



## **TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, December 21, 2023**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, December 21, 2023 at 7:00 PM at the Beekman Town Hall.

The following members were present: Chairman- John Frustace, Faye Garito, Robert Lopane, Peter Poltrack and Jayson Abbatantuono.

Also present was Town Engineer - Dan Koehler, Town Attorney - Craig Wallace, CAC Chair - Cliff Schwark and Recording Secretary- Aletha Bourke

J. Frustace - Led the Pledge of Allegiance  
Noted the emergency exits  
Moment of silence for service personnel

J. Frustace – Suggests review of meeting minutes.

D. Koehler – I see August 2022, April 2023, September 2023, October 2023 and November 2023.

J. Frustace – Those were sent out by email. Asks for motion to approve.

**P. Poltrack – Motion to approve minutes. Seconded by R. Lopane. All in favor. Motion carried.**

J. Frustace – There are two public hearings this evening.

### **PUBLIC HEARING**

**1. Cemco Development Group – Lot 2 & 3 Boyd Re-Subdivision- Continuation**  
Pleasant Ridge Road  
Grid # 6859-00-434759  
Zone R-135

J. Frustace – Asks if there is a representative present for this application. No.

P. Poltrack – Questions Dan as to whether he has any idea why the applicant is continually not showing up.

D. Koehler – Explains that the ownness is on the applicant to tell the board why. Planning department reached out and there were also a number of emails between the applicant and his representative.

P. Poltrack – Understood based on prior discussion that part of the problem was that they have not completed everything that they should have before us for a subdivision.

D. Koehler – One of the components that we have been waiting on is the delineation of the wetland on the property and showing it on the map. In our code, if they needed a water resource permit, there's a public hearing component for that. So they opened up the public hearings on the subdivision, and we had assumed that that could be done rather quickly. The wetlands have been delineated in the field with flags, according to the wetland specialist. According to the engineer at the last meeting and the meetings before, they just can't get the survey scheduled to go out there and literally just survey the points of the flags and then put it on the map.

P. Poltrack – This is something, part of the criteria, that ideally should be completed before they come before us, correct?

D. Koehler – Most applicants and their representatives will know that in our code, there are certain components that need to be shown on the maps. The original mapping showed an area above on the lot that said wetland per GIS mapping. That is not good enough. We need an actual wetland specialist to go out and delineate the limits of the wetland and show them on the map. That has been a continuous comment that has not been addressed.

F. Garito – All we can do is adjourn, correct?

J. Frustace – What it boils down to is not allowing anyone to schedule a public hearing until they've satisfied all the comments. If we continue to allow that to happen, we're causing people to show up expecting to be able to speak and wasting time with conversation. We just have to put our foot down going forward.

R. Lopane – In order for us to set a public hearing, we have to be assured they have a complete application. That is not too much to ask.

D. Koehler – The reality is once the public hearing is closed, there is a shot clock where the planning board has to make a decision. It should be generally informed to allow you to say the preliminary approval content is provided and satisfied. You're going to hear people say that they would like to also hear from the neighbors to see if anything's going to change here, and there's some legitimacy to that, but there has to be a level of completeness so we can get to this point and have reasonable and acceptable input from the applicant versus weighing in any comments that the public might have that might alter that plan. There's also subjectivity on what the public can present that would represent a change that would be needed on the plan. If they're meeting the code, in theory, that's an acceptable plan. If there's a substantive comment from the public, for example, if somebody from the public knows that there's maybe a stream running through the property and they didn't show it for some reason, that's going to alter the design so I understand both sides. I also expect some level of responsiveness to the comments to be able to keep the process moving. If you want to make the process move as an applicant, or a representative for an applicant, you have work to do and you have to get it done.

R. Lopane – Another concern is if they surveyed the wetlands and delineated it, and a period of time goes by, they could be losing the flags out there and we might not get an accurate depiction of what the wetlands are on the site. Anybody who is doing wetland delineation needs to be on a survey, you'd know to line up the survey. You should line up the survey right away. We are going to start to lose faith in whatever is going to show up on this map. I don't know if those flags went away. We just had a major storm event.

