

APPROVED

Town of Red Hook Planning Board
Meeting Minutes
October 6, 2008

CALL TO ORDER/DETERMINATION OF QUORUM

The meeting was opened at 7:35 P.M. and a quorum determined present for the conduct of business.

Members present: Chair Christine Kane, Charlie Laing, Sam Harkins, Sam Phelan, Paul Telesca, Wil LaBossier, alternate Rob Tourtelot and alternate Kristopher Munn. Planner Michele Greig was also present.

BUSINESS SESSION

Christine Kane confirmed the Agenda as published. She introduced alternate Rob Tourtelot and Sheila Franklin, who was filling in to take the Minutes. Relative to the required four hours of training per year, she announced that a four hour seminar on erosion and sediment control will be held on Wednesday, Oct. 29, 2008 at the Putnam Golf Club. Training money is available to cover fees. In addition, the Land Use Law Center of Pace Law School will be offering a Dutchess County Land Use Leaders Training and Certification Program on Friday, Nov. 7, 2008. Registration must be completed by October 16th. It is an all day program and will be held in the Wallace Center at the FDR Home in Hyde Park. The morning program will be a basic course on land use systems and the afternoon session will focus on how communities can achieve smart growth. Members were advised that Betty Mae will coordinate registration.

Because the draft Minutes from September 4th and August 8th were only handed out at the beginning of the meeting, Christine Kane suggested that the Board either wait until the end of the meeting to deal with them or table them until the next meeting.

PUBLIC HEARINGS

George and Jana S. Vengrin – 45 Old Post Road – Lot Line Alternation

Christine Kane read the Public Hearing Notice for the application to convey 0.138 acres from the Remaining Lands of Vengrin to the Lands of George and Jana S. Vengrin in the B1 and H Zoning Districts. Marie Welsh, who was present to represent the applicants, was called forward to present an overview of the project. She said that the property has frontage both on Route 9 and, by virtue of a small alleyway, on Old Post Road. The applicant owns the property on the south side of the alley as well as the north side of the parcel. The object of the lot line alteration is to convey the strip of land which was the alleyway to become part and parcel of the land on the south side and make it all one parcel, cutting the division line between the alley and the remaining land. Christine Kane said that the Board had reviewed the EAF, Part 2 at the last meeting. She asked if there was anyone in the audience who was

there to comment on this project. Hearing no response, the Board proceeded to review the maps submitted by the applicants. Christine Kane asked Marie Welsh if any changes had been made to the maps. Marie responded that none had been made; however, as the boundary survey has since been completed, she said that she would now like to make a change regarding the location of the stone wall along the division line between the two parcels.

Christine Kane then invited questions from the Board and asked for review of the draft Negative Declaration. She noted that the reasons for supporting the determination are that the Board has given due consideration to the application as required by the regulations and the EAF was reviewed at the last meeting, at which time it was determined that there were no environmental effects which would exceed any of the criteria. A motion to approve the Negative Declaration was made by Charlie Laing and seconded by Wil LaBossier. As all present were in favor, the motion was carried. A motion to close the Public Hearing was made by Sam Harkins, seconded by Charlie Laing and all were in favor.

Christine Kane then read into the record the conditions listed on the Resolution Granting Lot Line Approval to George and Jana S. Vengrin. A seventh condition was added, viz. addition of the actual survey information to the map. Michele Greig asked if all the lots had DOT approval. Marie Welsh responded that this is an existing lot and removing the strip in question would not affect DOT approval. Technically, it is a lot of record and the DOT has to give approval. A motion to approve the Resolution was made by Kris Munn and seconded by Wil Labossier. As all were in favor, the motion was carried.

