PLANNING BOARD
TOWN OF BEEKMAN

RESOLUTION

Application of Hudson Valley Collective, by Patrick Potter, for a Special Use Permit and Site Plan Approval for a "Sober Living Residence" at 237 Hynes Road, Poughquag, New York

WHEREAS, Patrick Potter (the "Applicant") is the managing member of the Hudson Valley Collective and is the owner of the property located at 237 Hynes Road, Poughquag, New York (the "Property"); and

WHEREAS, the Property is located in the R-45 zoning district; and

WHEREAS, the Property is presently improved by a four-bedroom, single-family residence for which a certificate of occupancy was issued on February 2, 2024; and

WHEREAS, by application dated July 3, 2026, the Applicant has requested that the Planning Board grant a special use permit and site plan approval for the use of the Property as a sober living residence (the "Application"); and

WHEREAS, the proposed sober living residence will provide a non-clinical, peer-to-peer sober living residence for up to eight residents who suffer from substance use disorders or addiction related issues and who will enter the sober living residence directly upon discharge from a licensed detoxification facility or similar residential treatment program where they have been receiving treatment for substance abuse disorders, and for one resident-staff member who is also in recovery and who has recovery coaching experience and related certifications; and

WHEREAS, the Applicant states that the proposed sober living residence will house nine persons, consisting of of eight residents in four bedrooms, or two residents per bedroom, and one resident-staff member; and

WHEREAS, the Building Inspector has determined, based upon the Applicant's description of its proposed use and operations, that the proposed sober living residence is an Alternate Care Facility under Town Code §§ 155-4 and 155-28; and

WHEREAS, Alternate Care Facilities are permitted in the R-45 zoning district upon the granting of site plan approval in accordance with Town Code § 155-59 and a special use permit in accordance with Town Code § 155-60; and

WHEREAS, the Fair Housing Act (42 U.S.C. § 3601, et seq.) requires local governments to make reasonable accommodations in the application of their zoning and land use regulations where necessary to make housing available to handicapped persons; and

WHEREAS, a substance or alcohol abuse disorder that substantially limits one or more of a person's major life activities is a handicap within the meaning of the Fair Housing Act, provided that the disorder does not include current, illegal use, or addiction to a controlled substance as defined in 21 U.S.C. § 802(6); and

WHEREAS, the Applicant has requested that the Town make reasonable accommodations under the Fair Housing Act to make the proposed sober living residence available to the persons who will reside there; and

WHEREAS, pursuant to Town Code §§ 155-59(C)(4), 155-59(E)(2), and 155-60(J), the Planning Board has the authority to waive certain requirements for site plan approval and special use permit application; and

WHEREAS, New York State Public Health Law § 228(3) provides that "[t]he provisions of the sanitary code, unless otherwise stated by the public health and health planning council, shall apply to and be effective in all portions of the state and shall supersede all local ordinances heretofore or hereafter enacted inconsistent therewith[;]" and

WHEREAS, at its meeting on July 16, 2026, the Planning Board accepted the submitted materials, including Part 1 of a Short Environmental Assessment Form (EAF), waived sketch approval, classified the proposed action as a Type II action under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law art. 8, and the applicable SEQRA Regulations (6 NYCRR § Section 617.5); referred the Application to the Fire Advisory Board, scheduled a public hearing with respect to the Application for August 20, 2016, and waived the requirement that the Applicant mail and publish notice of the public hearing as required by §§ 155-59 and 155-60 of the Town Code; and

WHEREAS, the Town Planning Department mailed notices of the public hearing to all property owners of record within 500' feet of the Property, and published notice of the Public Hearing in the Poughkeepsie Journal as required by §§ 155-59 and 155-60 of the Town Code; and

WHEREAS, the Fire Advisory Board has determined that the 950-foot common driveway can support the weight of fire apparatus by driving a fire apparatus for the entire length of the driveway; and

WHEREAS, the Planning Board has received the following comments from the Fire Advisory Board with respect to the Application:

(i) the Applicant should be required to construct an emergency vehicle pull off along the driveway in accordance with the Town Code;

(ii) the Applicant should be required to convert the area where the driveway splits between the Property and 239 Hynes Road to the extent necessary to allow a fire apparatus to turn around and in accordance with the Town Code;