P. Poltrack – We can't do anything about this apparently but maybe something we can do in the future.

R. Lopane – Our options are to adjourn or close the public hearing. Question for town attorney: if we close the public hearing, could we ask for a new public hearing in the event that the plan has changed.

C. Wallace – Yes you could always revisit that but this particular application isn't even SEQR ready. That's basically what we're waiting on. I thought this board had adjourned the public hearing to January. We discussed that 30 days was not enough.

Secretary – Calendar had not been set at the last meeting.

C. Wallace – Reasonable to believe we might've thought it was a January date though.

F. Garito – At this point we're looking to either adjourn or close the public hearing.

J. Frustace – We have to open it and then we'll adjourn it until January.

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

Bill Crain, 254 Gardner Hollow – The wetlands is one indefinite. The applicant was very vague about the trees. There were some eighty-something, maybe. He was admittedly vague so there's just a lack of clarity. They propose to replant four trees. Rob had a discussion publicly about that. Where are you going to put them, etc. It's not just the wetlands. I would hate to see it just close and that get left hanging.

J. Frustace – We will adjourn it because of that reason.

**F. Garito – Motion to adjourn to January 18, 2024.**

D. Koehler – Just to put it out there. Did we set the dates for the submittals as well? Seventeen days prior is code so that would put them at January 1 which is a holiday. Is it safe to assume that would be January 2<sup>nd</sup>? That is a week and a half from now mixed in with the holidays. The applicant is not here.

J. Abbatantuono – Why don't we just push it to February. There's not enough time and it's just going to be another item that's going to get bumped.

**F. Garito – Would like to amend the previous motion and Motion to adjourn to February 15, 2024 and let the applicant know they need to submit the paperwork by the submission deadline. Seconded by R. Lopane. All in favor. Motion carried.**

**2. Pozzuto Lot Line – Lot Line Adjustment- Continuation**  
110 Frog Hollow Rd.  
Grid # 6757-00-445645 & 563722  
Zone R-45

J. Frustace – Asks if there is a representative to discuss the application. No applicant and no interest from the public.

D. Koehler – Last I heard, they are still working with the DEC on the stream crossing and the wetland crossing to get to the rear of the property which is a big component of that. DEC is backed up as well.

J. Frustace – Should we do the same thing, considering the holidays?

D. Koehler – I think it would be fair, yes.

R. Lopane – I think we should expect that's going to take a while if they're going before DEC to get a wetland permit. That takes a long time.

**R. Lopane – Motion to adjourn to the February 15, 2024 meeting. Seconded by P. Poltrack. All in favor. Motion carried.**

## **DISCUSSION**

J. Frustace – Suggests addressing Agenda Discussion Item #2.

### **2. 2024 Proposed Planning Board Meeting Dates as follows:**

January 18, 2024  
February 15, 2024  
March 21, 2024  
April 18, 2024  
May 16, 2024  
June 20, 2024  
July 18, 2024  
August 15, 2024  
September 19, 2024  
October 17, 2024  
November 21, 2024  
December 19, 2024

Asks if any of the board members have any issues with any of the meeting dates for next year.

P. Poltrack – Confirms it is still the third Thursday.

**P. Poltrack – Motion to approve 2024 meeting dates. Seconded by F. Garito. All in favor. Motion carried.**

### **1. Dutchess Contracting Corporation – Site Plan**

State Route 55  
Grid # 6759-00-494353 & 478317  
Zone TC

Brian Watts, Day Stokosa PE – Here on behalf of the applicant who is in the audience. Last time we were before the board, we circulated for some additional comments and we went ahead to move with some soil testing out in the field. We thought that was paramount with the likelihood that would change our layout and final design so we did go out on site. Brian Stokosa from our office was out on site and the soils were not favorable. The upper areas toward the rear had a very tight dense clay which does not lend itself to any kind of infiltration capacity. In the lower areas, while it was an improvement, there was a very high water table there, which we wanted to confirm about 2-3 feet down, so we had to go back and go through this site plan a little more to try to get it to work with those constraints. A lot of storm water management techniques you would utilize require a certain either infiltration capacity and/or depth from the bottom of that storm water practice to the groundwater.

