a heavy hand not to allow it.

Lindsey Brown Thinks it's a good idea to have the option to allow her parents to live in an ECHO home on her property.

Tompkins Said the intent is to allow it but the wording doesn't.

#C2 was voted on deleting Oberly, Cunnigham, Michael, Werner and Whitton YES

Oberly Page 4 top #E1 need to fix

Wieland: Thinks we should change to Gross Floor Area

Werner said we need to address Russ Tompkins issue on D3

Tompkins thinks it should be removed because it's already covered by other sections of the town code. He think what Rich Morris said as far as the variance are not easily given. Also the schedule of use should have been redlined for easily identifying changes.

Morris add the word "new" in front of structure or restrict to use of existing septic and well.

Wieland: questions the Lot acres for the industrial zone which accessory dwellings are not allow as per **Oberly**.

Michael we should take out D3 because it's already require by special permit.

Werner thinks we shouldn't do it because it opens up issues and allow for too many people to live on a property.

Wieland: a special permit could address these issues but is cautious on its impact.

Arlene Campbell attached vs detached structure is more privacy

#D3 was voted on deleting Oberly, Cunningham, Michael YES, Werner and Whitton NO

Arlene Campbell does think we should allow it

§ 250-29.1 Accessory Short Term Rental

Tompkins Agrees with most of 29.1 but under B2 should not advertise in the interior

Whitton thinks we should delay it as it inadequate and wait for Rhinebeck and other Towns complete their new law that we can copy.

§ 250-33A Biodiversity study regulation

Tompkins 4 Pages of new sections and we have survived without it. There's nothing in Stanford and Milan intentionally passed on adding a section to their law. The cost to implement would be excessive. Pg 2 C1 talk about species and make a plan to protect them without weighing the land owner.

Wieland: Type 2 residential issue and uses the CAC often to protect those species. We need to weigh those issue to the need of the landowner, the trees being cut for fire wood. So he's opposed to this current draft as its excessive and doesn't continue beyond the development.

Oberly having been involved in other studies which take 3 years and cost a lot and its detrimental to anyone trying to do anything with their property. It's well beyond our needs and Milan is using it only as a guideline.

Michael reading emails attached hereto attached with a consensus of the cost is of concern

Morris suggests we postpone this section and comeback to it and thinks the town should pay for it.

Michael make a motion to table this section to the end.

Councilmember Michael said we will discussed the sections 250-34, 250-37.1 and 250-42 at the next meeting on April 18th at 7pm.

ADJOURNMENT

MM Oberly, 2nd Michael that the Town Board adjourns the meeting. at 9:03 PM.

Respectfully Submitted,
Dean Michael, Councilmember & Zoning Revision Chair

Appendix A

Subject: Zoning Revision comments for tonight's meeting
From: Merida Welles
Date 4/4/2018

Hi Dean, I will be unable to attend tonight's meeting but appreciate the opportunity to submit the following points/questions for the record.

Chapter 250-29 Accessory dwelling units (already submitted but repeated for your convenience)

B3 - We believe the expression "accessory dwelling unit (ADU)" should be used consistently through the paragraph.

B4 - I find this statement confusing. How about "A property owner who sublets an accessory dwelling unit (ADU) must live on the property" ?

B6- again "accessory dwelling unit (ADU)" should be used consistently and passage might be simplified to "An ADU shall be the smaller of 1000 square feet or 35% of total gross floor area; minimum size of ADU shall be 400 square feet."

Chapter 250 33A "Biodiversity study regulations"

Assuming homeowner pays for bio diversity studies, how much wd they cost? is pricing determined by acreage, hourly rate or other means? Can you offer examples of how much a homeowner seeking subdivision approval would have to spend ?

Do we issue RFPs or rely on local biologists/ ecologists familiar with Dutchess County?

Chapter 250-37 " camps and campgrounds"

It appears from point G, that camping trailers/RVs up to a certain size will now be allowed in Camps/Campgrounds. Do we know how campers using tents and/ or bungalows feel about having RVs pull up next door to them?

It's not clear to me why section 37 (camps and campgrounds) and section 38 (camping trailers and vehicles) are separated, if they are campers and vehicles are now to be mixed together.

Thank you and the board!

Appendix B

Mar 28, 2019 10:34 PM,

From: Ian Shrank

Dear Town Board,

I have learned that your topics on April 4 include those listed below, so I have provided my comments to the proposed changes. I have lived on Fiddlers Bridge Road for 30 years and love the Town of Clinton and want very much to protect its wonderful character.

250-29:

B3 - This change is just one example of the inconsistent use in 250-29 of "accessory unit" vs "accessory dwelling unit". I would suggest that every time the latter phrase be used, since it appears all of 29 is intended to deal with dwelling units, not garages, storage sheds, etc.

B4 - I would suggest for clarity that it say: "The owner of a lot on which more than one single-family dwelling unit exists shall occupy at least one of the dwelling units."

B6 - I object to the use of gross floor area. It is not defined and could include an unfinished basement or attic and a deck, which would result in a much larger secondary unit. I believe using habitable space (which is defined) is much more clear (even clearer might be "habitable indoor space". We should not be encouraging bigger second homes on a single lot.

