



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD
Minutes of August 18, 2022

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, August 18, 2022 at 7:00 PM at the Beekman Town Hall.

The following members were present: Chairman - John Frustace, Peter Poltrack and Robert Lopane were present. Faye Garito and Jayson Abbatantuono were absent. Also present was Conservation Chair - Cliff Schwark, Town Engineer - Dan Koehler, Town Attorney – Dan Speranza and Town Clerk – Laureen Abbatantuono.

J. Frustace - Led the Pledge of Allegiance and noted the emergency exits.

P. Poltrack - Motion to approve the July 2022 Planning Board minutes. Seconded by R. Lopane. All in favor. Motion carried.

PUBLIC HEARING

J. Frustace – Review of Public Hearing rules: sign in, approach podium, state name and address for the record, limit comments to 3 minutes. Responses will be provided.

- 1. Grape Hollow Subdivision** – Trust for Public Land - Subdivision
82 Depot Hill Rd
Grid# 6756-00-926766
Zone R-135

D. Koehler – Questions applicant regarding public hearing advertisement. Confirms mailer cards were delivered to building clerk. Provides clarification as to the name change to Subdivision of Depot Hill for the Trust for Public Land to avoid conflict as there has been Grape Hollow Subdivision.

Adam Thyberg, Insight Engineering Surveying Landscape Architecture PC – Representing Trust for Public Land in the subdivision of the property known as Depot Hill on Grape Hollow Rd. The project involves the subdivision of the subject lot only. Lot 1 will be 12 acres and will remain under its current use and ownership. Lot 2, the larger portion north of Lot 1, will be part of a broader project to preserve open space as discussed during the Camp Ludington subdivision proceedings. This is part of a bigger project being undertaken by the trust for public land to preserve a large swath of the Depot Hill Area by purchasing several contiguous lots and transferring ownership to the NYSDEC for preservation. No

improvements associated with the project, just the creation of a new property line so Lot 2 can be preserved. The majority of the town engineer's comments have been addressed. Will respond to the latest round of comments. Formally requesting waiver mentioned in comment letter §130-20a6.

D. Koehler – Asks the applicant's representative to provide waiver request in writing.

R. Lopane – Motion to open the public hearing. Seconded by P. Poltrack. All in favor. Motion carried.

Bill Crain, 254 Gardner Hollow – Strongly in favor of project as it will preserve open space, natural habitats and the rural character of our town.

J. Frustace – As we await responses regarding lead agency, we will adjourn the meeting until September 15, 2022.

P. Poltrack – Motion to adjourn public hearing to September 15. Seconded by R. Lopane. All in favor. Motion carried.

Adam – Given the fact that the public hearing is being adjourned to next month, is there the potential for a draft resolution to be prepared for consideration assuming the public hearing is closed during the next meeting.

D. Koehler – Up to you. We still have SEQR. Would have to run through the preliminary and the final content on the map as well.

D. Speranza – Have you met with the building department or planning in town hall? There is that piece of the parcel where the municipal line is.

Adam – We have not approached them directly. My understanding was that is municipality. Should we be engaging the Town of Pawling?

D. Speranza – I think it would be helpful. More than likely they will defer to the town of Beekman, considering the size of the parcels in Beekman. The other thing you may want to do is check with the county clerk's office about the sufficiency of your map and whether or not they're going to want it signed by the Town of Pawling. Those two things may be helpful to you by next month.

Adam – We can discuss at a later time what is to be presented to the Town of Pawling. We're just sending a courtesy submission of the current map and documents or making some requests?

D. Speranza – You may ask if they want an application or if they are going to defer. Will get an answer one way or another.

D. Koehler – The map shows lands that are within the town of Pawling. In my experience with the county clerk, they certainly may be asking for both signatures on the map. To avoid any time frame lapses, it would be wise for you to go to the county clerk and then pursue a discussion with the Town of Pawling.

P. Poltrack – Were they notified of public hearing? I think that notification covers it as if they were an abutting land owner.

D. Koehler - There's a couple of things going on here. There's a parallel situation. The lead agency circulation because they're adjacent municipality and there's land within the town of Pawling so they

were included in the lead agency circulation. There's a 239 general municipal law circulation which is to allow them to notice that we're going to have a public hearing here and that has to be 10 days prior to the public hearing that they're noticed. That is part of the reason why we're waiting for some responses. Confirms they were notified of the public hearing.