F. Garito – Asks if buildings had to be moved.

Brian – I did move the one in the back. I will start with the driveway that is running on the adjacent properties. It's proven quite difficult and cumbersome to try to finalize what the actual property lines are out there; ownership, rights, and all the other items that would entail to correct that so we decided to

eliminate the improvement of the road. Originally went all the way up to the extended driveways. Now we're showing just a sweep into the existing driveway and the balance will remain as is so that will eliminate us having to try to figure all that out as part of our project and the neighbors would just remain with what they have. The easement would be limited to this little pull off. In doing that, it allows me to move this building further over because now the road doesn't have to go all the way up, which give a little better separation for storm water infrastructure and utility lines. The parking lot in the rear has been modified so that we now have through traffic. We don't have to turn around. I provided the loading zone. The retaining wall has been graded out a little better so we have a swale that's going to allow all this water to not run through this site and travel down. We still retain the trees in the back. I did have to lose some of the parking spaces to make this work so the unit count did go down. The buildings I'm showing with that water issue, I'm showing storm water planters around all the buildings now, concrete built up rain gardens. (Points out on map for board). There should be a hatchet.

F. Garito – How many units?

Brian – I believe it went from 54 to 48. I lost three out of each unit and we had to lose some of the parking spaces to try and reduce that impervious as much as we can to get the storm water numbers to feasibly work. The roof runoff will go to the storm water planters. They will just discharge to the on-site storm sewer system. The upper parking lot will be collected and we're now showing a bioretention area on the lower spot. Most of this is filled so I'll have that separation from the groundwater, and I will be able to flow all this impervious to the bioretention area, try to get as much as we can out of it before it discharges to an overflow into a pond. It's a pretty large extension of what's already there. The front building remained as is. I reworked the parking to allow for complete circulation without having to have a dead end. We added the loading zone. The dumpster got moved off the side. Most of this outside of the building (points out on map), I can't get gravity to any of the storm water infrastructure, so this is going through a hydrodynamic separator for treatment before going to a very large pond that's up in the corner.

J. Abbatantuono – Question with the pond. With the water table the way it is, is there a tendency for that to overflow across the road?

Brian – With the existing conditions, currently there's about a 3-foot ditch that runs straight through here (points out on map). This is the existing graded area where there is water table, a 24-inch pipe that discharges currently straight over to the neighbor's house septic area. This has been sized to accommodate the 100-year storm. We have a large berm coming around here and there will be an overflow structure which will have discharge towards NYS DOT storm water infrastructure. Everything's going to end up going up through this hydrodynamic separator; the bioretention, storm water and everything so it will be treated. I won't be able to get the full reduction runoff volume that they seek when they treat the water quality volumes so we will be seeking a waiver from the DEC on that. The infiltration capacity is minimal and I'm providing most of that in the bioretention. They give you credit for that. I do meet the minimum which allowable and will be seeking a hardship because it's all tight clay and with the water table there's no development here that we can fit in, even a small one, that's not going to have those kinds of issues. We're still waiting on a final design from DOT which may impact some of the stuff in the entrance. We'll be putting a turn lane in. We're trying to maintain as many units as we can because with DOT putting in the left turn lane, this is becoming very expensive proposition to put housing here.

P. Poltrack – Asks for clarification on left turn lane.

Brian – DOT is requiring we put that in at this time as opposed to deferring it to the future. He's got a separate consultant that is handling all the DOT permitting, design work, traffic counts, etc.

J. Frustace – Confirms not a future turn lane as indicated on plans.

Brian – We were showing future and then told, in the interim, that it's going to happen. Once we get that designed to us, we can coordinate with those professionals and get it in our plans.

F. Garito – Questions the possibility that the impact of adding turn lane could affect the viability of the project.

Brian – Big financial leap but still viable but will depend on the market. Still dead-end road. Future development can be accommodated.

