



TOWN OF
BEEKMAN
New York

4 Main Street
Poughquag, NY 12570
www.townofbeekman.com
(845) 724-5300

TOWN OF BEEKMAN PLANNING BOARD AGENDA
Minutes of Thursday, April 21, 2022

The Town of Beekman Planning Board met for their regular schedule meeting on Thursday, April 21, 2022. The following members were present: Chairman - John Frustace Faye Garito, Robert Lopane, Pete Poltrack, and Jayson Abbatantuono. Also present was Town Engineer - Dan Koehler, Town Attorney - Daniel Speranza and Secretary - Selene Haile.

John led the Pledge of Allegiance and noted the emergency exits

Peter made a motion to approve the March minutes. Seconded by Rob. All in favor. Motion carried.

PUBLIC HEARING

Greenhaven Road Solar Community – Site Plan, Special Use Permit & Water Resource Permit
97 S. Greenhaven Rd
6757-00-082660
Zone C-3

The applicant stated they increased the setback to the Klein property to 150'. They looked into the creating a berm, however it would have a significant impact on the stormwater.

Peter - minimum tree removal on Ditron border. He said the ones closet to the Dixon property and on the northern boundary by Condon Lumber should leave those trees alone. He expressed concerned on northern boundary that the afternoon sun will trees shade the panels.

The applicant said they were trying to minimize some of the tree cleaning in that area.

Peter said one of Ditron's concerned is seeing the panels from the driveway and the back of the building.

Peter suggested trading and taking trees on northern part. The applicant did look at this. He said make sure it shields view. He asked about a greater height

The applicant is proposing trees starting at 8 to 10 feet with a mature height of 30'.

The applicant suggested that money set aside for a certain amount of time so if the trees planted aren't sufficient they can be replaced.

Peter said that sounds like a good idea if Ditron is interested

Rob asked if they are maintaining some big trees and the applicant said yes. It was asked if there are any panels in the 50' buffer, the applicant stated no.

On the eastern border they will get a variance for 80' and there is no variance for the Klein property.

Robert (attorney for Ditron) stated there are 3 issues which are serious - dust, screening and the 30' drainage easement. They are satisfied with the dust issue; however, they are not satisfied with the other two issues.

As far as the drainage issue they are back and forth to regulate both usage and crossing.

It was also stated it should be the property owner working on an easement on the lease holder. They would like to talk directly to the property owner but have no contact information. He would like to have an agreement before the next Board Meeting.

He also stated the plantings should be taller - it will be years before they are the right height. The renderings of the view from the parking lot shown are after several years.

Peter said that concern is taken into consideration and that is why the funds should be put into an escrow fund so if the plantings are not satisfactory.

It was stated that the escrow could be for plants that don't survive.

It was stated that Ditron still needs plantings that don't have to wait for 8 years. They are asking for the parking lot to be screened, not the second story of the building.

Mr. Klein - (159 South Greenhaven Road) came forward. He put up a rendering for the Board to look at.

He stated the photos shown at last meeting, weren't accurate. He stated they are cutting down 70 trees in the South border - it didn't show 70 stumps 3' high.

Peter said it was agreed at a prior meeting that the trees will be cut to the ground level (6" or less).

Mr. Klein stated there are 3 owners of trees on the boundaries of this property on the South border. He said every tree being taken down on South line should have geographical markers. These trees were planted as property boundaries. He stated the property owners have not given consent to cut down trees on the tree line boundary.

The applicant said they have a complete site survey. They will include in their construction drawings precisely what trees are to be removed. Hopefully that will mitigate any concerns. They can overlay the tree survey and boundary survey and make sure it is reflected.

Caroline Alexis brought up the idea of a berm again. She said she is still going to see these panels. It will take 20 years.

It was stated the 56" walnut and the 32" black cherry trees will now remain.

It was stated that boundary trees must have an agreement from both parties. The applicant stated they will look at all the trees. The applicant stated again, the idea of a berm is not feasible because of run-off.

Bill Crain stated he was glad they were increasing the setback, he would also like them to look into preserving more trees.

John stated he sees 5 trees that are on the Klein's or Ditron's property - #34, 194, 83, 247, 225 and 191.