R. Lopane – Prepared to move forward, respecting their time for SEQR.

J. Frustace – Anything stopping us from voting on a resolution that will be prepared before the next meeting?

D. Koehler – We have to assume there's no objection to us acting as lead agency then we can do our SEQR. Then we would be able to do a preliminary conditional final. We should wait until we know a little bit more. Worst case, it puts us out to the October meeting.

DISCUSSION

1. Volta Charging LLC – Site Plan/Sign 1328 Beekman Rd Grid # 6759-00-408359 Zone R-45

Dino Pastellaris on behalf of the application for Volta Charging where we are installing two electric vehicle charging stations at the local Stop and Shop grocery store on Beekman Rd. Scope of improvements include two level 2 electric vehicle charging stations along the front drive aisle. The charging stations include dual sided media screens, approximately 48”H x 27”W which will display sponsored content, rotating static images, non-dynamic images every 8 seconds. They are placed in landscaped islands that are adjacent to existing parking stalls. No net change in parking. It's a one for one change. Included in that parking stall will be striping denoting EV charging capability for that parking stall. Power will be drawn from the existing Stop and Shop panels. There is no new electrical utility service being created. We use a unique technology where we bore underneath the parking lot so there's no open trenching or disruption to customers or traffic during the construction process with trenching. The construction area is specifically limited to the installation of the footings for the two charging stations as well as the parking stall for the striping and installation of signage. We've been before the planning board with a similar presentation describing the scope of the improvements. We had been told we needed to go for a couple of variances so we've since been to the ZBA and have been granted those variances. Here to discuss those improvements.

J. Frustace – Asks for specific locations.

Dino – Approaches board with map to point out specific locations. Confirms level two capabilities and one charging station per stall.

P. Poltrack – Questions possibility of expansion.

Dino – Confirms current plan is for installation of only two stations.

R. Lopane – Questions extra conduit for possibility of future expansion.

Dino – Confirms spare conduits for potential expansion to four in total as possible two per each.

J. Frustace – So at this point you're interested in us reviewing your sign presentation.

R. Lopane – Questions whether there has been a public hearing.

D. Koehler – This is not a site plan application. Confirms it is more for architectural review board.

D. Speranza – At this point we don't have a resolution prepared yet. There are two options. You can approve or deny it and circulate the resolution after or we can adjourn another month and circulate the resolution there. I do think it's probably ready to vote on now but that is completely within your discretion.

J. Frustace – Asks for questions from the board.

R. Lopane – You're showing the wood underneath in response to our comments or for the zoning board?

Dino – The wood will not be installed. That was just an option.

J. Frustace – So what are we looking at here?

D. Koehler – That was discussed at the main meeting.

J. Frustace – You're showing a resin wood base and you indicated at the last meeting that you had a wooden resin version of wood and you would bring samples.

Dino – We are not actually doing that. This would be our standard product. That was just an option. Those were samples of ones that we've done elsewhere. The product we're proposing to install today is our standard product.

P. Poltrack – Questions height between base and screen and suggests possibility of changing effect of the base.

J. Frustace – Indicates confusion as this is an about turn from what was spoke about at the last meeting.

R. Lopane - We were talking about trying to make it compatible with the aesthetic of the building.

J. Frustace – Our code wants a country, preferably wooden look to the sign.

Stan, Volta Rep – The wood finish we spoke about last time has technically been discontinued. Volta does not make them anymore. We have relationships with the manufacturers so they don't take them. We find that the standard basics hold up better over time and the client is happier. If the town wants to use wooden panels we can find a way to source it, it's just not recommended.

P. Poltrack – Personally believes wooden panel is out of line.

Stan – Confirms base is concrete around enclosure.

R. Lopane – Questions possibility of matching concrete with face of building. States there is nothing to review or discuss with lack of flexibility in product offered.

D. Koehler – Adds that it is misleading that the wooden face was given at the last submittal and discussed at January and May meetings. Sounded like it wasn't a problem and the board wanted it except Pete.

P. Poltrack – Suggests the goal is to break up the look of the concrete.

R. Lopane – Conveys that there are concerns with the flashy graphic being an eye sore. As an Architectural Review Board the goal is to have it blend in with the surroundings as best it can and not clash.