P. Poltrack – Questions distance from first unit to Route 55.

Brian – Confirms it is within town center setbacks. The actual number, relative to the roadway, is likely to change once we get that DOT design in there. We have to get more room for sidewalk and anything else they're going to require as part of the improvement. The property line as it exists now might shift 5 or 10 feet. The scale of this pond is larger than we first represented it to be. We did move buildings around and just wanted to get the boards input.

R. Lopane – Is the pond handling storm water from the neighboring residences?

Brian – It is actually handling most of the storm water. The SWPPP will show that. Showed pre vs. post on the map to show we did run some preliminary numbers to make sure this is feasible. Provides explanation of storm water path.

R. Lopane – Confirms they are resizing the pond to accommodate the improvements.

Brian - Taking existing conditions into account, if the other lots are developed at some point in the future, those lots would have to accommodate the storm water somehow. Options are limited with DEC due to high water table. Indicates on map the areas that are mostly fill due to rise in elevation. Will need to cut in a little which is why the wall is needed. Cannot raise the site anymore due to driveway points and maintaining steep slopes.

P. Poltrack – When you make the cut further back, what's the effect going to be on the residents at Bischoff Lane?

Brian – This is actually going to be fill (indicates on map) so they already see the driveway and then it's going to berm up and we'll have landscaping along the top of that berm to soften what they see.

J. Frustace – Confirms the retaining wall is on the other side.

P. Poltrack – Questions size of retaining wall.

Brian – 12 feet in height

P. Poltrack – Inquires if there will be a cut in back between the area and adjoining Dalton property because the slope rises as you go back.

Brian – Anticipated to be undisturbed based on topography. Indicates area on map to be disturbed due to utilities.

J. Frustace – This plan greatly reduces the amount of open space you had originally proposed.

Brian – It's similar. There's a little bit more grading in here to get some of the water around. Originally the road did come up for the driveway. Points out open space on map. Discusses open green space, recreation courts, playground, etc.

F. Garito – What percentage of the lot is not being utilized?

Brian – Probably just the undisturbed area. Everything else is being used for bioretention, parking, road, pond, etc.

R. Lopane – Asks for map showing existing trees.

J. Frustace – In addition, the lot was cut back and the hill coming down toward the back was also cut back according to what I remember.

D. Koehler – Long ago, the retaining wall used to go back towards the property line. It was 20 some odd feet tall. Where the back of the parking lot is right now is where it was when we saw this back in September.

J. Frustace – How close to VanScoy and how much view shed disturbance as a result? It seems, unless the scale is different, that parking lot in the back has now encroached upon the open space that was being proposed when you didn't have the issues with water table, clay, etc.

D. Koehler – Clarifies that the parking is exactly where it was the last time we saw it. They showed that T-type turnaround for Bischoff on the last plan.

Brian – On the original plan, the road did come all the way up to the turnaround. It's already legally there on paper if I recall. There was a reserved area. It was never built for a culdesac. I could show it but it generally was right in the corner. None of our improvements are actually within that. We are grading it but we're not building the parking there or anything.

D. Koehler – Just sanitary and water to through that.

J. Frustace – Do you have the ability to show where the trees are now?

Brian – Will revisit with the surveyor and the existing conditions map. We can get significant trees on there if there's a particular size.

R. Lopane – There's a code requirement.

J. Frustace – The new plans should clearly show new plantings to mitigate viewshed issues from VanScoy.

Brian – We submitted at this time just to get a feel from the board and see if you had a chance to look at some of those numbers we submitted just to make sure we can feel this is a viable path going forward before we really detail it out.

J. Frustace – What is pervious versus impervious here? Seems like there's a lot of pervious, no impervious. He does talk about the pond as being an item that is calculated into the pervious.

D. Koehler – That's pretty normal if it's not a hardscape. When they run impervious calculations, which is part of the code to check that for bulk compliance, it's a hardscape, so it's going to be your buildings, your sidewalks, your pavement and any other area that is going to have a grass coverage or could be used as a stormwater pond, we would normally say that's in the pervious part, not the impervious.