Dan Eckert – 32 Country Club Drive – Special Permit

Christine Kane read the Public Hearing Notice for the application for a Special Permit to expand a residential building within one hundred feet of NYSDEC Wetland RC-71 (Shook's Pond), on a 0.54 acre parcel in the RD3 Zoning District. The owner, Dan Eckert, posted a map for the Board to review and gave an overview of the project. He said that he wishes to make three additions to complete his home. The screened in porch will become a functional room. Due to the wetlands, he understands that he needs multiple approvals, i.e. from DEC, Planning, Zoning (due to the size of the lot) and the County Planning Board. Christine Kane asked if anyone was present with questions relative to this application. Hearing none, she proceeded to discuss the SEQR work. At the last meeting the Board noted that DEC has permitting approval and circulated this as an Unlisted Action. In looking into this further, it was determined that this was not necessary and it could simply be a Type 2 Action. Michele Greig explained that Type 2 is not subject to SEQR; it is like an administrative permitting. However it still must comply with all the DEC regulations. Charlie Laing asked if this means that there are no other involved agencies and Michele Greig responded in the affirmative. The Board then reviewed the draft of the Type 2 Resolution. A motion to approve the Type 2 Resolution was made by Sam Phelan and seconded by Sam Harkin. As all were in favor, the motion was carried.

Christine Kane said that all the required material had been sent to Dutchess County Planning and they have thirty days to respond; however no response has as yet been received and we are still within that thirty day window. She asked the applicant if he has received anything from the DEC yet in response to his application. Mr. Eckert said that he has heard from DEC

and they have requested further information; therefore the application is still in review. She asked if they have gone to the Zoning Enforcement Officer to determine if they will need a variance. Mr. Eckert replied that he will need a variance because the maximum coverage in RD3 is 7%. He said that he presently has 10.1% coverage and is seeking to increase to 10.8%. The initial ZBA review will be held next month. He noted that the variance which he is requesting is significantly lower than the average variance which has been applied for in the area. Other houses have requested between 24% and 28% coverage. We wish to put a lower boundary to variances granted in the area and also be consistent with the character of the community. Christine Kane asked if the increase in coverage was due to increasing the driveway and terrace area. Mr. Eckert explained that he is also expanding the screened in porch. Overall, he said, we will have about 0.7% increase, which is about 200 square feet.

Wil Labossier asked if the town has drainage requirements for the patio. Christine Kane responded that there were no requirements. However, Mr. Eckert said that there will be stone dust and that will drain. In response to Mr. Eckert's question regarding the procedure which he should follow, Christine Kane said that there are two options: if the Board feels that they want more information from the DEC and/or the ZBA, they can leave the Public Hearing open or the Board can close the Public Hearing and take action with conditions. She said that she is waiting to see what action the DEC takes. Wil LaBossier said that his only concern would be possible increased runoff and/or degradation of the quality of the pond and it seems that runoff is not going to be an issue. As it was ascertained that the ZBA review will not be held until November 12th, the Board decided to continue the Hearing to October 20th at 7:40 P.M. By that time, Christine Kane said, hopefully the Board will have heard from Dutchess County Planning and the application can be tabled until after the ZBA takes action. It could then be put on the Agenda in December.

Frank Stortini – 133 Country Club Drive – Special Permit

Christine Kane read the Public Hearing Notice for the application for a Special Permit to construct a single family residence within one hundred feet of NYSDEC Wetland RC-71 (Shook's Pond), on a 0.27 acre parcel in the RD3 Zoning District. The applicant was represented by Mark Graminski, P.E. He said that the purpose of this application is to comply with the zoning ordinance requirement for a Special Permit from the Planning Board when there is a disturbance within one hundred feet of a state wetland. Mr. Stortini has already obtained approval from the DC Dept. of Health for placement of water and sewage disposal on the property and from the Town of Red Hook Zoning Board of Appeals for area variances for a side yard setback and for coverage on the lot. The proposal is for a single family residence and a detached garage. Application was made in June, 2008 to the NYSDEC and this application has been deemed complete. As of today, a permit has not been issued for the application comment period. It was advertised and the comment period ended at the beginning of September. Mr. Graminski said that he has spoken to the DEC representative who is handling this project and no public comments have been made to the DEC. Therefore he is awaiting issuance of the permit.