P. Poltrack – There are products that will make a façade on a building; granite, brick etc. similar to the front of the building. It would be added to the concrete.

J. Frustace – It does not seem like they want to do it.

P. Poltrack – Inquires if the screen change can be slower than 8 seconds.

Stan – We are following National Federal Highway Administration's recommendation for safe advertising clips. We sell advertising in 8 second clips. The images are static. No sound or video and has auto dim at night. Stations have the ability to do video but we push out static ads.

J. Frustace – Questions look of concrete base.

Board Members discuss level of concern for concrete base to match facade and possible options.

P. Poltrack – States that if the board requires matching façade, that information must be made clear.

Stan – Explains that although it was not recommended in their experience, the relationship still exists with the manufacturer and they will still make them if that is the request.

J. Frustace – Asks for confirmation the material was resin.

D. Koehler – Presents a superimposed photo with the building behind it that was given to the board at the May meeting and asks if they have samples.

Stan – Confirms they do not.

J. Frustace – Our comprehensive plan in our code is pretty specific about the look and feel of signs.

Board members discuss considerations such as water getting into signage.

R. Lopane – Trying to be open to this but been struggling with it from the beginning. Trying to work with this in a way that will at least downgrade its appearance or blend in with the background. That would make it more palatable for me. That's why we made those comments back in January and May. Seemingly, you've come back with no changes.

J. Frustace – They changed what was agreed to because of a discontinuation of this resin.

Stan – There really isn't any change to the drawings. We would order wood finish.

J. Frustace – Co you can order, if you push, a resin wooden fascia plate or something like that? It's actual wood. Okay.

Stan – Suggests that the look of the wood paneling creates more of a clash with what is on the island and is more consistent when you're looking at the stations.

Board members agree.

R. Lopane - Would like to see it softened up with plantings in the island. Suggests more landscaping.

Dino – Can propose more native plantings or match existing.

D. Koehler – They've got to be able to grab the handle.

J. Frustace – If you're in agreement, we could approve a resolution or show a planting plan and come back.

Dino – Would we have the opportunity to have a resolution conditional upon adding native plantings? We need to get approval. I don't know if we can select a specific planting like that.

R. Lopane – No, because that limits the board's ability to make sure you've softened the sign. I'm compromising because I'm ready to vote no but if you can come back with a planting plan that shows that you've softened, then we've done our job as an ARB to say ok this will blend in and fit the space.

J. Frustace – This same point was important to another board member who is not present today. My neighbor as well. If there's one or two or three, there's more. The better job we do of mitigating will bode well for all of us.

R. Lopane – We can be prepared to prove it the next meeting. If you meet our condition now, and come back, I'll meet your condition and vote to approve it next meeting.

P. Poltrack – Where in the local area do you have stations installed.

Dino – Dobbs Ferry, Ridgefield

P. Poltrack – Questions if equipment being proposed is the same as the equipment in other locations and suggests applicant provide contact info for locations for site visit.

Stan – I believe it was the same. It has been installed and operating for at least a year.

J. Frustace – Seems very dynamic the process of supplying and designing the equipment itself.

D. Koehler – Also from the January and May minutes we talked about the public service announcements, and you were to reach out to the fire department to collaborate public service announcements for emergencies.

Stan – Not sure details at this time.

P. Poltrack – Suggests site visit.

2. Casey Subdivision – Subdivision

7 Valley View Rd

Grid # 6758-00-008994

Zone R-45

Steven Burns, Burns Engineering Services – Representing the applicant Peter Casey. Mr. Casey would like to subdivide his 5.78 acre parcel in R-45 into 3 parcels. Located at 7 Valley View Rd. which on the northeast side of Baker Rd. and on town list as private road. There is house, septic and well. Well will be reused and new septic field designed for existing house. The other two proposed lots will be supported by individual wells and fields. The two new lots will be just over 1.7 acres and existing lot about 2.36 acres. Mainly it slopes to the south and is for the most part clear meadow and lawn. There's not much for standing trees.

Board members discuss location of property for clarification.

