TOWN OF CLINTON, NEW YORK

Zoning Enforcement

A question of policy

There are two enforcement policies in the Town of Clinton.

The Code as Written

- Literal
- Mandatory
- Equal Enforcement

Enforcement in Practice

- Voluntary
- Case-by-case negotiation

TOWN CODE §250-89

Every mandatory step is already written down.

A. Enforcement. In addition to all other authority conferred by law, and except as otherwise provided, it **shall** be the duty of the Zoning Administrator to **enforce literally** the provisions of this chapter…

E. Order to remedy. Whenever in the opinion of the Zoning Administrator, after proper examination and inspection, there exists a violation of any provision of this chapter… the Zoning Administrator **shall** serve a written notice… and the date of compliance… which date **shall** be not more than **30 calendar days** from the date of notice.

F. Stop orders. Whenever the Zoning Administrator has reasonable grounds to believe that work… or any use of land is occurring… in violation of the provisions of this chapter… the Zoning Administrator **shall** promptly notify the appropriate person or persons responsible to suspend… Such persons **shall** immediately suspend such activity…

G. Appearance tickets. Whenever in the opinion of the Zoning Administrator the person(s) responsible for an alleged violation has failed to remedy the condition, or has failed to stop work as requested, the Zoning Administrator **shall** issue and serve an appearance ticket with respect to a violation of this chapter.

K. Reports. The Zoning Administrator **shall** make a report to the Town Board, in writing, at least once every three months, listing all reported or continuing violations of this chapter and the disposition or pending action of such violations.

NEW YORK STATE DEPARTMENT OF STATE · ZONING ENFORCEMENT

The State's model: one notice, then enforcement.

"When a violation comes to the attention of the ZEO, it is critical that the enforcement process begin."

THE STATE'S MODEL LETTER TO A VIOLATOR

"**This is the only letter you will receive.** If you do not correct the violation by [DATE] or contact this office and make arrangements for an extension of time, we will begin enforcement action."

ON ENFORCEMENT

"The zoning law is only as good as its enforcement; without proper enforcement, zoning consists merely of words on paper."

NYS Department of State, Zoning Enforcement (James A. Coon Local Government Technical Series, rev. 2008, reprinted 2011): model letter, Appendix 8; Conclusion.

TOWN CODE §250-89

1 · OPTIONAL	2 · §250-89.E	3 · §250-89.F	4 · §250-89.G
A first request for voluntary compliance	**Order to remedy, 30 days at most**	**Stop order, “promptly”**	**Appearance ticket, “shall issue”**

An initial note for voluntary compliance is fine. It must then be followed by strict enforcement. Every step after the first is mandatory.

WHAT TRIGGERS THE DUTY TO ACT

The Code sets the lowest possible bar.

"OPINION"

Order to remedy (§250-89.E) and appearance ticket (§250-89.G)

Enough for the ZA to act

"Reasonable grounds to believe"

Stop order, "promptly" (§250-89.F)

Enough for the ZA to act

Preponderance of the evidence

Civil enforcement

What a court needs later

Beyond a reasonable doubt

Criminal conviction

What a court needs later

2021 – 2026, THE TOWN'S OWN RECORDS

0

appearance tickets.

0 fines levied.