250-29.1:

I see that the goal of this section is to "maintain the residential character of the neighborhood from commercial uses not customarily allowed in residential districts." However, I do not see how the rule accomplishes that goal except by saying that the rental will be subject to the "site plan and special use permit approval by the Planning Board". I would think we should impose some standards on the Planning Board so it has guidance on what should be approved. For example, why not say that not more than one rental to one family unit is permitted per lot at the same time, or that the unit cannot be rented for periods of less than (for example) 4 days at a time.

B1 - I do not understand what is meant here. The use of "may" is ambiguous - do you mean that short term rentals are "only" permitted if these conditions are satisfied? A1 refers to "dwelling" and B1 to "habitation" - are they intended to mean 2 different things? If not, the same term should be used throughout. "Short Term Rental" is capitalized, but not defined - it should be defined otherwise it is unclear what 29.1 refers to. Is a two-family home not governed by 29.1? or a lot with 2 residences on it? why refer to a "space" - does that mean a single room in a multi-room home?

B3 and elsewhere - "unit" is ambiguous, better to say the ASTR

C1a - I would clarify to read: "If the owner is an entity, rather than a person, the contact information for the person who acts as the president, managing member, managing partner, or

similar role. including full name, address, telephone number, cell phone number, and email address, shall be provided."

C1d - "property" is ambiguous, I would refer to the lot on which the ASTR is located.

D1 - should not the fee be stated here?

I support the balance of 29.1 as reasonable restrictions on how owners can use their property.

250.33a:

I am afraid I do not know enough about this subject matter, so I can only make some general statements. I very much support the need to evaluate the ecological impact of development in Clinton, but I do not want to make that evaluation process so burdensome that it effectively makes all future development uneconomic. Do we have any sense of the cost and time involved in the required assessment? Or what % of Clinton's land, if developed further, would trigger such an assessment? There must be a balance between development and the environment.

Thank you for your consideration

Appendix C

March 19, 2019

From: Tom Myers

Subject: Section 250 – 29.1 Accessory Short – Term Rental

It is requested that you read the following comments into the record at the Workshop held for discussion on the topic above. Thank you.

COMMENTS FROM TOM MYERS ON 29.1 -ACCESSORY SHORT TERM RENTAL

A well – attended meeting in Rhinebeck on Jan. 14, and some of you were there, demonstrated to all that writing regulations for Short Term Rentals is a current challenge for every town in the area, a Use that needs professional planning, research of alternative options, careful definitions and wording to prevent legal problems, as well as community discussion before adoption.

The current 2- page proposed section, while well-intentioned, fails to meet the requirements of regulation needed, fails to meet the basic stated purpose of the Master Plan and the regulation itself “to protect and maintain the residential character of the neighborhood”, and opens the Town to little protection from a transient but steady group of travelers of unknown character who have no vested interest in the Town and no reason to care for neighboring properties, scenic roadways and wetlands, nor “quiet enjoyment” of these, which are guaranteed by our title deeds.

Because of the nature and difficulty of this proposed use and the obvious need for professional help, my recommendation is:

(1) This section should be removed from the proposed Zoning Revisions, a Land-Use Planning Consultant (preferably someone like Jim Levy who sits with the Rhinebeck Planning Board and is familiar with this topic) should be engaged by the Clinton Town Board specifically for this topic, Clinton should wait and follow laws being developed by other towns like Rhinebeck and Red Hook who are devoting substantial resources to this topic, and have our consultant make a recommendation after more work by other towns. CLINTON DOESN'T HAVE TO BE FIRST ON THIS! Other towns are paying planners and lawyers to work on this and we can get the benefit of their good progress.

In the meantime, Air B&B and other Short Term Rentals already comes under our current zoning law as a B&B, and already requires site plan and special permit review, as well as “hosting” by the property owner, providing some measure of neighborhood responsibility. We need to pull in current violators who are advertising short-term rentals to apply for site plans/special permits.

(2) If the Town Board insists that it must include this section NOW, which it should not, then it should require that the property be owner-occupied (“hosted w/ owner present/close”). Lack of owner presence is the biggest problem with short term rentals. Owner presence should be explicit in the law (currently unmentioned). It is a naive to assume that a transient group of people (think Spring Break, or worse) will behave in a way that will not be detrimental to the neighborhoods and require enforcement by police or town administration, cause complaints, legal challenges, etc.

At a minimum, owner-occupied hosting can be used until the Town has a better understanding of the use in the context of our town resources (handling complaints, Planning Board reviews, numbers of applicants, etc.) Not to require owner-occupied hosting opens the door (which cannot be easily closed) to “anything goes”, not exactly providing protections called for in the Master Plan or the objectives of maintaining the character of the neighborhoods.

(3) Problems with the existing 2-page proposal are too many to list here, like advertising, occupancy limits, prohibition of commercial uses, conditions of hosting, geography/availability of host, trespass, noise, garbage, rights of farmers, lighting, short term rental tents, short term rental storage, neighbors, calls, conditions of Special Permit, penalties, amnesty for current violators, fire inspections, town liability, town resources the Town Board is willing to fund, assumption of “all good people who behave”, which unfortunately is not true.