J. Frustace – Asks engineer if he would like to discuss the issue on frontage.

D. Koehler – Basically comments 6 and 7 were the big ones. The other stuff is housekeeping related to pre-application, sketch plan, code stuff. Valley View is a private road as you mentioned. Our code defines road frontage as the linear distance of a lot along a public road, street or right of way and in the R-45 district there's 100 ft of road frontage required for each lot. The question became does this meet the requirements of that 100 ft road frontage because this is a private road. They've got 51.3 ft of frontage along Baker Rd which is a public road and they're splitting that with a flag lot so there's 2 lots that have maybe 25 ft of frontage and then the third one has none on a public road. We don't define those as flag lots in the town of Beekman, we basically define them as rear lots. So, there's a provision in the code that specifically talks about rear lots. §155-41 says you can't do rear lots in the R-45 section so there's a couple things and I don't want to go to find there's issues. May be a variance thing. That needs to be identified before SEQRA and coordinated review. That is the way the town of Beekman does it even for unlisted actions.

Steven – There is a new construction home that faces Dill Hill Rd., which is the next one to the north, but the back of the lot touches Valley View Rd. and both of those roads I believe are private. Points out on drawing.

D. Koehler – Presumably that was a lot that was created a long time ago.

P. Poltrack – There's another lot at the end of Valley View. What is the point of the 50 ft strip at the bottom?

D. Koehler – The 50 ft strip that is part of this subject parcel was part of filed map 7215 so the Casey subdivision from 1985 provided 3 lots and in that process, they took 50 ft, I don't know why, and added it to this parcel. Presumably, we always did 50 ft as a minimum width so you could put a town road through it.

P. Poltrack – So it's there just because it was on a previous approved plat.

Steven – Because it's part of the existing lot.

D. Koehler – It became part of the existing lot as part of that filed map.

R. Lopane – Point out on map and questions lot subdivision history, houses, and vacant lot. Is there an agreement? How are we operating for that private road? Who is using it now?

Steven – Points out the three houses using the private road.

R. Lopane – There's 3 using it and 2 for the subdivision that you're going to add to that and the vacant lot.

Steven – This vacant one also has access to Baker.

R. Lopane – They operating under a private road. Gravel or paved?

Steven – Gravel

D. Speranza – One thing I would like to see, where there could be potential roadways and that sort of thing is title abstract going back to common ownership just so we can kind of trace some of this. Don't know how far that goes back but would certainly be helpful. The title abstract, for all of this that predates the subdivision and goes back to when there was one lot.

D. Koehler – Hopefully that will shed light on the road as well.

Applicant – Explains how lots were originally subdivided.

D. Speranza – Would like to see title abstract to go through on my own.

D. Koehler – The 1955 still has it all farm fields and I think the Carlson house might have been building in 56 and then the Casey home that is existing on this parcel was there by the 1970 aerial. So somewhere between 55 and 70, something came up with that private road and construction of 2 different houses at that time.

R. Lopane – If you can determine the ownership of that road, the ideal situation would be to try to get that to be a public road and dedicate it to the town. To do that, the town and the board would insist that it be brought up to town standards. Alternatively, we need to formalize the agreement on that road. I'm not necessarily against a private road. That is a suitable way of accessing lots as long as there is enough room and not too many lots on the private road but we would still need to formalize an agreement for every lot that has potential use of that road. It's important that we iron out the access to those lots and have an agreement for that private road. May just be a maintenance agreement and easement. As far as the frontage, you may need a variance from the zoning board to have the ability to have frontage on a private road. Finally, if it is a private road, we would want to make sure the fire department has a look at this. They need to be able to provide fire access to these houses.

Steven – The road is pretty straight and flat. The only thing I could possibly see the fire department having an issue with is turning around.

R. Lopane – The fire department is concerned with having room to get by and have space along the side of the road. Doesn't necessarily need to have paving but it's important for the fire department to be comfortable with their ability to provide fire emergency services there.

P. Poltrack – You could say that it should be an all-weather road and use some of the criteria for driveways as far as turnouts and that sort of thing.

D. Koehler – Typically every 500 feet you have a turnout. If it's X amount of feet you normally have to have a way to turn around the vehicle instead of having to back all the way out. There are things that could be done.

J. Frustace – I have nothing more to add.

Steven – We'll work on a getting a title report for the road to sort out ownership.

P. Poltrack – Clarifying Robs concern is so that on any of the existing lots, there's an agreement that the road can be maintained so it doesn't become disagreeable.