Dan said they are still seeking a variance for the other property line. They will need a SEQRA determination. He said there are new comments today. He said the Board has to look at whether it is an acceptable layout with the exception of the trees discussed today.

Rob commented that he knows that people what bigger trees planted but the larger the tree the chance of survival goes down. The trees and sizes should be determined for best chance of survival under difficult circumstances.

Peter said the size of the root ball, size of tree and quality of the soil the tree is grown in are important. He suggested that they look at species for the soil condition.

John stated that tree #58, 61, and 64 are on the property line.

There was a discussion about the landowner and the easement. The applicant doesn't have the right to grant an easement, only the landowner.

The applicant has proposed indemnification for both parties.

Faye asked if there is no easement, who has the jurisdiction to maintain the easement. There was a filed map in 1990, but no agreement for maintaining. Peter said if the land owner wants to go thru with this, they have to meet with Ditron.

The applicant said they don't need an actual easement but they think they need an agreement for maintaining.

There is no actual recorded easement.

The Town Attorney said they don't know what easements are there. It is on the filed map. This is why they are asking to be cleaned up on a filed map. On the map is says proposed 30' easement.

Ditron attorney said he has practiced as a real estate attorney for 34 years.

He said a note on subdivision map and shows easement is enforceable. It is a 30' specific location necessary to drain the Ditron property when they were separating property. The problem it is an enforceable easement without the agreement for maintenance, etc. The owner needs to cooperate with this procedure.

The Board decided not to close the Public Hearing at this point.

Rob made a motion to adjourn the Public Hearing to the May meeting. Seconded by Peter. All in favor. Motion carried.

Active Dog, LLC – Site Plan and Special Use Permit
359 Depot Hill Rd
Grid# 6757-00-693527
Zone R-135

Proof of Publication and Notice of Mailings were provided.

Rob made a motion to open the Public Hearing. Seconded by Faye. All in favor. Motion carried.

Brian Hildebrandt approached the Board. He stated this is a 357-acre vacant parcel with a rough graded driveway. They will be improving the driveway and putting in a 151 x 150 gravel parking lot.

This is for a private dog hiking company. Privately driven vans pick up dogs and hike and be returned home. They are not working on trails. There is no tree removal proposed. The trails will be formed naturally. The only disturbance is the gated gravel driveway pad. There is no proposed water or septic.

John asked for Public Comment.

Richard Corbin (452 Depot Hill Road) stated he has been there since 1999. He is directly across the road. He asked the Board to reject the application since it is unclear who owns the property. He has reviewed the material and would like to know about the employees. He stated that there is no license required for this as per the animal control. There is no insurance requirement. He is concerned about what happens when a dog gets loose and goes into someone's yard and attacks a child. He is also concerned about noise pollution with 8 to 12 dogs barking. He is also concerned about sanitation. According to the website this could have up to 50,000 dogs per year. He stated he was concerned about vehicle activity and also transient employees. He asked if this dog is only for Active Dog or will people be coming. He wants to know if there will be a lot more activity. All the dogs have to be licensed and vaccinated - how will that be checked.

The applicant stated he stated this 10 1/2 years ago. He now has 28 employees. They pick up 10 dogs and come up for a 90-minute hike and take them home. They take pictures or videos and post them so the owners can see them. They have a 100-acre parcel in Pawling. Most of their clients are located in Westchester and Fairfield County.

He stated they allow the experienced dogs off leash. He visits every client's house and makes sure the dog is friendly. He asks a series of 20 questions to assess the dog. He makes sure that the dog is a good fit with the other dogs and the staff. They do have a trainer on staff.

He stated 2020 was not a good year however everyone got a dog. He is now looking for more land to purchase for his business. This property already has a driveway that goes way in the back of the woods. They will not be by the property lines. The hours will be around 9 to 3 in the afternoon with staggering starts. They will have a fenced in parking area.

His staff does this full time. This will have minimal impact and he will be respectful to the neighbors. Peter asked how many vans will be that at one time. The applicant answered between 2 and 8 at a time.

There was a discussion about this not being leased out to anyone else. There will be no other organization as a part of this. There is no kennel proposed. They have all Veterinarian info on file and it is all up to date. The workers pick up after the dogs and they have a contract with Royal Carting.