J. Frustace – Confirms it meets bulk requirement.

D. Koehler – Yes. There was a September submittal and it met the maximum lot coverage by impervious back then. It was less than the 50% back then.

Brian – It was reduced even further because when we lost some of those parking spaces. Putting the parking spaces along the property line was a more efficient use of it than just having straight rows because I had a row with parking only on one side.

D. Koehler – One the September plan, the bulk table said maximum lot in coverage by impervious was 50%. for Lot 1 was 37.7, for Lot 2 was 42.58 and that's what it still says on the plans submitted today but he's actually reduced that and probably just hasn't updated the table because it's a concept discussion. It's going to be less than. They've actually went further below the allowable.

Brian – The stormwater range for runoff reduction volume, to hit that you can get some relief from reducing the entire water quality volume, but you still have to meet the minimum. We had to back into the number a little bit and we lost some of the impervious because we're no longer proposing this driveway.

F. Garito – Inquires if this will become a town road. I know the parallel to 55 but the egress too?

Brian – Yes. The intention was that this was going to be offered to the town.

D. Koehler – That was part of the town center master plan was to have a parallel road system to 55 so this would be a start to it.

F. Garito – Asks if courts will be open to the public.

Brian – It will be a town road so will see what we can do for that. May help with rec fees.

R. Lopane – That's the idea of dedicating recreation land. Spirit of the law is you are increasing the residents in the community so we want you to also accommodate recreation. Realize this is for discussion purposes and plan is not fully developed but we need to discuss and understand if there are any impacts. We would want to see the trees on the site. Do we anticipate there to be any variances required?

D. Koehler – None proposed on the bulk table. We did discuss the trees in a recent meeting and there really not being any that meet the 8-inch diameter. They've all been cut in the past so we'll call them scrub trees. On the Southeast side, I think there's residence that is relatively close there so if there's any existing trees that you can show there that are either to remain or to be removed, that would be helpful to understand the visual impact to them.

Brian – They would have to be removed. All this is sloped generally this way so we've got a berm to keep the water from the neighbors from over taxing all this infrastructure. It's picked up by the pipe we're showing before it comes over to the pond but we don't want it to over tax any of the bio retention area or just sweep straight across because then we have to treat it and it changes the calculations.

R. Lopane – That's the justification of why, but for us to make a decision and not half-progress into a public hearing, we need to see everything that is required by code. If you feel something may be eligible for a waiver you can ask for that.

J. Frustace – It is in the town center and surrounded by businesses and residents and it is important to consider landscape, plantings, elevations, colors, material and all of those things have to be presented before we vote to move anything forward on the other aspects of the application.



P. Poltrack – Inquires as to the size of the berm along adjoining property.

Brian – 2 feet tall by 2 feet wide. Confirms the object of that is to reduce the amount of flow of water under the property. Would otherwise have to consider in storm water treatment because its no longer clean and it's contributing to the bioretention size. In order to get the numbers to work, trying to divert clean water around and/or to the pond directly without impacting any of the sizing for other items.

P. Poltrack – Big problem with that. Creating a problem for the abutting neighbor because the berm where water would normally flow away, now there's not going to be any place for that water to go, creating a hardship water problem for that neighbor. Should be designed so that water that you're preventing from entering your property, it should be your responsibility to carry that water away out to Route 55.

Brian – Currently, the intent behind the berm is that the berm would carry the water along the property line and proposing a catch basin, in the existing low spot about where the ditch starts. That will be the low spot so all the water that would've transpired by that ditch will now enter this catch basin and be directed towards the revised pond in the same manner that the existing 3-foot ditch that runs through the property carries it.

D. Koehler – There will be a longitudinal slope at the tow of the berm that will act as an inverted swale but there's still elevation at the toe of that berm that has positive slope and will continue to push the water away so he's going to put it into that catch basin. It won't actually block it on the neighboring property. It'll hit and run into that catch basin.