J. Frustace – Safety issue.

R. Lopane – Its more than that. It's important that there's an agreement that everyone's helping to maintain that road that is using it but also that someone doesn't just block the road in the future and say I'm going to put a fence right across it. I have rights to do that and the guys in the back have no say. You want everyone to have equal say in that road. That is what the easement does. It gives each parcel right to ingress and egress on that road and no one will have the ability to obstruct. Right now, everything is friendly but then the nightmare neighbor moves in and says I'm going to park my trucks there and what do you have to protect those lots in the back. Now is a good time to work that out, while you're subdividing. The ideal solution would be to really formalize it and build an actual road and dedicate it to the town then they would be maintaining the road.

Applicant – Who's responsibility would it be to build the road?

R. Lopane – It would be your responsibility.

Steven – I don't think that is financially feasible.

D. Koehler – I think the geometry is a little tough on it too.

Steven – You're right. It would take a little bit to get the vertical curves in the beginning.

D. Koehler – I appreciate that Rob. Those are all good suggestions. The only other suggestion is doing a new road on the 50 ft strip but that's also cost prohibitive more than likely for servicing 3 lots.

3. Local Law to Amend Town Code Concerning Administrative Fees and Penalties

D. Speranza – The Town of Beekman Town Board is proposing two laws. They're asking the planning board to provide and advise your opinion on them if you so choose. The first is considered administrative fees and penalties. They want to amend the code to be able to adopt a new fee schedule to allow the highway superintendent to set the deposit for any set of improvements at 75 cash deposit all related to fees and the fee schedules to make it easier for the town.

D. Koehler – Building permit fees, planning fees, rec fees, highway.

P. Poltrack – Would be set by the town board right.

D. Speranza – Right. Any comments you have will be passed on to them.

R. Lopane – So they're just setting the fees.

D. Koehler – Yes. Right now, every time they try to change a fee, they have to pass a local law to do it which costs legal and professional fees etc. They want to make it so that every year or whenever, if they choose, they can say these are our fees for the year by town board resolution and they can just do it. It's memorialized as opposed to going through a 3-month process of notifying county, planning, municipalities, engineers, etc. It is to ease the process.

P. Poltrack – I have no problem with it.

R. Lopane – I don't either.

D. Speranza – Easy enough.

4. Local Law to Establish New Chapter 126.1 of Town Code –Short Term Rentals & Amend Zoning Chapter 155 -Short Term Rentals

D. Speranza - The second local law is the town is considering banning short-term rentals in the town of Beekman.

D. Koehler – Wouldn't say preventing.

D. Speranza – No. Just under 30 days.

D. Koehler – It's not preventing. Want to make that clear. It is just putting restrictions and permitting on those.

J. Frustace – Under 30. And the reason for that primarily is because of issues relating to short term rentals, Airbnb and unfavorable conduct as well as an incident that occurred involving a party and a death. I believe our law only allows for accessory apartments.

D. Koehler - Currently there is accessory apartment legislation but that is intended for longer term leases.

R. Lopane – Questions if there are provisions for border housing.

D. Koehler – I think this partially amends section 155 as well so this would add a new chapter to the town code, §126.1 but it would also amend section 155. It adds §155-39.1, which is a section on short term rentals and adds a definition for short term rentals.

J. Frustace – Also requires owner occupation so the owner has to be onsite and rent the accessory apartment.

P. Poltrack – So this applies to accessory apartments.

J. Frustace – Not directly.

D. Speranza – Any live-in dwelling. The idea is you don't necessarily want to change the character of some of these neighborhoods in the town of Beekman with housing that becomes transient. The town of

Beekman would be full of hotels when it should still be full of housing. There's going to be a permanent process for some of these short-term rentals so the town board can regulate this type of thing.

J. Frustace – A lot of hedge funds managers and other companies are buying up homes. They are not residents of our town. They don't even have a person living full time in these homes. It's a revolving door. With that, you don't get the scrutiny you do with long-term leases and background checks. It's more like a hotel.

P. Poltrack – So you're telling me if I want to buy a parcel or house in the town of Beekman that I have to go through a background check.