John Duckerd - (corner of Emma Way and Depot Hill Rd) stated he is a father first and a husband second. He stated Depot Hill Road is not safe. He said no more traffic should be added to the hill. These would be commercial vehicles. He would like the Board to reject this application.

Susan Glavich (Lime Mill Road) asked what happens if a dog gets loose. She asked how do you find it and has this ever happened. She stated in this is a large piece of land and it could be developed, and dogs would be better than houses. She feels it would be better for the environment.

Amy Cunningham - (306 Depot Hill Road) stated her concern is noise. This is a quiet residential zone. She is concerned about more traffic on Depot Hill Road. She said right now there is no plan for kennels, but what about the future. She said she doesn't see the upside for this. She is concerned about the increase in number of cars especially near the Appalachian Trail.

Faye stated this is Special Use Permit which terminates with the owner - it is not transferable.

Luigi Seidita (443 Depot Hill Road) said his property backs this parcel and he wants dogs not more houses.

It was stated that this parcel is in the forestry program.

Dennis & Judy Malaspina (485 Depot Hill Road) - Dennis states he supports dogs instead of houses. Judy states that this is a busy road and this will not be any more. She also prefers dogs to houses.

Tricia McCabe (17 Emma Way) asked what happens in the winter. She is concerned about them building some type of kennel. She is also concerned about traffic, school busses, the children in the neighborhood. She asked if they do background checks on their employees.

John Paul Cunningham (306 Depot Hill Road) stated he is happy to hear that this is not transferable. He stated he doesn't want to see a kennel. He is concerned about the unsightly fenced in parking lot and would like to see it pushed back.

It was stated by the applicants engineer that it can't be seen from the road.

Jim McCabe (17 Emma Way) asked what the procedure is going forward and who decides.

There was a discussion about moving the parking lot back so their chain link fence is not visible.

John stated the Planning Board will go thru the questions. They close the Public Hearing, and the Board can vote on the application. The applicant has to complete the engineer's comments.

Laura Johnson (496 Depot Hill Road) said the applicant states he meets with all his clients and asks them 20 questions. She stated she would like to see the 20 questions. She asked if dogs get loose what has happened.

The applicant stated that it happens once in a while that a dog gets away. They call animal control and they them about the dog. All dogs must have a phone number on their collars. About 20 to 25% of the dogs have GPS collars but having a name on the collar is easier. Most dogs when it comes back to dinner or gets dark, they return to the area where they left us.

The applicant said hours would be about 9 to 3 and the sole purpose is for hiking dogs. They have purchased farm/land in Connecticut for a kennel. They have never received any noise complaints. They hike 365 days no matter the weather. As far as the snow, the dogs create the trails. He stated he has 22 vans (10 might go to Pawling and 12 come here). They use Toyota Sienna mini vans and hold 8 to 12 dogs. This parcel came up and he could afford it.

Dan stated a kennel cannot be built in this zone, so it isn't possible.

John said traffic is an issue and is it right for the area. This would be a commercial business on this road.

The applicant said as far as checking employees, they use Good Hire.

It was estimated that the parking area is would be about 500' from the road if they use the second field.

John asked about the 20 questions. It was stated that it is not in the prevue of the Board to ask the applicant to provide the 20 questions. The Town Attorney agreed.

The applicant said they want a successful business and they make sure the dogs are a good fit.

John asked if anyone has any more questions or if they have changed their minds.

It was stated the audience would like to see the parking lot be in the back field further from the road.

The Town Attorney suggested if anyone doesn't agree with the decision, they should obtain legal counsel.

This is allowed in this zone as a Special Use Permit.

Faye made a motion to close the Public Heating. Seconded by Rob. All in favor. Motion carried.

Dan stated this was sent to the County and it came back as a matter of local concern. He noted this parcel is in the Forestry program.

The applicant asked for a number of waivers 155-59 (site plan requirements)
These are the waivers requested -

- (d) rock outcrops
- (f) provide architectural renderings
- (h) show pedestrian access
- (i) outdoor storage
- (k) no water supply
- (l) no fire hydrants
- (m) gas/electric service
- (n) no signs
- (p) outdoor lighting
- (r) building area breakdown
- (s) provide landscaping
- (t) landscaping maintenance
- (AA) location of wells & septic

it was stated that many of these waivers pertain to structures and there will be no development.

