

**Village of Upper Nyack Planning Board Meeting
Wednesday, July 26, 2023 7:30 p.m.**

MINUTES

A meeting of the Planning Board of the Village of Upper Nyack was held on the above date and called to order at 7:33 p.m. by the Chairman, William Pfaff.

Other Board members present: Karen Olson, Zara Crowley, Joseph Heider

Alternate Board Members Present: Ellen Simpson

Absent Board members: Cynthia Turner

Also present: Dennis Letson, P.E. Village Engineer/Zoning Inspector; Janet Guerra, Board Secretary; Noelle Wolfson, Esq., Consulting Village Attorney.

7:33 p.m. The Chairman reviewed the agenda.

7:33 p.m. Review of the minutes from the May 17, 2023 and June 21, 2023 meetings.

The Board tabled the review of the May 17, 2023 minutes to the September meeting.

There were no comments on or changes to the June minutes from the Board members.

Motion to approve the minutes of the June 21, 2023 meeting.

Motion: Karen Olson

Second: Zara Crowley

Vote: 3 (yes, Crowley, Olson, Pfaff) -0 (no), 1 (abstain- Heider), 1 (absent- Turner)

7:35 p.m. **Gregory Fisher for NBroadway LLC and 603 North Broadway LLC**, County Map 60.10-01-08 and 60.10-01-10. Application for lot line merger between the two subject adjacent lots; Lot 8 being vacant and Lot 10 having been improved with a single-family residence located in the Residence R-30 District with Hudson River Overlay

Applicant Representative: David MacCartney, Esq. and John Atzl, Surveyor.

Mr. MacCartney presented the application and gave a summary of the proposed lot merger. He explained that the applicant was proposing to eliminate the lot line between Tax Lots 8 and 10 and, per the Village's subdivision law, that lot merger is a minor subdivision.

Tax Lot 10 is improved with a single-family home, where the principal of the owner lives. Access to that lot is provided over easement road, the property goes down to the Hudson River and is approximately an acre in area. Lot 8 was owned by the Clemensens, who also owned the house on Tax Lot 7 which is visible from North Broadway. Lot 8 is behind Lot 7 and is at a lower elevation. Lot 8 is unbuildable, landlocked and unusable on its own. Approvals in 1989 indicated that it was

to be merged with Lot 7 but that did not occur.

The applicant NBRoadway LLC acquired Lots 7 and 8 and the applicant's principal, Mr. Fisher, wants to use it as a part of the yard of Lot 10. From a layout and topography perspective, it is logical to merge Lot 8 with Lot 10. Mr. Fisher has been using it as a part of the backyard of Lot 10 with Mr. Clemensen's permission for several years. Lot 8 is visually separated from Lot 7 by the change in grade and appears to be integrated with Lot 10.

Mr. MacCartney acknowledged receipt of the comments provided by the Rockland County Department of Planning, dated July 25, 2023 and confirmed that the applicants would comply with them. He also acknowledged receipt of the Village Engineer's comments which were read into the record as follows:

Village Engineer Comment Memorandum Dated July 26, 2023

Under the provisions of 6NYCRR Part 617, the project is an Unlisted action for which the Board must make a determination of significance.

A draft SEAF Part 2 & 3 is attached for your use.

From the draft, it appears a negative declaration is appropriate for this lot merger.

Zoning

1. The Zoning LL requires lot area reduction for land subject to flooding. The parcel is in a mapped FEMA floodzone with a flood elevation of 7 ft NAVD-83. The flood plain should be shown and the lot area recalculated.
2. Variance for lot width required as shown in the bulk table.
3. Street frontage and lot coverage entries should be marked "Existing Non-Conforming" in the bulk table.

Site Plan

1. The proposal is to merge the existing non-conforming Tax Lot 60.10-01-08 into Tax Lot 60.10-01-10.
2. The merger will correct the fact that 60.10-01-08 was never intended to exist as a separate lot.

Referrals

1. RC Planning Dept. (Comment letter attached).
 - a. Based on County Planning comment 2, the Board may wish to impose a condition that the deed to effectuate the merger is filed within a specific time period.

2. Clarkstown Planning Board

a. Recommends local determination.

There was a discussion about the lot area needed because a portion of the Property is located within the 100 year flood plain. Mr. Atzl indicated that the area within the floodplain is near the Hudson River and is about 800 square feet in area, so the reduction will have a negligible effect on lot area.