(iii) the Applicant should be required to install Knox boxes at the rear door of the structure (because it is considered the primary entrance) and at the electric entry gate; and

(iv) the Applicant should be required to ensure that the driveway width and overhead clearance be maintained to allow unimpeded access by a fire apparatus; and

WHEREAS, the Town Engineer has determined that the existing space along the driveway, where it turns to the north is sufficient to serve as an emergency vehicle pull-off satisfying the requirements of Town Code § 155-56(H)(7)(b); and

WHEREAS, the Town Engineer has determined that the existing space along the driveway at the y-intersection between 237 and 239 Hynes Road, with slight clearing and grading modifications, will be sufficient to serve as an area for fire apparatus to turn around; and

WHEREAS, at its meeting on August 20, 2026, the Planning Board duly opened the public hearing with respect to the Application and nine residents commented on the Application; and

WHEREAS, in response to concerns expressed during the public hearing on August 20, 2026, the Applicant has amended the Application to provide that the proposed staffing for the sober living residence will include two non-resident staff members and a chef to prepare nutrition plans and meals for the residents; and

WHEREAS, the Planning Board duly adjourned the public hearing to its next meeting on September 17, 2026; and

WHEREAS, after the public hearing on August 20, 2026, it was determined that the Property was located within 500 feet of Agricultural District No. 21, requiring the prepartion of an Agricultural Data Statement in accordance with New York State Agriculture and Markets Law § 305-b and referral to the Dutchess County Planning Commission in accordance with General Municipal Law § 239-m; and

WHEREAS, the Town prepared the Agicultural Data Statement and other necessary documentation and on or about August 27, 2026, the Planning Board Secretary referred the Application to the Dutchess County Department of Planning and Development and gave due notice to the adjacent property at 239 Hynes Road, because that property is believed to be an active farm operation; and

WHEREAS, the Dutchess County Department of Planning and Development responded on September 16, 2026, that the Application is a matter of local concern; and

WHEREAS, the Town consulting engineer has determined that the Property is located within the Town's Aquifer Overlay District, requiring the Planning Board to review the Application under, and make findings and determinations pursuant to, Town Code § 155-12; and

WHEREAS, neither the Applicant nor a licensed engineer employed by the Applicant prepared an analysis in accordance with Town Code § 155-12(D), but the Planning Board has reviewed the analysis prepared by the Town consulting engineer; and

WHEREAS, at its meeting on September 17, 2026, the Planning Board duly re-opened the public hearing with respect to the Application, received further comments on the Application, determined that additional public hearings were not necessary, duly closed the public hearing on the Application, and directed staff to prepare a resolution approving the Application for the Planning Board's consideration at its next meeting on October 15, 2026; and

WHEREAS, the Planning Board has considered the standards for the Alternative Care Facility pursuant to section 155-28 of the Town Code and has determined that the Applicant's proposal addressed and satisfied all those standards except the standards established by subsections 155-28(B)(2), 155-28(B)(7), and 155-28(B)(8) of the Town Code; and

WHEREAS, subsection 155-28(B)(2) of the Town Code requires that an alternate-care facility housing six or more persons be located on a state or county highway; and

WHEREAS, subsection 155-28(B)(7) of the Town Code requires that an "alternate-care facility should have central water and sewer facilities, if practicable" and that "[i]f the facility will utilize individual well(s) and subsurface sewage disposal systems, these should be sited in accordance with Dutchess County Health Department requirements and approvals;" and

WHEREAS, based upon the proposed maximum occupancy of eight residents in four bedrooms, or two residents per bedroom, and one resident-staff member the Town's engineering consultant has determined, in accordance with the *Dutchess County Design and Construction Standards Plan*

Submission Guide for Residential and Commercial Onsite Wastewater Treatment Systems and Sewer Mains for Less Than 1,000 Gallons per Day, dated January 16, 2017, Section 75-A.3, Table 1-A, that the proposed sober living residence is a "Group Home (residential-style building)" requiring septic capacity between 110 to 150 gallons per day, per bed; and

WHEREAS, under 10 NYCRR part 75, the Town lacks authority to permit any deviation from the New York State Sanitary Code, which provides, in 10 NYCRR § 75-A.11, that "[d]eviations from these standards may be granted by the State Commissioner of Health or the designated full time [] county . . . health department official by issuance of a Specific Waiver in accordance with Title 10 of the New York Codes, Rules, and Regulations ("NYCRR") Part 75, Section 75.6(b) . . ."; and