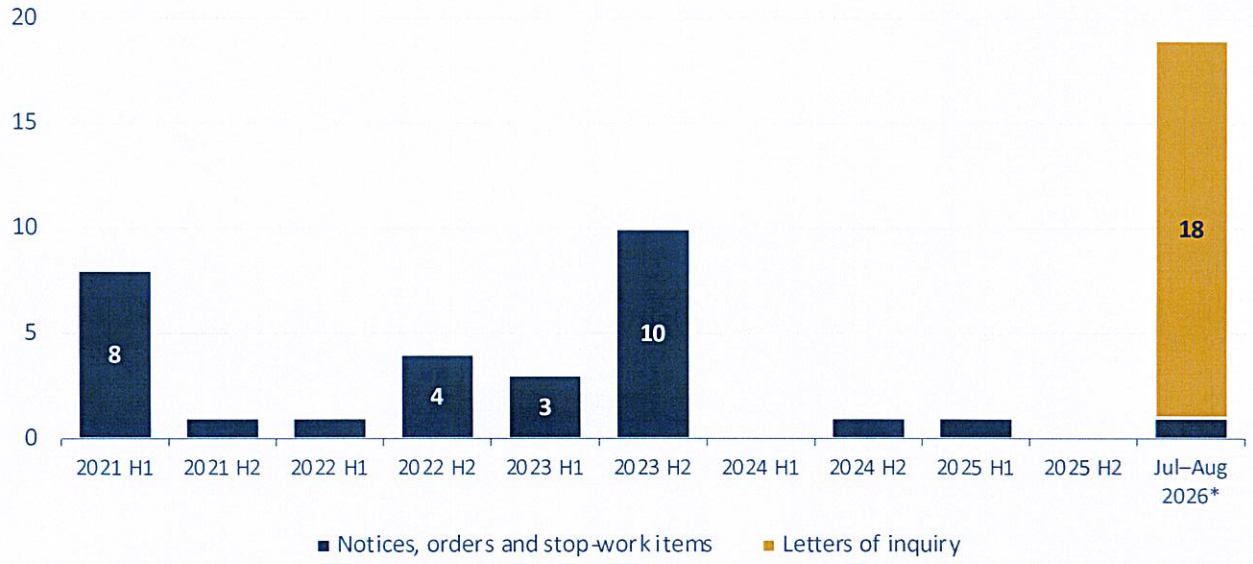
SECTION 250-89.K REQUIRES QUARTERLY REPORTS OF EVERY VIOLATION

25

months of NO reporting on violations (March 2024 – April 2026)

2021 – 2026 · THE TOWN'S OWN RECORDS

From notices to inquiries.



254 days
No notice or order produced, Dec 10, 2023 to Aug 20, 2024

178 days
None, Aug 20, 2024 to Feb 14, 2025

538 days
None, Feb 14, 2025 to Aug 6, 2026

Source: notices produced by the Town Clerk under FOIL (March 2026), by date on each letter; the 2022 resolution letter is excluded. *Jul–Aug 2026: Zoning Administrator case log; one stop order and NOV (East Fallkill Rd, Aug 6), 14 short-term rental letters of inquiry and 4 site-visit or compliance inquiries.

Some Examples:

246 Clinton Corners Road

An auction house and warehouse, in their own words.

HEDGE-AUCTIONS.COM · CURRENT AUCTIONS

"... **main office and warehouse** in Duchess County, NY, just outside the beautiful village of Millbrook."

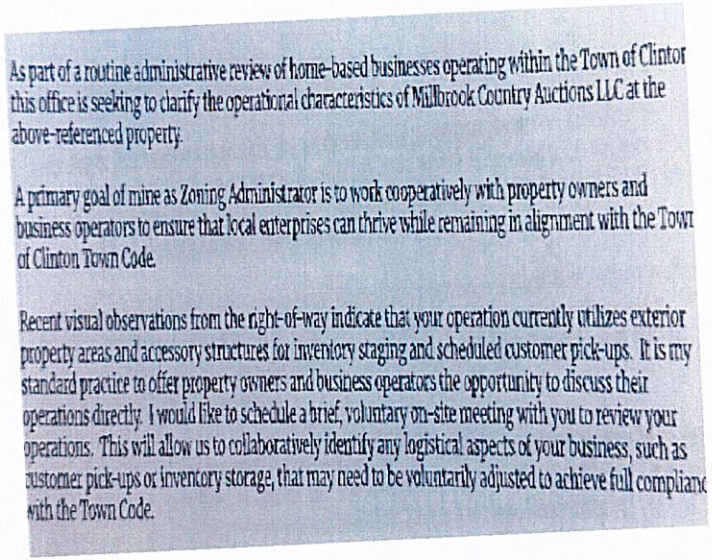
HEDGE-AUCTIONS.COM · CONSIGNMENTS

"... consignment auctions ... out of our **rustic barn complex.**"



Some Examples:

246 Clinton Corners Road



As part of a routine administrative review of home-based businesses operating within the Town of Clinton this office is seeking to clarify the operational characteristics of Millbrook Country Auctions LLC at the above-referenced property.

