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## Proposed Local Law - Hospitality Overlay District - Planning Board Comments

1 message

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Dear Supervisor Whitton and Members of the Town Board,

At its April 30 meeting, the Planning Board discussed the draft Local Law establishing a Hospitality Overlay District. I offer a summary of our comments in advance of the May 12 public hearing. (I regret that I will be unable to attend the May 12 meeting to present these comments in person.)

### **The Draft Reflects Unclear and Potentially Inconsistent Policy Goals**

We note initially that the proposed regulations will apply only to the three parcels that will be included in the overlay and that the hospitality use will not be permitted on any other properties unless the overlay is amended to add a parcel by an act of the Town Board. Yet the three included parcels were selected only because there were pending Conference Center applications relating to them as of July 1, 2025, which, according to the draft regulations, entitles them to grandfathered status under the old regulations. In other words, the new regulations will not apply to these three properties unless they are approved as Conference Centers and then seek a modification to their site plans or special

use permits in the future. Thus, when enacted, the proposed regulations will not apply to any existing properties in the Town of Clinton.

We further observe that the draft seems to reflect a policy choice that hospitality uses, regardless of location or scale, should not be permitted in the Town. While there was discussion at a recent Town Board meeting regarding the possibility that additional lots could be added to the overlay, the draft does not reference this option nor does it specify any procedures that an applicant might utilize to achieve that goal. In the absence of such procedures, amending the overlay might open the door to allegations of spot zoning. In addition, assuming an applicant somehow manages to secure approval to add a property to the overlay, the underlying regulations are so restrictive that it is doubtful a hospitality venture would be economically viable, even assuming that a property could be found that meets all of the physical criteria set forth in the draft relating to setbacks, road frontage, access, and building and structure placement.

If the Town Board's view is that hospitality uses are undesirable, why not simply prohibit them? We don't necessarily endorse this as a long-term policy choice, and would prefer that the Town Board await the completion of the new Comprehensive Plan before establishing a permanent policy addressing these uses.

But if prohibition is simply a temporary measure to preserve the status quo until the Comprehensive Plan is finished, we can understand that logic. This draft, however, seems to reflect a middle path that neither denies the use entirely nor allows it as a realistic option. We do not perceive any benefit from such an approach and are concerned that the regulations might linger in the Zoning Law long after their usefulness, if any, has passed.

### **The Rationale for Selection of Properties in the Overlay Appears Arbitrary.**

We note that the three properties in the draft overlay were selected solely based on the existence of pending Conference Center applications as of July 1, 2025. Yet in the Definitions section of the draft, they are described as follows: "Lands that have been deemed to be compatible with Hospitality Uses in support of tourism and economic development consistent with the Town's rural and scenic character." Such a description would seem disingenuous at best, given that, to our knowledge, no comprehensive review of suitable parcels was conducted prior to the preparation of the overlay. In addition, one of the pending Conference Center applications has remained dormant since its inception, with no action taken by the applicant to fulfill the remaining submission requirements or to otherwise pursue approval. Yet it appears that the property in question will be permanently included in the overlay whether or not the application proceeds to final approval.

To be clear, we endorse use of a floating overlay to address hospitality uses in the event that permanent regulations are crafted following completion of the Comprehensive Plan. Such an overlay should reflect a considered analysis of potentially suitable parcels across all zoning districts.

### **The Permit Standards are Unduly Restrictive**

The draft provision limits the number of permitted guest rooms to five on a minimum of 30 acres, with an extra room allowed for each additional two acres up to a maximum of 10 rooms. We question whether most hospitality uses would be financially viable given these limitations, and also why acreage alone is the metric used to determine capacity. Land parcels in Clinton are not uniform: There are large lots with very limited building envelopes and smaller parcels that are both more readily buildable and more isolated from neighboring residential areas. We endorse minimum

acreage requirements, but not those that impose prohibitive restrictions on a permitted use. In addition, we note that the Town's bed and breakfast regulations, which will not be subject to the hospitality overlay requirements, allow a maximum of six rooms on as little as one acre in most zoning districts. From a land use perspective, there is little to distinguish a B&B from a small hotel or country inn and the approval standards should be consistent.

In addition, the setback requirements, viewed in their entirety, will serve to eliminate most otherwise suitable parcels from consideration for this use. We agree that reasonable setback requirements are desirable, but they must also be practical and rationally related to the policy objectives of the zoning provision. The draft imposes 250 foot setbacks from property lines and public roads for **all** buildings, structures, driveways, access ways (except those providing access to the interior of the lot), roads and parking lots. A "Structure" as defined in the Zoning Law includes barns, sheds, garages, gazebos, storage bins and any other structure requiring a fixed location on the ground. The 250 foot requirement exceeds any other setback requirements in the Zoning Law and will disqualify most parcels either because the parcel width will need to far exceed 500 feet to accommodate such structures and driveways or because the lot dimensions or topography otherwise will not support basic infrastructure within the required setbacks. These requirements seem unduly restrictive especially if parcels will only be included in the overlay if selected by the Town Board as suitable for these uses, based on advice from its consultants and presumably the Planning Board. (Interestingly, the draft requires the reservation of only 20% of the lot as Open Space, which is far **less** than is currently required in the District Schedule of Area and Bulk Regulations.)

### **The Draft Provisions Do Not Address Adaptive Reuse of Historic or Significant Buildings**

We also note that the draft makes no reference to or accommodation for adaptive reuse of existing buildings and infrastructure, which would seem to constitute an important benefit of allowing hospitality uses. Other towns have adopted policies granting additional capacity where historic or significant buildings or sites will be preserved as part of a conversion to a hospitality use. In addition, the onerous and restrictive setback and acreage requirements discussed above may disqualify many older properties where buildings, structures and access roads are closer to property lines and public roads. We think adaptive reuse of historic or significant buildings, in appropriate locations and where development is reasonably scaled, should be encouraged as a preferable alternative to subdivision or demolition. As an example, the property located at [2261 Salt Point Turnpike](#), which would otherwise appear suitable for inclusion in the overlay, would not meet the acreage or setback requirements set forth in the draft, precluding the conversion of the historic building located on the site to a hospitality use.

### **Further Consideration and Public Input May be Needed**

If the proposed provisions merely constitute a stopgap measure until the Comprehensive Plan is completed, we think, as noted above, that a temporary prohibition of the use (with the exception of pre-existing uses or those subject to active pending applications) is a simpler and more practical approach. At a minimum, we suggest that the Town Board clarify its policy goals if it is inclined to proceed with the current draft and perhaps include a sunset provision that will require the Board to revisit and reissue appropriate regulations within a fixed period after the Comprehensive Plan is issued. If the Board is inclined to take permanent action at this time, however, we suggest conducting a public workshop where the available policy alternatives, perhaps presented by the Board's consultants, can be presented and

reviewed by Board members and residents. As the Board knows, there is considerable public interest in these issues at the moment, and meaningful public participation before a permanent policy is adopted should be encouraged.

Thank you for your consideration.

Paul Thomas, Chair  
Town of Clinton Planning Board