WHEREAS, if the sober living residence produces 1,000 gallons per day or more of sewage effluent, the Applicant would be required under the New York State Environmental Conservation Law, Article 17, and the *New York State Design Standards for Intermediate Wastewater Treatment Systems*, dated March 5, 2014, to apply for a State Pollutant Discharge Elimination System ("SPDES") permit from the New York State Department of Environmental Conservation ("NYSDEC"); the Town has no authority to grant any accommodation from this requirement; and

WHEREAS, the Town lacks authority under Title 10 NYCRR § 75.4 to determine the adequacy of any onsite water supply system or to permit any deviation from the New York State Sanitary Code: *Standards for Water Wells*, as provided in Title 10 of the NYCRR Appendix 5-B, and that any such authority is reserved to the Dutchess County Department of Behavioral and Community Health; and

WHEREAS, Town Code § 155-28(B)(8) requires that "[n]ew and/or existing structures shall be constructed, altered and renovated in accordance with the New York State Uniform Fire Prevention and Building Code . . ." (the "Uniform Code"); and

WHEREAS, section 102.3 of the 2025 Uniform Code provides that "[n]o change shall be made in the use or occupancy of any building or structure unless such building is made to comply with the applicable requirements of this code . . .", and that "[a]ny change in the purpose of, or a change in the level of activity within, a building or structure . . . shall be considered as a change of occupancy"; and

WHEREAS, the Applicant proposes to change the occupancy of the Property and increase the level of activity on the Property; and

WHEREAS, based upon the Applicant's prior proposed occupancy, that is a sober living residence with 15 residents and focused on serving veterans and/or first responders, the former Building Official determined the proposed use to be a Group R-4, Condition 1, congregate care facility (non-transient) under the Uniform Code; and

WHEREAS, after the Applicant reduced the occupancy to nine and the Town retained an outside engineer, the outside engineer later determined that, based upon the use of the Property as a sober living residence with nine residents, the Property is a Residential Group R3 congregate care facility (non-transient) under the Uniform Code; and

WHEREAS, as a Group R3 use the Property is required in order to comply with the Uniform Code to be equipped with an automatic sprinkler system designed and installed in accordance with National Fire Prevention Association ("NFPA") 13D and a fire alarm and detection system designed and installed in accordance with Section 907 of the Uniform Code; and

WHEREAS, Executive Law § 381(1) provides that "[t]he provisions of this article and of the uniform fire prevention and building code shall supersede any other provision of a general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict therewith . . ."; and

WHEREAS, Executive Law § 379(3) further provides that "no municipality shall have the power to supersede, void, repeal or make more or less restrictive any provisions of this article or of rules or regulations made pursuant hereto[;]" and

WHEREAS, under 19 NYCRR § 1205.3, the Regional Board of Review may hear appeals and grant variances under the Uniform Code; and

WHERES, subsections 155-28(B)(9), 155-28(C)(1), 155-28(C)(3), and 155-28(D) of the Town Code require that alternate-care facilities comply with all New York State licensure requirements; and

WHEREAS, under 14 NYCRR part 860, New York State regulates a sober living residence only if it advertises as a "Certified Recovery Residence"; and

WHEREAS, the Applicant has represented to the Planning Board that the sober living residence will not advertise it as a "Certified Recovery Residence," but may instead be certified by a non-governmental organization; and

WHEREAS, the Planning Board has duly considered the Application, the comments received at the public hearing, and its authority under Town Code §§ 155-59(C)(4), 155-59(E)(2), and 155-60(J) to grant the Applicant's request for reasonable accommodations under 42 U.S.C. §§3604(f)(1) and 3604(f)(2)(B).