J. Frustace – No. Not at all. I have a building in Wappingers Falls. I don't allow for short-term rentals: weekend, week or monthly rentals. I am looking for a long-term resident or tenant because I want them to respect the property. I do a background check to make sure I'm putting the right person in my property and there's a lease involved. Explains how Airbnb works for board members that are unaware and explains that the purpose of the law is to avoid the person next door to your house having a party for the weekend and disturbing the peace.

P. Poltrack – Who is going to oversee this? States that he is against government overseeing something such as this.

R. Lopane – Is the law prohibiting?

D. Speranza – No. I misspoke. It's not prohibiting. It creates a permitting process.

R. Lopane – There are some people who are diligent about their Airbnb and they're doing everything right. Beforehand, they would just do it. Now they are going to need to apply for a permit and the town is going to oversee the permit process. Who?

D. Koehler – Building department permit. Does not involve the planning board.

R. Lopane – Asks to review/summarize some of the permit requirements.

D. Speranza – Would be unlawful to use, establish, maintain, operate, rent or lease, or advertise without having obtained the permit. There will be authorized zones.

R. Lopane – Will be permitted by right in some zones?

D. Speranza – Did not see that.

R. Lopane – One big one is the owner has to live in the residence. You can't just have a house that's not your primary residence and make it an Airbnb.

D. Koehler – Correct

R. Lopane – Proof of insurance. A sketch map. Does that need to be prepared by a licensed professional?

D. Koehler – I don't think so because you can use pictures and it's a building department review.

R. Lopane – Correction. Sketch map can be hand done. A signed certification form to the town attorney so they're attestations. A non-refundable fee. Certify if they're preparing food.

D. Speranza – If they're serving food they have to go through the department of health.

P. Poltrack – When I have guests at my house for the weekend I don't have to.

D. Koehler – Are you charging your guests for the weekend.

J. Frustace – It wouldn't apply to you.

R. Lopane – That is an important distinction because there is a restriction in the permit that says no restaurant may be operated and no meals prepared. They are trying to distinguish from a bed and breakfast. If you want a bed and breakfast you go to that section.

D. Koehler – Which there is a code for that.

J. Frustace – This is in a residential neighborhood permitting fewer than 30-day rental stays at your home.

R. Lopane – There will be an inspection which will look at the uniform building code.

J. Frustace – In a residential neighborhood. What zones are we talking about?

D. Koehler – I don't know. I put that as a question. What zones is this permitted in because it references Chapter 155 but I didn't see a table in here.

J. Frustace – I couldn't see how it could be a problem on a commercial road like 55. I have to presume that what the board is doing is preventing commercial use in residential neighborhoods.

R. Lopane – I think of it more like the accessory apartments. Before we had the accessory apartment law, people put 2 or 3 apartments in their house and neighbors go nuts so we made the law and were dealing with these issues in the residential area. So, we said it's not going to be a multi-family house. It's going to be for your mother-in-law, for your son. The parameters of the law are built that way. It's got to be subordinate to the house. The way I am reading it is in line with that making it consistent with the character of the neighborhood.

D. Koehler – Clarification. In the section of 155 that would be amended, it says any hosted short-term rental shall be permit in any single-family dwelling in all zoning districts within the town of Beekman. So, it has to be a single-family residential dwelling which could potentially be even in a commercial zone.

J. Frustace – It has to be hosted.

P. Poltrack – If you inherit your sister's house, you have to go through this if you want to do a short-term rental on the house.

R. Lopane – I would have to move into the house. Just like an accessory use apartment, you have to live there and rent out a portion of the house or if there's an accessory structure, maybe that's allowed.

D. Speranza – No, it's not. It's got to be the principal building.

D. Koehler – Which is what our accessory apartment has to be, within the principal structure. It has to be connected.

R. Lopane – So if you have a house with a garage and a nice apartment on top, the garage is separated from the house, you can't have that Airbnb there.

J. Frustace – Another example of what has occurred recently is somebody pitched some tents in the backyard and it was used as an Airbnb destination. Elaborates on issues other towns are currently experiencing with short term rentals and potential commercialization of areas.

R. Lopane – In general, it's permitting it pretty much throughout the town but it's regulated so I don't necessarily have a problem with it other we have difficulties with enforcement. We're adding another law, that's adding responsibilities to a department that doesn't have enough time.