Faye made a motion to grant waivers as read by Dan.

Rob asked why are we granting all these waivers before we are sure, such as landscaping. when we aren't sure yet. If there is nothing proposed and it isn't on the map, that is good. These need to be put on the map.

Rob made a motion to grant waiver of fire hydrants. Seconded by Peter. All in favor. Motion carried.

Rob made a motion to grant the waiver of showing gas and electric. Seconded by Faye. All in favor. Motion carried.

Rob made a motion to grant a waiver of showing the location of wells and septic. Seconded by Faye. All in favor. Motion carried.

It was stated that the ridge line overlay was reviewed. There was no building proposed. The scenic road and scenic view shed were reviewed. It was noted the chain link fence is not visible from the road.

Rob stated there is no impact on a scenic road.

The applicant needs to address all Dan's comments. Pay all escrow and application fees. The Board would like to see the hours of operation and proposed maximum number of van trips per day. A copy of the applicant's insurance must be provided to the Town every year.

This was deemed a Type II action at the last meeting.

Jason made a motion to grant Preliminary Site Approval. Seconded by Faye.

Peter - abstain

Rob - abstain

Jason - yes

John - yes

Faye - yes

Motion carried.

Faye made a motion to grant Conditional Final Approval and Special Use Permit with the comments of the Town Engineer completed, and adding hours of operation and providing Town with insurance. Seconded by Jason.

Peter - opposed
Rob - opposed
Jason - yes
John - yes
Faye - yes
Motion carried.

DISCUSSION

Cemco Development Group – Lot 2 & 3 Boyd Re-subdivision
Pleasant Ridge Road
6859-00-434759
Zone R-135

Mike Gillespie approached the Board. He stated he was before the Board a few months ago. This was two lots and it was combined into one and now they would like to subdivide this into two again.

There are now steep slope and view shed codes since this was two separate lots.

They went to the Zoning Board.

They would like to move forward to with Sketch.

it was noted the clearing happened 10 years ago.

They will need street trees or shrubs to protect the scenic road. It was noted there are power lines so they will have to be pushed back.

There was a discussion about #11 in Dan's comments in regard to the driveway design.

Rob made a motion to grant Sketch Approval. Seconded by Faye. All in favor. Motion carried.

Rob made a motion for the Beekman Planning Board declare Lead Agent for coordinated review of SEQRA. Seconded by Peter. All in favor. Motion carried.

Faye made a motion to schedule a Public Hearing for June. Seconded by John. All in favor. Motion carried.

Baker Hill Subdivision – Site Plan
Baker Road
6659-00-760142
Zone R- 90

Mike Gillespie approached the Board.

This is a 7-lot subdivision on a 26-acre parcel. They did soil tests. They have provided slope maps.

Steep slopes were discussed. It was suggested that the lot count should be rethought and maybe lot 1 should be eliminated.

The Board would like the driveways staked out.

Rob said there will have to be a lot of tree removal and it will have a large impact. He stated he doesn't know how they will mitigate all of the impacts for SEQRA.

It was suggested again that lot 1 should be eliminated.

Camp Ludington – Lot Line Revision
165 Paine Rd
Grid# 6756-00-464707
Zone R-135

Adam from Insite Engineering and Francis O'Shea from The Trust for Public Land approached the Board.

Adam stated the ZBA granted a variance. They have responded to Dan's comments from last month.

The applicant is requesting a variance of 130-18 (D) - scale of not more than 1"-60'.

Francis O'Shea talked about The Trust for Public Land. They have been working on this for 4 years to protect 500 acres near the Appalachian Trail. This will pay taxes.

This will have no construction.

They need a site visit from the Highway Dept. Dan said he will be the middleman.

Access will be provided with an easement.

Rob made a motion for the Planning Board to declare themselves Lead Agency. Seconded by Peter. All in favor. Motion carried.

Rob made a motion to schedule a Public Hearing in May. Seconded by Peter. All in favor. Motion carried.

Rob made a motion for the Town Attorney and Town Engineer to prepare a SEQRA determination. Seconded by Peter. All in favor. Motion carried.

Meeting Adjourned
Respectfully submitted
Selene Haile
Secretary