Mr. MacCartney explained that because of the lot width requirements of the 2022 Zoning Law, a lot width variance would be required because at present the Lot width of Lot 8 does not comply and, per the zoning law, lot width is measured at the narrowest point of the lot. He further explained that the lot width of existing Lot 10 greatly exceeds the minimum lot width requirements. He explained that an application for the required variances has already been made to the Zoning Board of Appeals.

Village Engineer Letson advised that the proposed plan shows a one-story frame garage. He explained that the garage was converted under the previous local law to allow for a caretaker apartment and should be labeled "Caretaker Apartment."

The Chairman reviewed the lot coverage information on the map and the continued validity of a previously-granted lot coverage variance for Lot 10. There was a discussion about whether an updated coverage variance would be needed because of the merger of the lots (a coverage variance for Lot 10 was granted previously and coverage is not increasing). Because Lot 8 and Lot 10 were being merged to form a new lot, the applicant was directed to request a lot coverage variance from the Zoning Board of Appeals for the lot coverage on the new lot.

The Board's Counsel asked the applicant to add an additional signature line to the plat since the properties are owned by separate entities, and the bulk table will have to be updated to reflect the revised coverage.

Motion to open the public hearing.

Motion: Karen Olson

Second: Joseph Heider

Vote: 4 (yes- Olson, Heider, Pfaff, Crowley)- 0 (no), 1 (absent- Turner)

Fred Sinnott, 615 North Broadway: Mr. Sinnott explained that his property is directly to the north of Lot 8. He did not object to the application. He wanted to advise the applicants and the board about an existing condition. He explained that because of the way the lots were originally owned and divided, there is a strong possibility that a portion of the septic system serving the Sinnott's house is on Lot 8. He submitted an agreement (recorded at Rockland County Land Records 1998-48220) pertaining to covenants, restrictions and easements affecting the premises. The agreement was generally to allow the provision of utility service from North Broadway to the Sinnott lot, but it gives the benefitting party in that agreement the right to relocate the septic area. The Chairman asked if Mr. Sinnott knew what part of the septic system is on Lot 8. Mr. Sinnott did not know for sure, but it was assumed a portion of the septic fields may be on Lot 8. The Chairman asked the applicants' representatives if they were aware of this issue and they were not.

Mr. Sinnott also indicated that there was a long line of bamboo on Lot 8 that he has had to cut back to keep it from encroaching on his lot for several years.

There was a discussion about how the septic issue affects the proposed lot merger and it was determined that this is a private issue between the land owners and does not affect the merger application.

Jill Sinnott also commented about the bamboo. She clarified that Mr. Fisher, in using Lot 10, has been maintaining the Lot 8 side of the bamboo and the Sinnotts have been maintaining the portion of Lot 8 on the side of the bamboo closest to the Sinnott lot (she showed photographs of the area with the bamboo). She asked if Mr. Fisher had any plans to install fencing or otherwise address the bamboo in this area. Mr. MacCartney advised that no fencing or other work in that area was proposed but that they can discuss the issue about the bamboo.

Larry Nathanson- Castle Hights. Mr. Nathanson commented that the roof shingles on the former Clemensen house (on Lot 7) were the same tiles as those installed on the White House.

The Chairman read EAF Part 1 and the Board members reviewed and discussed EAF Parts 1, 2 and 3 in detail.

There was a discussion about why the EAF indicated that historic resources would be affected. The Applicant's representative advised that the indication about impacts to historic resources was automatically completed by the EAF mapper tool and that no such resources would be affected because no construction or disturbance is proposed. However, they also obtained a letter from the New York State Historic Preservation Office indicating no impact.

Motion to classify the proposed action as an Unlisted Action Under SEQRA, to determine to undertake an uncoordinated review of the Action, and to adopt a Negative Declaration of Environmental Significance in for the reasons specified in Parts 1, 2, and 3 of the EAF

Motion: Joseph Heider

Second: Karen Olson

Vote: 4 (yes- Olson, Heider, Pfaff, Crowley)- 0 (no), 1 (absent- Turner)

Motion to refer the application to the Zoning Board of Appeals for the lot width and coverage variances and to adjourn the Public Hearing to the Planning Board's September 20th meeting.