Christine Kane asked if anyone was present with comments on this project. Hearing none, she proceeded to ask if Mr. Graminski had submitted anything to the Board from the Dept. of Health. He said that there is a stamped plan which he can copy if the Board does not have it.

She said that the Board has to do a Type 2 Resolution because this project had also been previously incorrectly identified as an Unlisted Action. She asked the Board to review the Type 2 Resolution in their packets and pointed out that the third paragraph should refer to Section 617.5[c][9] rather than [c][7]. A motion to approve the Type 2 Resolution with this change was made by Sam Harkin and seconded by Wil LaBossier. As all were in favor, the motion was carried.

There was some discussion as to when the DEC 90-day review period would be up. Wil LaBossier asked how many lots there are in Country Club Estates. It goes all around the pond. Is this the last lot, he asked. Mark Graminski said that he thought it was. Sam Phelan asked how long ago these lots were created. It was stated that they were created in the 30's. In response to questioning, Mr. Graminski said that this was not a man made pond but a kettle pond. Sam Phelan asked if there was any indication of pollution in the pond and Mr. Graminski responded in the negative. However, there is weed growth as certain sections are shallow. Kris Munn made a motion to close the Public Hearing and it was seconded by Wil LaBossier. As all were in favor, the motion was carried.

Christine Kane said that the Board has two options: to consider a resolution to grant the Special Permit on condition of DEC approval or wait to hear from DEC. There was discussion about whether the DEC Permit might have conditions and it was felt that such conditions, especially relative to runoff and erosion control, were usual. Christine Kane verified that the Agricultural Data Statement had been sent out. Kris Munn inquired what the ZBA approved coverage was on the lot. Christine Kane said that it was 18.5% per last month's Minutes. She read the conditions of the Resolution, adding to the first condition that the applicant has to provide proof of the Permit approvals and must implement any requirements of those Permits. Wil LaBossier asked what is done to enforce maintenance of the septic system. It was ascertained that the Building Inspector does check. A motion to approve the Resolution as amended was made by Sam Harkins and seconded by Paul Telesca. As all were in favor, the motion was carried.

REGULAR SESSION (NEW BUSINESS)

Kenneth Kornhiser/Frank Kannengiesser – 189 Whalesback Road – Lot Line Alteration

Frank Kannengiesser made a presentation of the application for a lot line alteration to convey 10.108 acres from the Lands of Kornhiser to the adjoining Lands of Kannengiesser, in the RD3 Zoning District in the Town of Red Hook. He described the location of the parcels and said that the purpose of the proposal was to create a buffer zone. It was determined that the lines were not drawn because of any natural boundaries. They just wanted a wooded area so that they are more screened and have more privacy. The Board reviewed the maps. For the Board's consideration, Christine Kane noted that the new ten acre parcel would have 350 feet of frontage. The existing parcel has roughly 400 feet of frontage, for a total of roughly 750 feet of frontage. Therefore, if the proposal is approved, the new parcel would be fifteen acres which could be subdivided further to put four other houses on it as the frontage requirements are 160 feet. There is enough frontage for the maximum number of units. The wetlands are Army Corps wetlands with some seasonal streams. We are waiting to see whether a house can be expanded between two one hundred foot buffers on DEC wetlands, she said. Following

discussion, Kenneth Kornhiser stated that you cannot put multiple septic systems there because there is year round standing water.

In response to questioning, Ken Kornhiser said that he thought his parcel was in the Agricultural District. It was ascertained that an Agricultural Data Statement had been done and now has to be circulated to all farm operations which are within 500 feet of the property, which in this case would mean the Steiner Farm.