J. Frustace – Confirms there is a full-time building inspector who is also code enforcement.

P. Poltrack – Concerned with neighbor disputes and overregulation.

Board members discuss potential negative impacts of unhosted rentals. It is pointed out that property owners have rights and can obtain permits for rentals.

D. Koehler – Points out there are also references to noise regulations and clauses included that allow the building department to pull the permit.

J. Frustace – States that the board will either make no comment, say yes, say no.

P. Poltrack – I'm sure the town board will look at this discussion we are having.

J. Frustace – Probably but it's really not within our scope to influence the board one way or another.

P. Poltrack – Yes it is.

D. Speranza – It's a non-binding advisory opinion.

R. Lopane – Concerned the way it is written may be prohibiting that use by a thousand cuts. There's so many regs in here that it's almost impossible for someone to meet these. Is there a venue to get a variance or waiver? I'm not going to reconstruct my whole house just because I want to rent a room if it doesn't meet pretty onerous standards.

J. Frustace – But if you were to rent a room, would you be in the house?

P. Poltrack – He's got to be.

R. Lopane – That helps keep it safe by having the primary resident in the house.

D. Koehler – That is what the intent is I believe.

J. Frustace – It wouldn't be restricted in that circumstance. This is only to restrict short term use.

R. Lopane – They actually have standards here that are saying one person shall contain at least 70 sq. ft. of floor area in every bedroom and a short-term rental occupied by two persons shall contain at least 100 so what if I don't have 100 sq. ft? I haven't really studied this enough to know if this is too onerous. If I am applying for this, looking at this, there are conflicting things. For the person who wants to have an

Airbnb, is this too onerous? Does this effectively prohibit this from happening by having too many parameters?

J. Frustace – In a residential neighborhood I think it does. In a commercially zoned area they could buy a home and it could be an Airbnb, as long as it is a single-family dwelling, and you could create a business there and utilize it as often as you'd like.

D. Koehler – You would still have to be the primary resident even in commercial. §126.1-7 subsection E is the conditions and restrictions. A lot of them make sense like you can't rent your hot tub or a non-habitable structure.

R. Lopane – What about habitable? I have a garage that has insulated space above it. It has electrical. It meets all the codes for habitable space but it's not connected to my house. Why is that limited? If someone wants to do that, we've limited it to their personal house.

D. Speranza – In theory, in that situation, you live in the accessory apartment and they're in the primary residence.

R. Lopane – I think the law should be modified to allow for an accessory use structure that meets the New York State building codes, a habitable space. As long as it is within that same parcel, that should be included. It shouldn't be limited to the primary structure. Solid waste facilities to handle solid waste, including recycling, how are they supposed to demonstrate that? Are we going to require them to go to the board of health? We know how onerous that can be.

D. Koehler – Confirms solid waste is garbage.

J. Frustace – People obviously have rented out for habitation storage sheds.

D. Koehler – It's number four so it's your number of bedrooms. It's based on the number of bedrooms that the septic system is approved for.

R. Lopane – If you only had a septic that can accommodate three bedrooms and those three bedrooms are being used in the primary residence, if there's a fourth bedroom, now we're overloading the septic.

D. Koehler – Right. Public health and safety issue. They're just seeking a report from the planning board. You all gave Airbnb way too much credit. There are a whole bunch of other sites out there.

R. Lopane – If you all agree, I would like to say we are in general concurrence with the new law but we would like them to look at the conditions a little more carefully to make sure there's no onerous conditions, too onerous that it limits someone's ability to even attempt to make the application.

P. Poltrack – How about before you gave approval, you gave them that comment and let the town board come back to us.

R. Lopane – It's just our recommendation to the town board. It would be good if they would reconsider those conditions and, if there's anything too onerous, omit it.

D. Koehler – Asks if there are specifics.

R. Lopane – The thing about it having to be in the primary residence. I have a garage next to my house. A lot of people have that. They have an accessory structure and there's a habitable space above it but that

would be immediately eliminated out and why should it be if it meets the building codes and is a habitable space. I think it should also be considered. I don't want the law to limit it to the primary structure.

D. Koehler – I had nothing to do with the writing of this law but I would probably suggest the reason that might be a concern would be if you have a large piece of property and you're staying in your primary house here, but there's a garage or barn structure some distance away, you may not hear what is going on. That was probably the intent.