P. Poltrack – It has to be a sufficient size to handle the flow.

D. Koehler – Agree. We'll hold you to those calcs.

Brian – We would detail that out very specifically in a full SWPPP. It would have dimensions of the berm and I'll put that through so we can size that. This pipe right now, I believe it to be at least 30-inch because it doesn't have a lot of pitch because of groundwater and getting over this pond so that will be relatively large to carry all this water.

J. Frustace – Asks for additional detail on exterior of building and any ideas in the way of roof lines, material, colors, etc.

Brian – Just provided the last renderings from the previous approval. We haven't changed anything yet. Those buildings still match that size. We can tweak it if the board has a preference.

P. Poltrack – We are the Architectural Review Board.

J. Frustace – This goes way back and I have no memory of colors or material.

P. Poltrack – We shouldn't be going back. This is a completely new submittal so let's start fresh.

Brian – We still have a lot of flexibility as to how these can look. We've already gone through the process with getting these buildings originally vetted which is why we kept moving forward. We know this should work with the 48 units. Material-wise, on the outside, that's still very flexible if there's any preference. Another rendering would probably show because there are going to be raised concrete planters. The soil is bad so with the planters, you're providing your own soil. That would be in the front to hide any of the foundation in the front. There's going to be some space between the first floor and the ground floor that we can fill up with those planters.

R. Lopane – The planters and catch basin are part of the storm water management plan. As an MS4, we have to approve that plan. We need to know that there is a maintenance plan and this isn't just an architectural feature. It belongs to the storm water plan which, as a municipality, it's incumbent upon us to make sure that is maintained.

P. Poltrack – Is the turning lane on Route 55 going to tie in with improvements planned by DOT?

Brian – Not directly involved with that aspect of the project. A separate consultant, Colliers who is very reputable, is going through the design process with DOT on the requirements. A certain amount of the property will be deeded to DOT to widen roadway but not sure how much.

R. Lopane – Planning board must be privy to that information. While we rely on DOT, we also must sign off environmental review and will need to understand potential road impact and mitigation.

Brian – Have been working on that in the background since September. Hoping with your blessing on the general idea, we can develop more fully and coordinate the improvements on a single plan.

D. Koehler – My recollection is we asked for level of service for the intersection Beekman Rd/Clove Valley/Route 55 as how this project would impact that. It's a critical part of the environmental review. The board can also have its own traffic consultant corroborate the results of Colliers.

Brief discussion regarding potential traffic impacts and other challenges with the project that may require some balance.

J. Frustace – States that the comprehensive plan doesn't always lend itself. Discusses examples of theoretical town center and potentially creating hardship for applicants.

P. Poltrack – Don't think they would want a building that close to the sidewalk.

F. Garito – Would create the hardship of having to go for a variance.

J. Frustace – Would we be pushing the parking lot closer to residents, affecting their viewshed? Would pushing back be beneficial due to the problems the applicant is having?

Brian – The soil is the soil on the site. Either playing in playing in playdough or a pond. If I push everything back, I'm going to have to do something with the recreational space with trying to keep the unit counts up.

F. Garito – Can we request that the applicant obtain a variance because we don't like the town code? We don't want the building close to the road when, in fact, the code requires it. If not, then you have to get a variance like we did with Dollar General.

C. Wallace – If they are in compliance, then they have the right to do it unless there is a SEQR issue by complying with the setbacks for some reason.

P. Poltrack – Believes it is a public safety issue. Concerned with proximity of building and sidewalk to Route 55.

Additional discussion regarding town center as relates to comprehensive plan.

C. Wallace – With regard to public safety, you have to consider all competent evidence that comes before this board and the only competent evidence from a perspective of public safety on a highway would have

to come from DOT as well as the point about the retention pond being too close to Route 55. They have been noticed.

J. Abbatantuono – With the pond next to a major road, would there need to be a barrier in case of an accident?

D. Koehler – There's a pond there now. They would be expanding on it. Don't do ponds much anymore. Normally it's to make up water quality volume that you can't satisfy in the runoff reduction volume in your green infrastructure practices. When you have ponds, if you have safety benches and aquatic benches that are supposed to be incorporated into the designs per the manual, you don't need to put fencing. If you can't meet those aquatic and safety benches then you are supposed to provide some level of protection to make sure someone can't fall in.