There was discussion regarding how the acreage calculation for subdivisions is made when you are dealing with wetlands. Sam Phelan expressed his concern about whether a potential for subdivision would be created. Sam Harkin did not feel this was a concern because the majority of the land involved is wetlands. Christine Kane said that more houses could be put on the currently existing parcel. A motion to approve the draft Resolution for SEQR was made by Charlie Laing, seconded by Wil Labossier and all were in favor. The motion was therefore carried. Christine Kane scheduled the application for a Public Hearing on October 20, 2008 at 7:45 P.M. She did a brief review of Part 2 of the EAF.

Paul Raymond – 5098 Route 9G – Site Plan

Nevien Sidarous of the architectural firm of David Borenstein made a presentation of the application for site plan approval to expand by 100% a non-conforming use on a five acre parcel in the RD3 Zoning District in the Town of Red Hook. She said that the roof of the pre-existing structure had deteriorated. It was repaired and raised, which created height which the owner is trying to use for living space. There were two bedrooms downstairs. One was used to create a staircase. The application is also before the Zoning Board of Appeals. As the structure is non-conforming, only a 50% expansion is allowed by code. The owner wishes to use the full upper floor. She said that she has presented documentation showing that although the total floor space exceeds 50%, the habitable space does not. The footprint of the structure is not being changed. It had been a one story structure; however space has now been created upstairs. She presented before and after photos of the structure. The walls have been framed; however a stop order was issued and therefore nothing has been completed. There are two apartments in the main house and the owner has been renting out the accessory structure. In response to questioning regarding the fact that the structure is non-conforming, it was ascertained that it had never gone through the special permitting process. It is therefore a non-approved use for which they are now attempting to get approval. The denial issued by Bob Fennell, ZEO, for the area variance which is being considered by the ZBA was read and discussed. It was determined that the structure was 800 square feet and thus exceeds the maximum of 650 square feet allowed by code.

Ms. Sidarous confirmed that the first floor is 800 square feet and the owner wishes to add the same footage on the second floor. In response to questioning, she said that there are six bedrooms in the two units in the main house and four bedrooms are projected in the structure in question for a total of ten bedrooms. Christine Kane therefore asked about the septic system. Ms. Sidarous replied that the owner told her that there are two separate septic systems, one for the main house and one for the accessory structure. He did not have any records indicating the size of the septic systems. Sam Harkin said that if bedrooms are being added, the owner must obtain approval from the Dutchess County Dept. of Health. He must

get an engineer to prove to the Board of Health that the septic system can handle the number of bedrooms in question. Ms. Sidarous said that they are using Tivoli water.

Christine Kane told Ms. Sidarous that the owner must provide information to the Board and to the Dept. of Health to prove that the septic system can support the bedrooms existing in the main house and those proposed for the accessory structure. She said that the Board will coordinate with the ZBA. The application was for site plan review and Special Permit. The Board will need a site plan map for the entire site which will show all the things which are needed for a site plan, e.g. outside lighting, parking, etc. She ascertained that there will not be any signage. Landscaping of the parking lot was discussed; however it was determined that the area is very wooded. Christine Kane scheduled the application for further consideration on November 3, 2008. Ms. Sidarous was advised that all the materials requested by the Board must be submitted ten working days prior to the meeting. In the interim, Dutchess County Planning can be contacted as the site is within 500 feet of a state or county road.

OTHER BUSINESS

Davis/Teviot request for ninety day extension of conditional final approval of resolution

Christine Kane reminded the Board of the issue, which was a lot line adjustment of the Davis/Teviot property along the river, north of Tivoli. She said that the Board has received a request for a ninety day extension to comply with the final approval conditions. It is a retroactive request per the Town of Red Hook's subdivision regulations. As approval was given on Mar. 19, 2008, it would have expired on Sept. 19, 2008. A motion was made by Sam Phelan to approve a ninety day extension, beginning on Sept. 19, 2008. It was seconded by Sam Harkins and all were in favor.