A primary goal of mine as Zoning Administrator is to work cooperatively with property owners and business operators to ensure that local enterprises can thrive while remaining in alignment with the Town of Clinton Town Code.

Recent visual observations from the right-of-way indicate that your operation currently utilizes exterior property areas and accessory structures for inventory staging and scheduled customer pick-ups. It is my standard practice to offer property owners and business operators the opportunity to discuss their operations directly. I would like to schedule a brief, voluntary on-site meeting with you to review your operations. This will allow us to collaboratively identify any logistical aspects of your business, such as customer pick-ups or inventory storage, that may need to be voluntarily adjusted to achieve full compliance with the Town Code.

NOTICE OF OPERATIONAL INQUIRY — AUG. 25, 2026

A BLATANT VIOLATION

"A primary goal … is to work cooperatively… a brief, voluntary on-site meeting… that may need to be voluntarily adjusted."

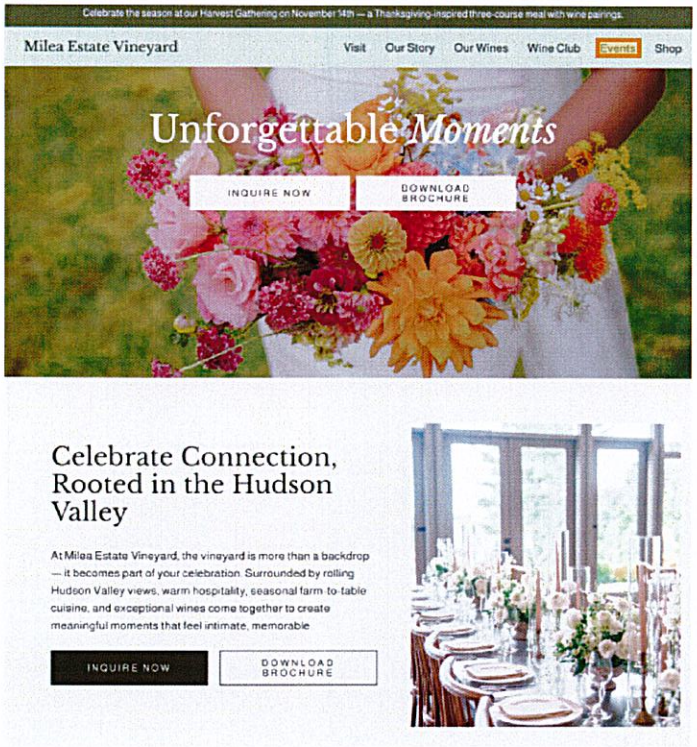
Section 250-89 has no "voluntary compliance" step, and authorizes no "Operational Inquiry".