Motion: Karen Olson

Second: Joseph Heider

Vote: 4 (yes- Olson, Heider, Pfaff, Crowley) - 0 (no), 1 (absent- Turner)

8:21 p.m. Nyack Field Club, 335 N. Midland Avenue, County Map 60.13-03-58. Continuation from May 17, 2023. Application for Special Use Permit and Site Plan Approval for use of the property as a Private Membership Club on property located in the Residence R-30 and R-10 Districts

Board Members Karen Olson and Zara Crowley recused themselves from the review of this application and left the meeting.

The Chairman noted for the record that Planning Board alternate Ellen Simpson would participate in the review of this application.

Representing the Applicant: Robert Knoebel, member of the Nyack Field Club, and Jay Greenwell, surveyor.

Mr. Knoebel noted that the application was last before the Planning Board in May, at which time the Planning Board had several comments. Mr. Knoebel addressed how the Applicant addressed the Board's comments from the May meeting.

He explained that the application was reviewed by the Zoning Board of Appeals. The Zoning Board of Appeals granted two variances to allow the proposed basketball court and pickleball court expansion to be located in the Front Building Setback. It also granted a Development Coverage variance that was needed.

Mr. Knoebel explained that the Applicant has hired Blythe Yost and Associates, Landscape Architect, to design a landscape plan for proposed landscape screening on the west side of the proposed basketball court and pickleball courts (Landscape Plan L-701, dated July 20, 2023, the "Landscape Plan"). That plan was presented to the Board at the meeting. However, he explained that some members of the Club were interested in preparing an alternative landscape plan, and if that is something that the Club ultimately wanted to pursue, it would return to the Planning Board for further review of the landscaping. For the purposes of this review the Yost Landscape Plan is what is being proposed.

Mr. Knoebel further explained that the Site Plan has been updated to show a new stop sign at the Club driveway exit. The existing small stop sign would be replaced with a standard sized stop sign.

Mr. Knoebel further explained that the Club has identified noise-generating activities on the site—the pickleball court, the movie night area and the tennis courts (cardio tennis), and they are proposing mitigation measures for noise.

As for the tennis court, Mr. Knoebel explained that cardio tennis and other similar programs would not start until 10 a.m. The movie night generally occurs approximately 4 times per summer. The issue is that it cannot begin until it is dark, and in the summer months that is in the later part of the evening. But he explained that the Club is going to use a different type of noise amplification system. The movie night location was also indicated on the Site Plan. As to all noise generating activities, the Applicant has added a note to the Site Plan confirming that compliance with the Village's Sound Law is required.

Mr. Knoebel also explained that a few times a year (for example the New Years Eve party and the Family Day party) the Club hosts larger events for which on-street parking is used (approximately 20 to 30 cars use on street parking). Mr. Knoebel explained that such parking is in compliance with the Village's parking laws, but it is understood from the neighbors that these events and other can cause a disturbance and it has been difficult for the neighbors to get in touch with representatives from the Club. Following the May meeting, representatives of the Applicant met with surrounding property owners to discuss concerns. In response, the Club would like to send out a mailing to surrounding property owners with a calendar of events so that they are aware of when these larger events will occur.

Board Member Heider asked about cars cuing for the summer camp on Midland as it is something he observed recently. Lisa Chang, Club member, addressed the question on behalf of the Applicant. Ms. Chang runs the youth programs at the Club. She explained that that is not a typical occurrence. On the day Mr. Heider mentioned, the Club was hosting the final swim meet for the season and the backup was due to the meet.

Mr. Greenwell presented the revisions to the Site Plan.

The Applicants acknowledged receipt of the Village Engineer's memorandum dated July 26, 2023 and indicated that they had no objection to complying with the Village Engineer's comments.

There was a discussion about how to measure the rear yard setback on the Property given its irregular shape. In any circumstance the improvements on the lot are significantly setback from the rear lot line.

The Chairman read the Village Engineer's memorandum dated July 26, 2023 into the record as follows:

The site plan indicates the addition of 2 paddle ball courts and a proposed basketball court.

State Environmental Quality Review (SEQR)

Under the provisions of 6NYCRR Part 617, the additions are Unlisted actions. Short EAF has been prepared and is attached for review.

Zoning

1. The proposed paddle court locations comply with the setback requirements of the Zoning District and Special Permit criteria.
2. The proposed basketball court and existing pickleball court have received variances from the ZBA at the July 11, 2023 meeting.
3. The ZBA also granted the variance needed for total development coverage of 29.6%.