Message from John Lyons representing Davis in the Teviot/Davis case

The message contains suggestions regarding handling the wording. Michele Greig met with Mr. Lyons and advised the Board that they have added a note to the Plat referencing the consolidation deed with the restricted covenant. The consolidation deed also includes the deed restrictions. They are proposing to file the Plat with the note on it referring to the deed restriction and then they will file the deed. They will provide the Board with a copy of the filed deed. Christine Kane said that the Board already has a draft of the consolidation deed, which was one of the restrictions. However there are two versions of the appropriate language for those parts of the various transactions. It was ascertained that it will be recorded on the deed and in the Plat. Following discussion regarding enforcement rights, Christine Kane said that the only way deed restrictions are enforced are by owners or adjacent property owners. She will speak to the town attorney regarding the Town having third party rights.

Lead agency circulation from Village of Red Hook Planning Board re St. Paul's Lutheran Church subdivision

Christine Kane said that the Village Planning Board would like to be lead agency and they are therefore circulating this to us for our response. We have thirty days to respond. It is a Type 1 action because it may have significant effect on the community environment/character and the church is on the National Historic Register. The action is to subdivide five lots from a 14.96 acre parcel which includes a church, cemetery, caretaker's house, rectory, parish hall and

several outbuildings, leaving 11.49 acres intact. The proposed subdivision would include lots in two separate zones in the village, the R10,000 residential zone and the NMU (Neighborhood Mixed Use) commercial and residential zone. The Board has received a full EAF and an engineering report. This material was sent to the Board because it is a potential interested/involved agency.

The Board reviewed the map, identifying the parcels to be subdivided. Christine Kane asked if anyone on the Board feels that the Village of Red Hook Planning Board should not be the lead agency. There was no objection from the Board. A motion to approve the Village of Red Hook Planning Board as the lead agency was made by Paul Telesca and seconded by Wil Labossier. All were in favor except Sam Harkins, who abstained.

Review of revised shed setbacks

Michele Greig said that the revisions stem from the recommendations of the Zoning Review Committee and are based upon the fact that the ZBA has received large numbers of requests for area variances for sheds over the years. They are therefore trying to reduce the required setbacks for sheds, but not for all accessory structures. A shed is defined as a temporary or permanent accessory structure not to exceed 190 square feet of floor space and eleven feet in height. Currently the side and rear yard setbacks in the Hamlet District and R1 District are fifteen feet and they are proposing three feet. In the R1.5 and R3, the setbacks are currently twenty feet and six feet is proposed. In the RD5, it is currently 20 feet and 10 feet is proposed. Sam Harkins said that where a three foot setback is proposed, the Board should consider the question of whether or not there is a proper fire lane. The NYS Building Code says that you must have a fire lane which a fireman can enter with a hose. It does not necessarily have to be wide enough for a fire truck. He said that he thought five or six feet might be required. If there is a fence and the shed is three feet from the fence, the space would be inadequate for a fire lane. He will look up the distance required for fire access in the NYS Building Code. Michele Greig will prepare comments for the Town Board.

Siting Guidelines

Christine Kane said that the Siting Guidelines were drawn up as a handout which the Board could give applicants when they come in and ask for subdivision applications. Michele Greig said that the Board should have the Town Board adopt these Guidelines for the Planning Board's use. Wil LaBossier made a motion to forward the Guidelines to the Town Board for adoption. The motion was seconded by Paul Telesca and all were in favor. The Guidelines could be given to applicants and referred to in conversations with them. They could be used by the Building Department as well.

Policies and Procedures

Christine Kane brought up the issue of finalizing the Board's Policies and Procedures. Michele Greig said that the only change was that the Planning Board will only entertain one development proposal for a property at a time. If a second proposal were put forward, the applicant would have to withdraw one of the two. Christine Kane said that most of the Policies and Procedures are pretty standard, e.g. how the Agenda is established, when the deadlines are, etc. One of the main things which the Board added was that we would not

accept applications for review at a meeting. When we schedule a Public Hearing, people cannot show up with revised maps because the Hearing has been advertised and people have been told that they can come in and look at the maps.