R. Lopane – If it's that big of a property that they have this house somewhere in the middle of the property, how is it impacted.

D. Koehler – It might not. Not everything is always black and white.

R. Lopane – That is where the discretion of the approval of the permit comes in.

D. Speranza – As far as big parties go, it is limiting the amount of guests you can have in your building as well to two people over the age of 5 per bedroom.

D. Koehler – If it's 100sq. ft. or more for the room itself.

J. Frustace – Our laws have accounted for everything except these. There are provisions for hotels, bed and breakfast and those types of things. There's two ways of looking at this. The point of view of the property owner and of the neighbors. I am most concerned about the neighbors. If somebody opened up an Airbnb next to my house right now, I would be banging on Mary's door. I like a restrictive law in this regard.

P. Poltrack – What's the effect of this going to be on a project proposal such as what was proposed by Sala? Is there a time limitation?

J. Frustace – Explains how short-term rentals operate. It has to be a single-family. Those are already apartments. You can rent your house out but it would be to a long-term rental.

D. Koehler – Fewer than 30 consecutive days is considered short-term rental.

D. Speranza – Once you go over 30 days, you could become a month-to-month tenant.

J. Frustace – I believe the law specifies that the advertisement for the rental is occurring on one of these short-term rentals. Confirms that is any kind of advertising. It could become a nuisance that is unlegislated with no restrictions. That's the problem we're trying to resolve.

R. Lopane – There's large land owners out there that might have a little cottage on their property that, up until we did this law, were operating without any problems and now being singled out when they did nothing wrong.

P. Poltrack – Should they be grandfathered?

D. Speranza – Then you have to go to previous uses where people were already doing this and how do you show that.

R. Lopane – I'm still agreeing. I'm in concurrence with this law. I just don't want it to be too onerous for that guy when he was always doing the right thing to begin with. Suggests making a motion. Asks attorney if a formal recommendation is necessary.

D. Speranza – Not necessarily. They could be directed to the minutes.

P. Poltrack – The formal recommendation should be that they should listen to the webcam of this meeting discussing the proposed law.

D. Speranza – Just to clarify, we are not looking to prevent this, just to regulate.

J. Frustace – There will always be an anomaly that is affected negatively. I think history, the last 5 or 6 years and mostly in vacation areas, has shown a lot of negative things that have come out because of lack of regulation in these homes in these vacation communities.

Board members discuss local population and examples of potential negative effects of short-term rentals in a community such as Beekman versus a vacation community.

EXTENSIONS

1. Alaina Estates Residential Subdivision - Subdivision

Beekman-Poughquag Road
Grid # 6758-00-642721
Zone R-45

D. Koehler – Alaina is still dealing with some issues with the wastewater authority and another engineering firm that's doing pump station calculations and improvements so they've asked for another extension. They're actually still good right now through September 27th based on their last extension. Technically, this could even be done next month but they've asked for an extension in anticipation. Normally what we'll do is a 90, or two sets of 90. They have been making effort. They did submit additional information with regard to some of our resolutions of the conditional approval. They're making headway with the process.

P. Poltrack – Their problem is still with water and waste?

D. Koehler – Yes, part of it is. The plum court pump station is in requirement of some improvements. I believe they had to set money for the water wastewater authority to hire an engineering firm to do the design so it's kind of out of their hands as to how fast that engineering firm gets the answers they need to make those improvements. At this point, I'm not necessarily concerned because they have been making progress still and they're still staying in contact. There hasn't been any abandonment.

P. Poltrack – Do you want to give an extension at the next meeting?

D. Koehler – You could if you want or we could just do it now and take one item off for next month being that we're already talking about it. The extension would be from September 27. A 90-day would give until December 26. Two 90-days would give until March 26, 2023.

R. Lopane – In light of the fact that they're making effort, they're not languishing, they're not the result of the delay, that it's powers beyond their control and they seem to be moving and are motivated to get this done.

Motion to extend by two 90-day periods. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – That will take them to March 26, 2023.

P. Poltrack – Motion to adjourn the Planning Board Meeting. Seconded by R. Lopane. All in favor. Motion carried.

Meeting Adjourned 9:01pm

Respectfully submitted.

Aletha Bourke

Planning/Zoning Secretary