4. The “*” at Max Development Coverage should be removed, this element was not altered by Section 9.6.13.

Comments

1. The proposed additional impervious areas are minor (6,300 s.f.) and will drain to adjacent permeable surfaces.

2. Coordinate the proposed paddle court locations with the transformer located near the east end of the proposed courts (not shown on the survey). This has been addressed and is shown on the plan.

3. No new comments at this time.

The Chairman asked for comments from members of the Board.

Board Member Heider asked about whether the neighbor’s meeting, discussed at the May session of the public hearing, has occurred.

Mr. Knoebel said that Marc Sauriol, the grounds person, reached out to neighboring property owners with varying degrees of success to discuss concerns. He shared the proposed plans with the neighbors and talked about plans for sending notice of large events.

The Chairman asked how Mr. Knoebel would summarize the communication with the neighboring property owners. Mr. Knoebel explained that he was not personally involved in the conversations, but explained that Mr. Sauriol’s efforts were to call neighboring property owners, explain the Club’s plans and then listen to their concerns.

Board Member Heider asked Mr. Knoebel to explain how potential issues would be addressed going forward. He asked the Board’s consulting counsel to explain the consequences of violations.

Consulting Counsel Wolfson explained the general enforcement procedures for violations of the Village’s Sound Law. She suggested that compliance with the Sound Law could be made a condition of the approval such that a violation of the Sound Law would be a separate violation of the approval as well.

There was a discussion about how best to advise Club members of the requirements of the Sound Law so that they can prevent inadvertent noise issues.

Board Member Heider indicated that the prior approval was ambiguous about whether the camp was a part of the club use. He suggested that this should be clarified as a part of this reissuance. The Chairman asked if the location of the camp could be depicted on the plan.

Mr. Knoebel explained that the purpose of the Club is for racquet sports and swimming. Therefore, the camp uses all of the facilities—the pool for swimming, the courts for tennis instruction. Ms. Chang explained that the camp uses the front field/lawn for morning activities (soccer, basketball, etc...) and the children eat lunch in the picnic area. It was noted that the camp runs for the first six

weeks of the summer and is only open to club members' children.

Board Member Heider asked for further clarification about the preferred landscaping plan. Mr. Knoebel explained that the Applicant is requesting approval based on the Yost Landscape Plan, and that it would return for modified approval if an alternative plan was sought.

The Chairman acknowledged that the Applicant has made progress addressing issues raised at the last meeting. He noted the importance of the ability to address noise-related complaints as they arise and advised that map note 21 may require some revision.

The Chairman asked if there were comments from the members of the public.

Larry Nathanson, Castle Heights Avenue- Mr. Nathanson explained that Mr. Sauriol called him over Memorial Day weekend. Mr. Sauriol gave him some information about himself and the Club, but, Mr. Nathanson stated that he did not ask questions about Mr. Nathanson's concerns. Rather, he advised that he is just one of 12 decision makers at the Club and he would take Mr. Nathanson's concerns back to the Club. He did not think that this was a sufficient substitute for a neighbor meeting. Mr. Nathanson also commented that when the Club has large events cars are parked all along North Midland and Castle Heights Avenue and it is an inconvenience to residents on that street. He further explained that he has had experiences crossing the driveway where drivers seemingly do not look before exiting.

Joshua Nathanson, Castle Heights Avenue. Mr. Nathanson noted that the Club is a private club, and it should not be exempted from the Village's Sound Law. Mr. Nathanson asked that an Environmental Impact Statement be completed before making a determination on the application. He asked for the special use permit to be revoked when the law was being violated; and that the special use permit should be denied.

The Chairman asked Larry and Joshua Nathanson to clarify the sound issues related to the Club operations and whether those issues were conveyed to the Club representatives.

Joshua Nathanson explained that the main issue is amplified sound. Complaints have been made to the Clarkstown Police and the Rockland County Sheriff's department (the after hours responding agencies). Mr. Nathanson also referenced personal experiences walking on North Midland Avenue and perceived safety issues.

The Chairman noted that the instances that Mr. Nathanson referenced were not relevant to the application because they were neither recent nor specific to operation of the Club's driveway.

Sabrina Clario, Member of the Club. Read comments from a property owner on Birchwood in favor of camp and courts.