Christine Kane read the policy stating that all meetings will be chaired by the Chairperson or, in the absence of the Chairperson, by the Deputy Chairperson. She said that technically the Board does have a Deputy Chairperson, viz. Sam Phelan. However the vote for that was taken about four years ago and Sam's schedule has changed a lot since then. She therefore asked for a vote to appoint a new Deputy Chairperson. Wil LaBossier nominated Charlie Laing. The nomination was seconded by Paul Telesca. A vote was taken and all were in favor.

Michele Greig suggested that the Board finalize the Policies and Procedures at the next meeting. Any comments should be sent to her.

Municipality

Christine Kane added this item, which had been discussed at the August 4, 2008 meeting. The follow up to that discussion was supposed to have been obtaining a letter. Wil LaBossier, who had made the presentation at the August meeting, said that he had talked to them and the project is a go. He will get a letter with the software offer and the service contract. Christine Kane will be speaking with the Town Supervisor about this issue as well as the vacant clerk position.

A motion to adjourn was made by Paul Telesca and seconded by Wil LaBossier.

Minutes respectfully submitted by,

Sheila Franklin

Attachments

Resolution granting Lot Line Alteration to George and Jana S. Vengrin

Resolution granting Special Permit to Frank Stortini

Resolution Granting Lot Line Alteration Approval to George and Jana S. Vengrin

Name of Project: Vengrin Lot Line Alteration

Name of Applicant: George and Jana S. Vengrin

Date: October 6, 2008

Whereas, the applicant has submitted an application for Lot Line Alteration approval dated July 24, 2008 and amended to August 18, 2008 to the Town of Red Hook Planning Board to convey approximately 0.138 acres from the approximately 1.266-acre “Remaining Lands of Vengrin” to the adjoining approximately 0.58-acre parcel, also owned by George and Jana S. Vengrin; and

Whereas, the subject parcel is located at 45 Old Post Road partly in the B1 and H Zoning Districts in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the applicant submitted an amended Subdivision plat prepared by Marie Welch, titled “Lot Line Alteration prepared for Vengrin”, dated August 18, 2008; and

Whereas, on September 8, 2008 the Town of Red Hook Planning Board declared itself lead agency for the purpose of conducting an uncoordinated review of an Unlisted Action pursuant to SEQR; and

Whereas, the parcels are not located within a certified agricultural district; and

Whereas, on October 6, 2008, the Town of Red Hook Planning Board, in consideration of the Short Environmental Assessment Form (EAF) and the ‘criteria for determining significance’ set forth in 6 NYCRR Part 617.7(c) determined that the proposed action will not cause any potentially significant adverse impacts on the environment, and thus issued a Negative Declaration deeming an environmental impact statement need not be prepared; and

Whereas, on October 8, 2008, the Planning Board conducted a public hearing on the Lot Line application, at which time all interested persons were given the opportunity to speak;

Now therefore be it resolved, that the Planning Board approves the Application for Subdivision Plat/Lot Line Alteration Approval and authorizes the Chair to stamp and sign the Subdivision Plat upon the Applicant’s satisfaction of each of the below conditions and requirements within the next one hundred eighty (180) calendar days:

1. Payment to the Town of Red Hook of any outstanding fee amounts and reimbursement to the Town of costs incurred in reviewing the application.

2. Inclusion on plat of original acreage of “Remaining Lands” lot.
3. Submission of Subdivision Plat drawings for stamping and signing in the number and form specified under the Town’s Land Subdivision Regulations, including all required stamps and signatures.
4. Verification by the applicant that the corners of the tract have been marked by monuments or steel rods, as approved by the Town Engineer.
5. Stamping of the Subdivision Plat as a ‘non-jurisdictional subdivision’ or ‘for filing purposes only’ by the Dutchess County Health Department.
6. Submission of an acceptable draft of a consolidation deed intended for recording in the Dutchess County Clerk’s Office immediately upon filing of the Subdivision Plat whereby the subdivided portions of the ‘Remaining Lands of Vengrin’ would be merged with the adjacent ‘Lands of George and Jana S. Vengrin’.
7. Addition of actual survey information to the plat.