Board briefly discusses comparison of retention area for Dollar General in town center.

D. Koehler – The low point of the site is where the pond is now. Gravity is taking it there regardless.

R. Lopane – Not convinced there's a safety concern with the building. I disagree with that. As far as the proximity of the building to the road, we should definitely consider robust planting between Route 55 and the building to soften its edges aesthetically so it looks nice in town center.

Brian – I can try to move the building closer, take those planters and double the size in the front. I do have to think of the roof leaders and how to get it from the back of the building to the front. Do not believe it would require a variance.

D. Koehler – I believe your setback to Route 55 considers you're already going to be dedicating some road area for the turning lane so he's already considering that it's going to be the 0-15 to the right of way line once that happens. In its current state, it's about 55-feet from the edge of the building to the white line on 55. Once you add an 11-12 ft turning lane, it will be 33 to the white line on 55. By the time you get to the right of way of the road, which could be another 18 or so feet from the white line, then you'll be that 0-15. Right now, we're assuming that once the dedication of right of way to the state comes in, he's going to have that 0-15 required in the front yard. That has to be hashed out and softening things with the landscaping.

R. Lopane – Reiterates importance of safety features for pond, buffering, etc.

D. Koehler – The pond will need to have different zones of planting. You're going to have zones of planting where you have shallow water, plantings for the deeper water, plantings on the areas that are riparian or get periodically inundated but then drop back down to the normal level of the pond and some around the berm area. The landscaping is part of the water quality that you get out of it. We took a look at some of the preliminary stuff that was sent. For that bioretention area, you'd probably get some more RRV when you actually route some of those other areas that appear to be going into it. They weren't routed in your model but it's oversized right now so you may be able to get some more RRV in there. As far as the concept, you will probably be able to make it work. The pond is going to be the hardest because its got to take into account what you can't get upstream. Between the benches that may be required and your water quality volume that you have to make up; your extended detention of CPV and then your QP and QF, you're going to have to give us all that. The concept seems feasible in terms of storm water.

Brian – It will be a pretty big hydrodynamic separator.

D. Koehler – The one thing I would worry about from the preliminary is that you gave us the 100-year numbers but your outlets might be a little bit higher based on getting that WQV and your CPV extended detention in there as well with benches etc. This is a typical case where, for the minimum RRV, the

waiver is normally granted because you don't have the ability to have good filtration or infiltration through the soils that are there. You've got clay soils and a high groundwater table and you have to have separations to the groundwater table so this is one of those standard type of sites where that waiver is granted but you have to make it up in the pond. As the MS4, we would do the waiver. The NOI still has to go to the state so doesn't mean they won't red flag something.

Brian – If I can move the building back even a foot, I will try. Realistically, if it's in the property line, except the rear, the trees are going. By the time we're done digging this, filling that, paving this, you might end up killing the tree anyway.

D. Koehler – Find the code requirement for the size and if there's trees of that size then they have to be shown regardless if they're going or staying.

J. Frustace – Questions replacement with new trees throughout.

Brian – Until I get all of this really nailed down, hoping for pretty robust landscape plan with a lot of street trees around the corners, some buffering wherever we can fit, and maybe some Evergreens or anything to help with the noise around the play area. I could do some double plantings. The utilities on the one side may be hinderance.

P. Poltrack – Are the plantings going to be in planters? May be hard to sustain plant material in clay or wet conditions.

Brian – Depends on the plants on the landscaping plan. The lower side will have some fill for the whole site. Hoping some of that fill can be used for plantings that can tolerate.

R. Lopane – Would want to take a cue from the biological indicator. For example, Red Cedars grow crazy over here. Clearly, they love that soil and would be successful. Further discussion regarding potential trees for the area.