NOW THEREFORE, THE PLANNING BOARD FINDS AND DETERMINES, in accordance with Town Code § 155-12, that the proposed sober living residence, if constructed and operated in accordance with the requirements of this resolution, will not:

1. Appreciably alter the subsurface flow of groundwater to private water supply wells and existing and potential public water supply wells;
2. Appreciably degrade the quality of groundwater through the introduction of sewage wastes, stormwater runoff, liquid chemicals, petroleum products, dissolved metals, or other toxic substances;
3. Appreciably increase the long-term risk of groundwater contamination through the siting, establishment, or expansion of uses which store, transport, or utilize significant quantities of material which is potentially harmful to groundwater quality;
4. Appreciably increase the long-term risk of groundwater contamination through the introduction of relatively small quantities of hazardous or toxic substances which, over a period of time, may accumulate in groundwater; or
5. Appreciably increase the risk of groundwater contamination through the removal of soil, sand, stone, or gravel which provides a protective mantle for groundwater, or which is part of the geologic deposits making up the Town's aquifers; and

NOW THEREFORE, BE IT RESOLVED that pursuant to its authority under Town Code §§ 155-59(C)(4) and 155-59(E)(2) the Planning Board waives the following requirements for site plan approval under Town Code § 155-59:

1. 155-59(C)(1): Presentation to the Planning Board and its appropriate consultants at least 17 calendar days prior to the scheduled public meeting for the project;
2. 155-59(D)(1)(d): Measures and features to comply with flood hazard and flood insurance regulations;
3. 155-59(D)(1)(e): Submission of form in duplicate;
4. 155-59(D)(2): Sketch or map of the area which clearly shows the location of the site with respect to nearby street rights-of-way, properties, easements and other pertinent features within 1,000 feet of the parcel;
5. 155-59(D)(3): A topographic or contour map of adequate scale and detail to show site topography for the sketch plan;
6. 155-59(E)(1): Completion of preliminary site plan application within six months after sketch plan approval in a form acceptable to the Planning Board accompanied by a detailed site plan prepared by a New York State licensed professional engineer, registered landscape architect or registered architect and all information included in the following checklist unless waived by the Planning Board;
7. 155-59(E)(1)(a): Title of the drawing, including the name and address of the applicant and the person responsible for preparation of such drawing, including a professional engineer (PE), registered architect (RA), registered landscape architect (RLA) and/ or Professional Land Surveyor (LS) seal;
8. 155-59(E)(1)(d): Identification of existing watercourses, designated wetlands, one-hundred-year flood elevations, slopes over 20%, edge of existing woods and major rock outcrops;
9. 155-59(E)(1)(e): Submission of grading and drainage plan, showing existing and proposed contours. With topography drawn at two-foot contour intervals showing the details of any drainage system proposed including silt retention basin, both for the construction process of the system and the final development and maintenance of the system;
10. 155-59(E)(1)(f): Submission of plan showing the location, architectural design renderings, type of construction and theproposed use and exterior dimensions of all buildings;
11. 155-59(E)(1)(g): Submission of plan showing the location, design and type of construction of all parking and truck loading areas, showing access and egress;
12. 155-59(E)(1)(h): Provision for pedestrian access;
13. 155-59(E)(1)(i): Submission of plan showing location of outdoor storage areas and outdoor vending machine locations, if any;
14. 155-59(E)(1)(j): Submission of plan showing location, design and construction materials of all existing or proposed site improvements, including drains, culverts, retaining walls and fences;
15. 155-59(E)(1)(m): Submission of plan showing location, design and construction materials of all energy-distribution facilities, including electrical, gas and solar energy;
16. 155-59(E)(1)(n): Submission of plan showing location, size and design and type of construction of all proposed signs;