Andrew Solomon, Board Member of Club and 33-year Club Member. Mr. Solomon spoke about the positive attributes of the Club such as providing a community with positive reinforcement for his family and providing athletic opportunities for his children to prepare them for high school athletics. He indicated that the Club is working diligently with neighbors to address concerns and promote a good, positive community environment

Nikki Iasillo, Birchwood Avenue, Her family was an original member of the Club. She lives on Birchwood and has never heard noise from the Club. She indicated that the Club adds value and that it provides a positive place for children.

Julie Stabin- Club Member since 2011. When they joined there was a basketball court and 7 years ago it was replaced with pickleball. The basketball court is important for the children of members and they are looking forward to having a court back. She indicated that the Club requires events to end at 10, and she indicated that the Club members would be willing to help to address concerns.

Maggie White- Club member. The club is a real place of community. She reiterated that there are only a few instances of larger gatherings at the Club and otherwise it does not feel very loud. With the noise, what the team outlined is when there are times of high volume. She pointed out that 1/3 of the families who are members of the Club live in Upper Nyack. She said that the kids would really like to have the basketball court. She said that the Club members are rule followers and if they receive complaints about noise they will address it.

Larry Nathanson. Mr. Nathanson said he is glad to hear about the camp and the basketball court. Those are not the sources of his noise complaints. The movie night and late-night parties, events that generate noise, typically amplified noise, at a late hour, are the real issue. Last year there were 4 calls to the police for after-hour noise complaints.

Resident of Birchwood Avenue. He has been a Club member for about one year. He lives on Birchwood and recently moved to Upper Nyack. He said that the Club was a selling point to attract his family to Upper Nyack. In terms of movie night, he asked who would want to take that from the kids. He also said that he runs or rides a bicycle past the Club every day and walks his children to camp and has never felt a safety issue at the driveway. He has young children and would like them to have the opportunity to play basketball at the Club. He noted that the Club is an important asset for the community.

The Chairman asked if there were any additional comments from members of the community. He noted that with regard to the site plan changes – the addition of the basketball courts and other courts—he said that the bulk compliance was addressed by the variances from the ZBA, and their location does not create a noise issue for adjoining neighbors.

The Chairman indicated that the main issues are the vehicle/pedestrian interaction at the driveway and the noise issue.

The Chairman asked the Village Engineer if the new stop sign was sufficient to address the vehicle/pedestrian interaction at the driveway. The Village Engineer suggested that some pedestrian signage at the sidewalk might be helpful. There was a discussion about whether a pedestrian crosswalk across the driveway would be helpful. It was also recommended that some of the vegetation around the driveway entrance could be trimmed.

Cythia Costa, a Club member indicated that it was noted that the sidewalk is at a higher elevation than the driveway so that trimming the vegetation will not have a significant impact on the driveway.

There was a discussion about how cars move through the driveway exit, including that many cars do not stop before proceeding past the sidewalk and toward North Midland Avenue. It was determined that a striped crosswalk at the driveway would be beneficial.

There was a discussion about the conditions to the approval related to the driveway improvements. The proposed conditions would be to add a NYSDOT standard stop sign and a painted stop bar on the Property at the driveway exit, to stripe a pedestrian crosswalk across the driveway at its intersection with the sidewalk, and to trim the vegetation at the driveway to the satisfaction of the Village Engineer.

The Board members then reviewed the issue of noise. The Chairman summarized the main noise generating activities that were raised during the hearing – movie night, member parties, cardio tennis and other similar activities, the firing of the automatic tennis ball machine. He asked the applicant to explain how each of those have been addressed and what documentation submitted addresses those items. The Chairman also expressed that at the last meeting the expectation was that the Club would hold a meeting with the neighboring property owners which did not occur, so he asked the Club's representatives to further address the communications with the neighboring property owners.

Mr. Knoebel indicated that he was not the Club representative who reached out to the neighboring property owners, but he noted that at the May meeting there were three neighbors who were present to comment about the noise who were not present at this meeting, the implication being that they no longer objected.

Cynthia Costa, Club representative, indicated that the neighbor meeting was not practical because the neighbors are not aligned in their viewpoints, and she suggested that the approach taken to reach out to the neighbors was sufficient.

Board Member Heider acknowledged that the approach of individual conversations with neighbors could be effective, the problem was that we do not have any information about the conversations that occurred. He asked for some documentation about the concerns and how they will be addressed.