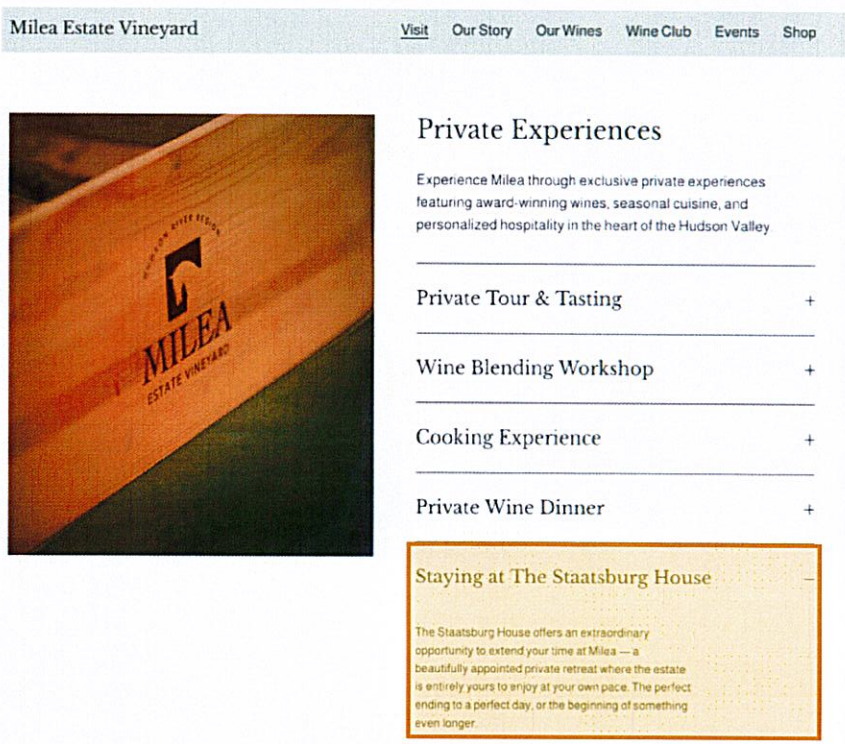
Some Examples:

246 Clinton Corners Road

450 Hollow Road (Milea)

An Event Center, and STNHR, in their own words.





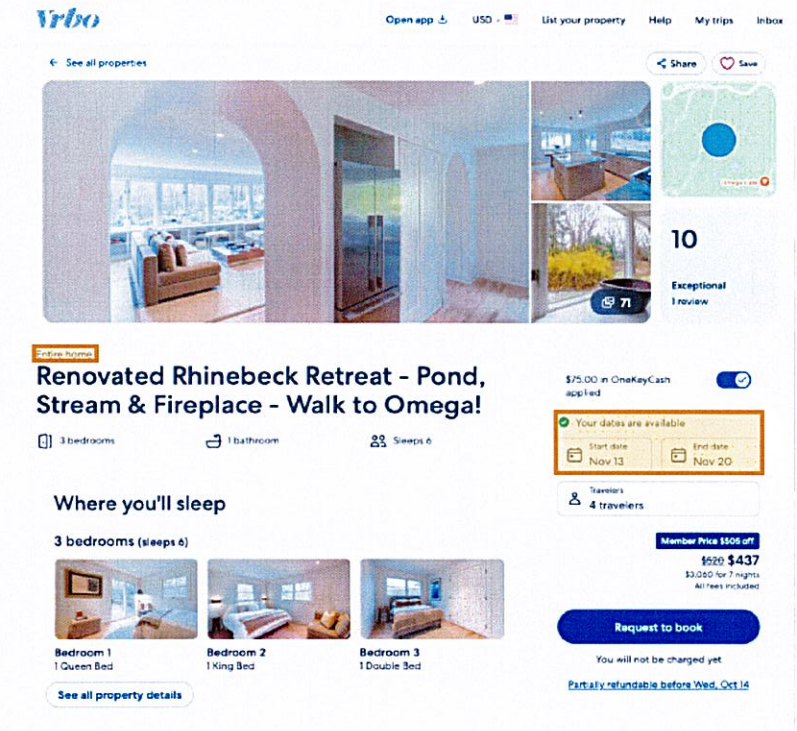
Some Examples:

246 Clinton Corners Road

450 Hollow Road (Milea)

Multiple STNHRs

27 Stonehouse Road:



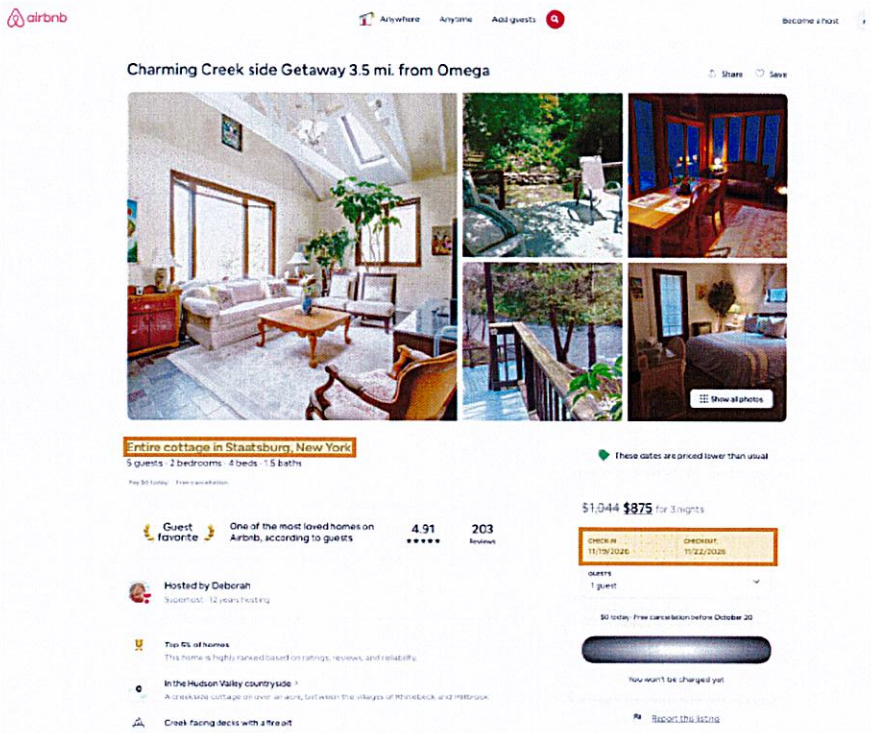
Some Examples:

246 Clinton Corners Road

450 Hollow Road (Milea)

Multiple STNHRs

715 Centre Road:



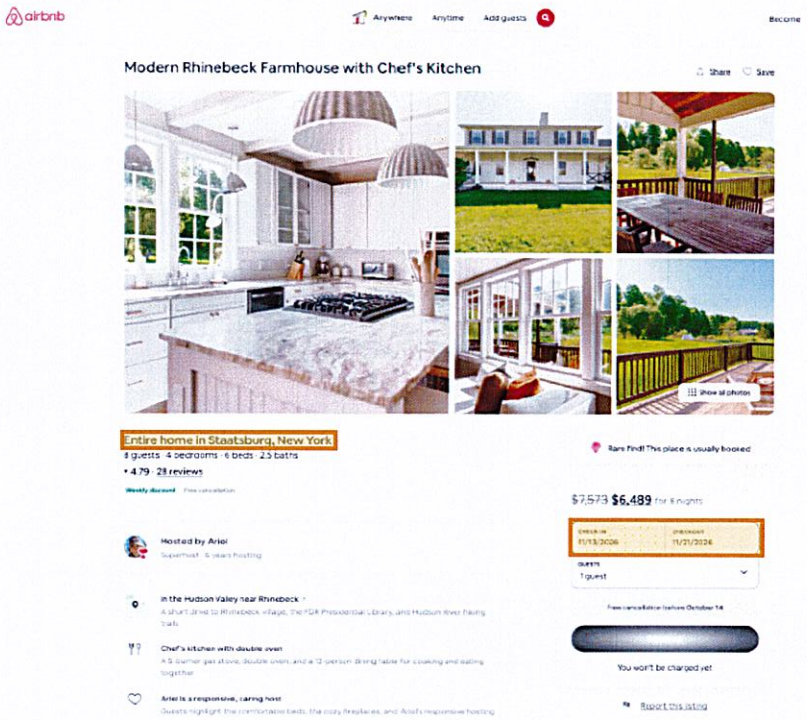
Some Examples:

246 Clinton Corners Road

450 Hollow Road (Milea)

Multiple STNHRs

7 Lauren Lane:



Some Examples:

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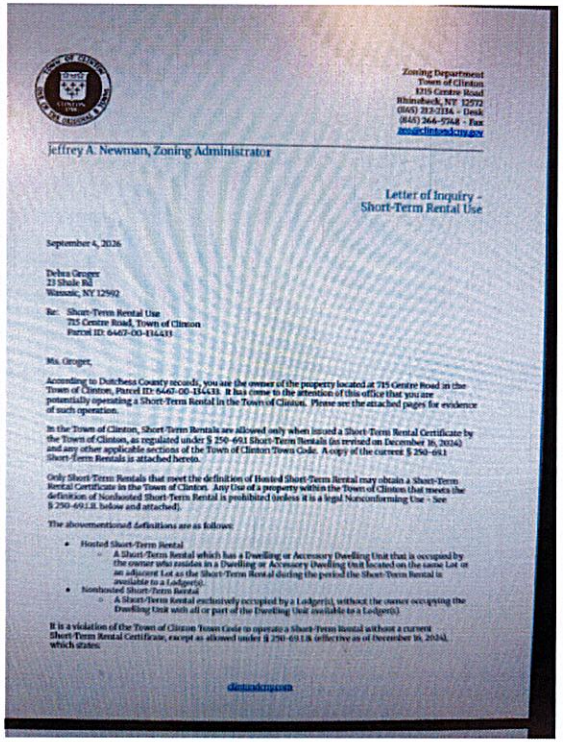
450 Hollow Road (Milea)

Multiple STNHRs



Zoning Department
Town of Clinton
1215 Centre Road
Rhinebeck, NY 12572
(845) 212-2134 - Desk
(845) 266-5748 - Fax

Jeffrey A. Newman, Zoning Administrator

Letter of Inquiry -
Short-Term Rental Use

September 4, 2026

Debra Groger
23 Shale Rd
Wassaic, NY 12592

Re: Short-Term Rental Use
715 Centre Road, Town of Clinton
Parcel ID: 6467-00-114431

Ms. Groger,

According to Dutchess County records, you are the owner of the property located at 715 Centre Road in the Town of Clinton, Parcel ID: 6467-00-114431. It has come to the attention of this office that you are potentially operating a Short-Term Rental in the Town of Clinton. Please see the attached pages for evidence of such operation.

In the Town of Clinton, Short-Term Rentals are allowed only when issued a Short-Term Rental Certificate by the Town of Clinton, as regulated under § 250-691 Short-Term Rentals (as revised on December 16, 2024) and any other applicable sections of the Town of Clinton Town Code. A copy of the current § 250-691 Short-Term Rentals is attached hereto.

Only Short-Term Rentals that meet the definition of Hosted Short-Term Rental may obtain a Short-Term Rental Certificate in the Town of Clinton. Any Use of a property within the Town of Clinton that meets the definition of Nonhosted Short-Term Rental is prohibited (unless it is a legal Nonconforming Use - See § 250-691.E. below and attached).

The abovementioned definitions are as follows:

- Hosted Short-Term Rental
  - A Short-Term Rental which has a Dwelling or Accessory Dwelling Unit that is occupied by the owner who resides in a Dwelling or Accessory Dwelling Unit located on the same Lot or an adjacent Lot as the Short-Term Rental during the period the Short-Term Rental is available to a Lodger(s).
- Nonhosted Short-Term Rental
  - A Short-Term Rental exclusively occupied by a Lodger(s), without the owner occupying the Dwelling Unit with all or part of the Dwelling Unit available to a Lodger(s).

It is a violation of the Town of Clinton Town Code to operate a Short-Term Rental without a current Short-Term Rental Certificate, except as allowed under § 250-691.E (effective as of December 16, 2024), which states:

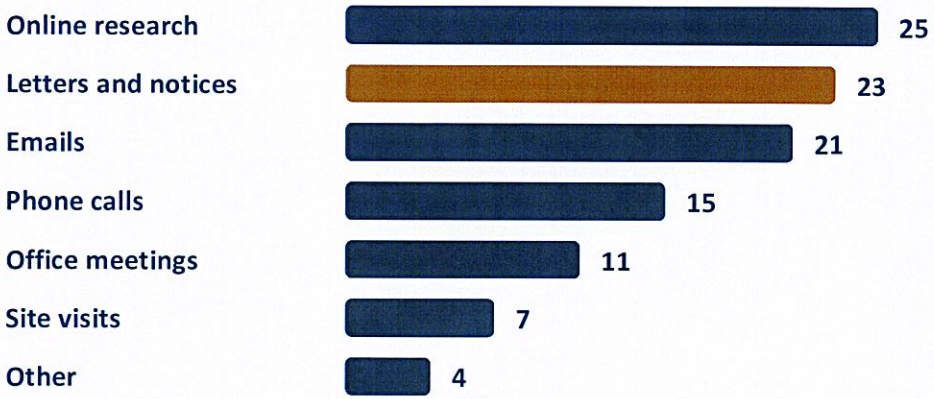
Advertised openly. Answered with a "Letter of Inquiry."

0 stop orders

Section 250-89 has no "voluntary compliance" step, and authorizes no "Letter of Inquiry".

SEPTEMBER 2026 ZONING ADMINISTRATOR REPORT

106 “actions.” Here is what they are.



25 Open cases

17 STNHR cases

1 stop order or notice of violation

0 appearance tickets

The Town's Current Enforcement Practices are:

INEFFECTIVE

Nothing in the Code makes a Letter of Inquiry binding. The only step that does is the one the Town skips: a stop order.

Obvious Continuing Violations

- STNHRs
- Milea
- 2325 Salt Point Turnpike
- 8 Hampton Court

The Town's Current Enforcement Practices are:

INEFFECTIVE

DANGEROUS · SELECTIVE ENFORCEMENT

"The ZEO's power is limited to enforcement of the law as it is written. The ZEO has no power to modify or waive the zoning regulations even if s/he disagrees with a requirement of the regulation."

"The legislative body is the only board that has the authority to make a zoning amendment, and this power cannot be delegated."

"The ZEO must pursue all violations of the law without undue bias for or against a particular person, otherwise s/he will open himself or herself to lawsuits for discriminatory enforcement."

NYS Department of State, Zoning Enforcement (James A. Coon Local Government Technical Series, rev. 2008, reprinted 2011), p. 2

Negotiated solutions on a case-by-case basis provide no clarity, are inconsistent, and open the Town to charges of favoritism.

The Town's Current Enforcement Practices are:

INEFFECTIVE

DANGEROUS · SELECTIVE ENFORCEMENT

INEFFICIENT

166 days from complaint to a compliance date the operator chose.

Day 0 · May 18
My complaint; Town opens the case

Day 60 · Jul. 17
Photographs from the right of way

Day 82 · Aug. 8
Second visit, on a pickup day

Day 99 · Aug. 25
First letter to the owner: a "Notice of Operational Inquiry"

Day 114 · Sept. 9
Meeting; operator asks for until Oct. 31

Day 166 · Oct. 31
Compliance date, chosen by the operator

246 CLINTON CORNERS ROAD · CASE #371

8 logged "actions," Jul. 1 – Aug. 31, and 3 site visits.

An Order to Remedy costs the same to write as a Letter of Inquiry. A Stop Order takes less staff time than at least eight logged contacts and three site visits in the 166 days from my complaint to a compliance date the operator chose.

§250-89.E caps a compliance date at **30 days** from notice.

The Town's Current Enforcement Practices are:

INEFFECTIVE

DANGEROUS · SELECTIVE ENFORCEMENT

INEFFICIENT

"Rules" cost less to apply than "standards" when the same conduct recurs across many cases.

Louis Kaplow, *Rules Versus Standards: An Economic Analysis*, 42 Duke L.J. 557 (1992)

13 open short-term-rental cases – the same violation.
One standard Order to Remedy, sent to each owner, puts all 13 on the same 30-day clock.

The proposition is that a new hire will free up time for enforcement. But the hours go to the process, not the letter: the back-and-forth that follows a Letter of Inquiry. Fix the process first, then ask whether the office still needs a second position.

TO THE TOWN BOARD

Follow your own law, or change it.

EITHER

Change the Town's practice to follow the Town's own law

OR

Vote to change the law to reflect the Town's actual practice