17. 155-59(E)(1)(o): Submission of plan showing the location and proposed development of all buffer areas, includingidentification of existing vegetative cover;
18. 155-59(E)(1)(p): Submission of plan showing the location and design of outdoor lighting facilities;
19. 155-59(E)(1)(q): Submission of plan showing the location of trash disposal, appropriately screened, covered and located in the rear of the structure, if appropriate;
20. 155-59(E)(1)(r): Identification of the location and amount of building area proposed for retail sales or similar commercial activity, if applicable;
21. 155-59(E)(1)(s): Submission of landscaping plan and planting schedule prepared by a registered landscape architect;
22. 155-59(E)(1)(t): Submission of maintenance plan for the landscaped area;
23. 155-59(E)(1)(u): Submission of an estimated project construction schedule;
24. 155-59(C)(1)(x): Submission of details of erosion and sediment control, including a diagram showing what erosion controls will be installed, and a schedule for their installation and maintenance;
25. 155-59(E)(1)(y): Identification of other elements integral to the proposed development as considered necessary by the Planning Board;
26. 155-59(E)(1)(z): Submission of a stormwater pollution prevention plan consistent with the requirements of Chapter 128 and Article XVI of Chapter 155 which meets the performance and design criteria and standards in Article XVI of Chapter 155 and the provisions of these stormwater management regulations;
27. 155-59(E)(1)(bb): Submission of such other design specifications, engineering studies, hydrogeologic studies or impact considerations as the Planning Board may deem necessary;
28. 155-59(E)(1)(cc): Submission of a plan showing the location of the construction area and limits of disturbance associated with the proposed activity;
29. 155-59(F)(1): Adequacy and arrangements of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, channelization structures and traffic controls;
30. 155-59(F)(2): Adequacy and arrangement of pedestrian traffic access and circulation, including separation of pedestrian from vehicular traffic, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;
31. 155-59(F)(4): Submission of a plan showing the location, arrangement, size, design and general site compatibility of principal and accessory buildings, lighting and signage;
32. 155-59(F)(5): Adequacy of stormwater and drainage facilities;
33. 155-59(F)(7): Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise-deterring buffer between the applicant's lands and adjoining lands;
34. 155-59(F)(8): Reservation of parkland on site plans containing residential units;

35. 155-59(F)(9): Protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectionable features;
36. 155-59(F)(11): Special attention to the adequacy of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion;
37. 155-59(H)(1)(c)(1): Submission of a record of application for and approval status of all necessary permits from federal, state, and county officials;
38. 155-59(H)(1)(c)(2): A detailed sizing and final material specifications of all required improvements;
39. 155-59(H)(1)(c)(3): An estimated project construction schedule; and

BE IT FURTHER RESOLVED that pursuant to its authority under Town Code §§ 155-60(J), the Planning Board waives the following requirements of Town Code § 155-60:

1. 155-60(F)(1): A plan showing the location, proposed use, architectural design detail and height of all buildings and structures;
2. 155-60(F)(3): A plan showing the location of outdoor storage and display areas, if any, and the anticipated items to be stored or displayed, their type, bulk, and height, and schedule of yearly use;
3. 155-60(F)(4): A plan showing the location of all existing or proposed site improvements, including drains, culverts, retaining walls, and fences;
4. 155-60(F)(6): A plan showing the location, height, and size of all signs;
5. 155-60(F)(7): A plan showing the location and proposed development of buffer areas and landscaping on the project site;
6. 155-60(F)(8): A plan showing the location and design of lighting, power, and communications facilities;
7. 155-60(F)(11): Any other information that the Planning Board may require as necessary to act on the special use permit application;
8. 155-60(M): Submission of performance bonds; and

BE IT FURTHER RESOLVED that the following requirements for site plan approval under Town Code § 155-59, which the Planning Board is without authority to waive, have been satisfied by the Applicant, or the Planning Board and/or the Engineer and/or the Town Attorneys on behalf of the Applicant:

1. § 155-59(D)(1)(f): Proof of ownership of the parcel;
2. § 155-59(D)(1)(g): Full environmental assessment form;
3. § 155-59(D)(1)(h): A list of the site plan regulations in this article that the applicant is requesting to have waived;
4. § 155-59(E)(1)(w): Identification of any state or county permits required for the project's execution;
5. § 155-59(F)(10): Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;

6. § 155-59(G): Public hearing and action by the Planning Board;
7. § 155-59(G)(1)(d): The Planning Board shall fulfill the requirements of the State Environmental Quality Review Act, Article 8 of the Environmental Conservation Law, and its implementing regulations; and

[A] BE IT FURTHER RESOLVED that the following requirements for site plan approval under Town Code § 155-59, which the Planning Board is without authority to waive, will be satisfied upon the Applicant's compliance with the conditions of this approval:

1. 155-59(C)(2): Payment of site plan approval application fee as required by the Town's Master Fee Schedule;
2. 155-59(D)(1)(e): Submission of application fee as required by the Town's Master Fee Schedule;
3. 155-59(E)(1)(k): Description of the method of securing water supply and of sewage disposal and the location, design, and construction materials of such facilities;
4. 155-59(E)(1)(l): Location of fire and other emergency zones, including the location of fire hydrants;
5. 155-59(E)(1)(v): Record of application for and approval status of all necessary permits from state and county officials;
6. 155-59(F)(6): Adequacy of water supply and sewage disposal facilities;
7. 155-59(H)(1)(c): The following additional information shall accompany an application for final detailed site plan approval . . . A record of application for and approval status of all necessary permits from federal, state, and county officials; and

[B] BE IT FURTHER RESOLVED that the following requirements for site plan approval under Town Code § 155-60, which the Planning Board is without authority to waive, have been satisfied by the Applicant, or the Planning Board and/or the Engineer and/or the Town Attorneys on behalf of the Applicant:

1. 155-60(C): Application and referral. Application for a special use permit shall be made, in writing, to the Planning Board. . . ;
2. 155-60(D): Coordination of special use permit/site plan review. All land uses granted by special use permit will require completion of the site plan review requirements;
3. 155-60(O): Referral. The Planning Board shall comply with the provisions of Article 12-B, §§ 239-l and 239-m, of the General Municipal Law, as amended, and refer to the Dutchess County Department of Planning such special permit applications as are within its jurisdiction; and

BE IT FURTHER RESOLVED that the following requirements under Town Code § 155-60, which the Planning Board is without authority to waive, will be satisfied upon the Applicant's compliance with the conditions of this approval:

1. 155-60(F)(5): A description of the method of water supply and sewage disposal and the location of such facilities;
2. 155-60(L): Existing violations. No permit shall be issued for a special use for a property upon which there is an existing violation of this chapter. The Planning Board may consider

an application which seeks to legalize an existing use, provided that there are no additional existing violations;

3. 155-60(N): Payment of an inspection fee as required by Building Official pursuant to the Town's Master Fee Schedule; and

BE IT FURTHER RESOLVED, that the Planning Board determines under Town Code § 155-28(B)(2) that it is not necessary for the proposed sober living residence to be located on a State or County road; and

[C] BE IT FURTHER RESOLVED that the Planning Board is without authority to waive the following requirements of Town Code § 155-28, which will be satisfied upon the Applicant's compliance with the conditions of this approval:

1. 155-28(B)(7): A[n] . . . alternate-care facility should have central water and sewer facilities, if practicable. If the facility will utilize individual well(s) and subsurface sewage disposal systems, these should be sited in accordance with Dutchess County Health Department requirements and approvals;
2. § 155-28(B)(8): New and/or existing structures shall be constructed, altered, and renovated in accordance with the New York State Uniform Fire Prevention and Building Code and subject to Town Fire Department approvals. Fire escapes and stairs providing access to all floors above ground level should be located in the rear of the structure;
3. §155-28(D): Administration. Special use permit approval is conditioned on licensing by all appropriate agencies, if the Applicant advertises as a New York State "Certified Recovery Residence;" and

BE IT FURTHER RESOLVED that the Planning Board determines that the proposed sober living residence on the Property satisfies the remaining requirements of Town Code § 155-28, except as otherwise stated above; and

[D] BE IT FURTHER RESOLVED that the Planning Board grants a Special Use Permit and Final Site Plan for the proposed use of the Property for a sober living residence as set forth in the Application, subject to the following conditions:

1. Before the Chairman signs the site plan, the Applicant must sign a copy of this resolution and file the signed resolution with the Planning Board; and
2. Before a certificate of occupancy is issued, the Applicant must:
   a. Remediate any Code violations that are issued after the date of thus resolution, if any;
   b. Obtain and deliver to the Town the necessary approvals from the Dutchess County Department of Health, in a form satisfying the Town consulting engineer, regarding the on-site wasterwater disposal system for the proposed occupancy of nine residents, two non-resident support staff, and non-resident chef; or, in the alternative, obtain and deliver to the Town, Special Waivers from Dutchess County Department of Health regarding the on-site wasterwater disposal system for the proposed occupancy of nine residents, two non-resident support staff, and non-resident chef;
   c. Obtain and deliver to the Town the necessary approvals from the Dutchess County Department of Health, in a form satisfying the Town consulting engineer, regarding the on-site water supply system for the proposed occupancy of nine residents, two non-