Mr. Knoebel said that there were changes to the site plan to address the issue of noise generation – the location of movie night and the note about Sound Law compliance. He indicated that the Club has addressed the issue of pickleball noise raised at the last meeting by agreeing to install screening and agreeing that the new basketball court will only be used for basketball and not pickleball. He said he would not agree to limit the Club to a certain number of parties each year or to other actions that would restrict the Club beyond the restrictions on other residents. He offered to agree to schedule an annual neighbor's meeting to improve the line of communication between the Club and the neighbors in addition to sending an annual calendar of events at the Club.

The Board was amenable to the idea of an annual neighbor meeting in addition to the Club mailing out to neighboring property owners an annual calendar of events. There was a discussion about when during the year the neighbor meeting should occur. It was generally agreed that it should occur after Labor Day each year. There was also a discussion about which neighbors should be

notified, and it was agreed that the abutting property owners on Castle Heights Avenue and Birchwood Avenue would be notified.

The Chairman asked where the application now stood procedurally. Counsel advised that the public hearing is still open and at the last hearing the Board members reviewed the special permit criteria. The Board could continue to review those criteria, or could focus on the noise issue which appears to be the last remaining issue. She noted that it did not seem like the Board was waiting for additional information about the noise, but rather that the open question was how it should be addressed in an approval. There was a discussion about incorporating the provisions of the Village's Sound Law into a resolution of approval and how enforcement proceedings would occur.

In addition to the condition incorporating the Sound Law into the permit, the Board was in favor of conditions limiting the conversion of the courts to another type of sport court (particularly a pickleball court) without further approval, limiting the hours that automatic tennis ball machines can be used on the Property (it was agreed that the hours of limitation would be between 8pm and 10am), and the Club sharing its annual calendar of events with the surrounding neighbors and holding the annual neighbor meeting as suggested by the Club representatives. Following the annual meeting the Club will be required to submit a written summary of who attended the meeting and the topics discussed to the Zoning Inspector.

The Board accepted additional public comment.

Laura Rider, neighboring property owner, commented that she has been speaking with the Club and that they have addressed many of the problems. She indicated that the summer camp no longer uses a microphone and that the recent party was quiet. She didn't hear what transpired about the basketball court. There is no objection to the basketball court, but there will be an issue if pickleball is played on the basketball court.

There was then a discussion about the next procedural steps. Counsel recommended completing the SEQRA process by reviewing the environmental assessment form and adopting a determination of significance, after which the board can consider site plan and special use permit applications. In that respect, the Board could either consider a resolution this evening or direct a resolution to be prepared for consideration at the next meeting.

There was a discussion about whether the Board would consider a resolution for the entire application at this meeting, or whether it would be limited to just the site plan for the basketball court. It was determined that the Board would consider a resolution for the site plan and special permit at this meeting.

10:06 p.m. The Board took a brief recess to allow counsel time to draft a resolution.

10:26 p.m. The meeting resumed.

The Board classified the action as an Unlisted Action under SEQRA. The Board members reviewed the EAF Part 1 completed by the Applicant in detail and reviewed the proposed Parts 2 and 3. The Board members specifically discussed conditions of the proposed approval that would mitigate noise impacts and improve the functioning of the Club's exit driveway.

Motion to classify the proposed action as an Unlisted Action Under SEQRA, to determine to undertake an uncoordinated review of the Action, and to adopt a Negative Declaration of Environmental Significance for the reasons specified in Parts 1, 2, and 3 of the EAF

Motion: Ellen Simpson

Second: Joseph Heider

Vote: 3 (yes- Simpson, Heider, Pfaff)- 0 (no), 1 (absent- Turner), 2 (recusal- Olson, Crowley)

The Board's counsel read a proposed draft resolution and the proposed conditions of the approval.

The Board members discussed the proposed resolution and modifications to the conditions that should be required. Following the meeting the Board's Counsel will make the modifications requested by the members of the Board and finalize the resolution. A copy of the final resolution as adopted is attached to these minutes.

10:55 p.m. Motion to adopt the resolution granting Site Plan approval and a Special Use Permit to allow the use of the Property as a Private Membership Club based on and subject to the conditions included in the resolution of approval as read by Counsel and subject to amendments requested by the members of the Board.

Motion: Joseph Heider

Second: Ellen Simpson

Vote: 3 (yes- Simpson, Heider, Pfaff)- 0 (no), 1 (absent- Turner), 2 (recusal- Olson, Crowley)

10:55 p.m. The meeting was adjourned.