On a motion by Kris Munn , seconded by Wil LaBossier

Roll Call Vote:

Chairwoman Christine Kane	yes
Member John Hardeman	absent
Member Sam Harkins	yes
Member Charles Laing	yes
Member Wil LaBossier	yes
Member Sam Phelan	yes
Member Paul Telesca	yes
Alternate Kris Munn	yes

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Betty Mae Van Parys, Clerk to the Board

Date

Resolution Granting Special Use Permit to Frank Stortini

Name of Project: Frank Stortini Special Use Permit

Name of Applicant: Frank Stortini

Date: October 6, 2008

Whereas, the applicant has submitted an application for Special Permit dated August 28, 2008 to the Town of Red Hook Planning Board to construct a single family dwelling within 100 ft. of NYS DEC designated Wetland RC-71, Shook's Pond; and

Whereas, the subject parcel is located at 133 Country Club Drive in the RD3 Zoning District in the Town of Red Hook, Dutchess County, New York, and;

Whereas, the proposed action requires a Special Use Permit pursuant to the Town of Red Hook Zoning Law §143-30A; and

Whereas, the Planning Board has reviewed an Application for Special Use Permit dated August 28, 2008, a Short Environmental Assessment Form (EAF), (undated) , a Site Plan and Disturbance Plan prepared by Mark Graminski, dated June 10, 2008; and

Whereas, after comparing the thresholds contained in 6 NYCRR 617.4 and .5, the Planning Board has determined that Proposed Project is a "Type II" Action that meets the thresholds in 6 NYCRR 617.5 (c) (9) and, therefore, SEQR does not apply; and

Whereas, the parcel is located within 500 feet of a certified agricultural district (Agricultural District 20) and the applicant submitted an Agricultural Data Statement dated August 28, 2008, which the Planning Board duly forwarded to all owners of farm operations within 500' of the subject parcels; and

Whereas, the Planning Board has reviewed area variances for sideyard setbacks and coverage granted by the Zoning Board of Appeals at its meeting on August 13, 2008; and

Whereas, the Planning Board has reviewed the Notice of Complete Application for a DEC permit, dated August 14, 2008; and

Whereas, a public hearing was held October 6, 2008; and

Whereas, the Planning Board deems the intended use as described within the Application for Special Use Permit, the associated Narrative, and the site plan to satisfy both the "General Standards" for all special permit uses set forth at Zoning Law §143-51 and the 'Development Near Bodies of Water' as set forth at §143-30.

Now therefore be it resolved, that the Planning Board issues the requested Special Use Permit with the following conditions and upon compliance therewith authorizes the Building Inspector and/or Zoning Enforcement Officer to issue first a Building Permit and then a Certificate of Occupancy upon the Applicant's compliance with all pertinent laws, codes, rules or regulations, including the Building Code of the State of New York, under their jurisdiction.

1. Copies of Permit Approvals from NYS DEC must be received Planning Office.
2. Applicant must implement any conditions and requirements of DEC approval.
3. Note with specific language required by NYS DEC in its letter of August 14, 2008 must be added to plan.
4. Low-flow and water saving water devices must be installed and utilized in all bathrooms.
5. The sewage disposal system must be regularly maintained so as to prevent run-off into DEC Wetland RC-71 (Shook's Pond).

On a motion by Sam Harkins , seconded by Paul Telesca

Roll Call Vote:

Chairwoman Christine Kane	yes
Member John Hardeman	absent
Member Sam Harkins	yes
Member Charles Laing	yes
Member Wil LaBossier	yes
Member Sam Phelan	yes
Member Paul Telesca	yes

Resolution declared: **APPROVED**

Resolution Certified, Filed with the Town Clerk and Mailed to the Applicant

Betty Mae Van Parys, Clerk to the Board

Date