resident support staff, and non-resident chef; or, in the alternative, obtain and deliver to the Town, Special Waivers from Dutchess County Department of Health regarding the on-site water supply system for the proposed occupancy of nine residents, two non-resident support staff, and non-resident chef;

d. Deliver to the Town, evidence satisfactory to the Town Fire Inspector, that it has complied with the requirements of the Uniform Code as an Occupancy Group R3 congregate care facility (non-transient) including, at a minimum, the (a) installation of an automatic sprinkler system and (b) installation of a fire alarm and detection system; or, in the alternative, obtain and deliver to the Town, variances from those requirements issued by the applicable Regional Review Board and satisfactory to the Town Fire Inpector; and

e. Install Knox Boxes at the rear door to the structure and at the entry gate to faciliate access by emergency services.

3. Within 90 days of the issuance of a certificate of occupancy/compliance, pay to the Town the site plan review fee required by Town Code § 155-59, the special use permit fee required by Town Code § 155-60, and the inspection fee required by Town Code § 155-60(N), all in the amounts required by Building Offical pursuant to the Town's Master Fee Schedule, and reimburse the Town in the amount of $189.20 for the costs the Town incurred for the mailing and publication of the required notice of the Application; and

[E] BE IT FURTHER RESOLVED that the Applicant must comply with the following continuing conditions, the violation of which will cause this resolution to become null and void:

1. The Applicant is not permitted to increase the occupancy of the sober living residence to more than eight residents, one resident-staff, and two non-resident staff, and one non-resident chef without:

   a. the approval by the Planning Board of an amended site plan and special use permit, and, if necessary, further or amended approvals;

   b. submitting proof to the Building Official that it has received any amended or further approvals required from the Dutchess County Department of Health or waivers and/or variances from the applicable authority;

   c. proof of compliance with any additional requirements under then applicable New York State Uniform Fire and Building Codes, or waivers and/or variances from the applicable authority; and

2. The special use permit may not be assigned to any subsequent owner of the Property, and shall become null and void within 90 days of the date the Property is conveyed, unless the subsequent owner applies to the Planning Board to renew the special permit and the Planning Board determines that the renewal satisfies the requirements of Town Code §§ 155-28, 155-59, and 155-60; and

3. The Applicant may not advertise the sober living residence as a "Certified Recovery Residence" unless the Applicant first provides to the Building Official satisfactory proof that the Applicant has satisfied the requirements of Town Code §§ 155-28(B)(9), 155-28(C)(1), 155-28(C)(3), and 155-28(D) and that the sober living residence has been approved as a "Certified Recovery Residence" under 14 NYCRR Part 860; and

BE IT FURTHER RESOLVED that pursuant to Town Code §155-59(H), the Planning Board may extend, by not more than two additional 90-day periods each, the time in which the conditionally approved site plan must be submitted for signature; and

BE IT FURTHER RESOLVED that pursuant to Town Code §155-60(I), the special use permit is void if any construction required to comply with this approval is not commenced within one year and completed within two years of the date of this resolution, except that the Planning Board may renew the special use permit at its discretion; and

BE IT FURTHER RESOLVED that if any section, sentence, clause, condition, or provision of this resolution, or of the site plan approval or the special use permit (including any conditions of approval) is adjudged by a court of competent jurisdiction to be invalid, unconstitutional, or unenforceable, the judgment shall not affect, impair, or invalidate the remainder of this resolution or the approvals granted, and all remaining portions shall continue in full force and effect; and

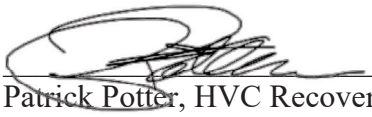
BE IT FURTHER RESOLVED that the Applicant shall sign a copy of this resolution and file it with the Planning Board for the purpose of indicating familiarity with the provisions of this resolution and acknowledging receipt of a copy thereof.

The vote of the Planning Board at it October 15, 2026 meeting was as follows:

Chairman Rob Lopane	Aye
Member Peter Poltrack	Aye
Member Faye Garito	Aye
Member Jayson Abbatantuono	Aye
Member Eric Verhave	Aye



Rob Lopane, Chairman — Date: 10/16/2026



Patrick Potter, HVC Recovery LLC — Date: 16OCT26
Owner and Applicant