D. Koehler – We started the lead agency circulation process. Comment came back from Dutchess County Waste Water Authority that as a result of becoming a tenant of their district, there would have to be a legislative action by the DC legislature. Since they have to give some sort of approval, they needed to be included in the lead agency circulation so the planning department has forwarded that to them as well. By next meeting we would at least have responses back from most of those agencies.

R. Lopane – Questions if this application is considered new.

D. Koehler – Marginal difference. In terms of lead agency, I don't think it would necessarily change an agency's opinion on whether or not they defer to this planning board as being the lead agent.

C. Wallace - If changes are more than de minimis it may have to be recirculated if it would affect the SEQR.

D. Koehler – Don't really see significant changes in terms of environmental. If anything, they've reduced impervious. The site is still getting access from the same point. It's less units so less water demand, less sewer going to their treatment station. What we ask is 1) Do you object to the town planning board acting as lead agency for SEQR purposes. And 2) If not, provide us with some preliminary comments and most will say you need our permit, you need an approval from our department, we don't object to the planning board being lead agent. If the use or this particular layout had significantly changed then I would say that an update might be required. We still identified the permit required from those interested or involved agencies and they're going to have to get those permits.

P. Poltrack – Questions potential for this project to have similar issue to Alaina Estates in reference to the buy-in cost to the upgraded water system.

D. Koehler – Fair question. The Alaina Estates issues is that there's a pump station across Beekman Poughquag Rd. that had some issues and being that their flow is going to go to that, the waste water authority needed some upgrades to that pump chamber. For this particular site, they've got a letter of allotment guaranteeing a certain amount of gallons. In this case, they're going to be building a new pump station. I don't expect any significant issues with regard to that. There is still probably some sort of buy-in that's been worked out already with regard to the allotment of the water and the sewage that they were going to get. It's out of the planning board's hands.

R. Lopane – It is a question on the SEQR. Is there going to be an impact to the community.

Discussion regarding pump station upgrades.

D. Koehler – Without water and sewer from Dalton, this project is dead. You cannot provide on-site for this. Maintaining that future connection up there is an integral step in the process. On the treatment side, they've allotted that flow and are saying the plant has the capacity to take on that flow.

## **EXTENSIONS**

- 1. Alaina Estates Subdivision** – Site Plan  
Beekman-Poughquag Road (CR7)  
Grid # 6758-00-642721  
Zone R-45

R. Lopane – Is there any prospect of the applicant resolving the issue.

C. Wallace – No guarantees

J. Frustace – It's my opinion we should just move forward with two 90-day extensions.

D. Koehler – Potential resolution has been printed for consideration. Applicant asked for two 90-day extensions. The options are there. If you wanted to grant one 90-day extension, it would be through March 20, 2024. If you wanted to grant two, it would be through June 18, 2024. This particular resolution is slightly different as there have been escrow issues. An additional condition that would be added, regardless of the length of extension, would be that the applicant must submit an escrow payment in the form of a bank check in the amount of \$9,748.75 to the town finance department no later than December 28, 2024 at 2pm EST. Failure to do so would result in expiration of conditional approval.

C. Wallace – Would add that the applicant is represented by counsel and the applicant and the applicant's counsel agreed to the condition in an email.

Further discussion regarding fees, bonds, advantages and disadvantages of granting one 90-day extension versus two 90-day extensions as well as other options to coincide with planning meeting.

**R. Lopane – Motion to grant 91-day conditional extension to March 21, 2024. Seconded by P. Poltrack. All in favor. Motion carried.**

**2. Greenhaven Road Solar Community – Site Plan Special Use Permit**  
97 S. Greenhaven Rd.  
Grid # 6757-00-082660  
Zone C-3

J. Abbatantuono – Questions reason for extension request.

C. Wallace – Applicant has been diligent. Working together on decommissioning agreements, easements and PILOT agreements. Recommend granting extension. Very close to completion.

D. Koehler – No outstanding conditions. Technically good through January 14<sup>th</sup>. No changes in circumstances that would affect board.

J. Abbatantuono – Confirms project is approved and they are just working through the rest of the process.

**P. Poltrack – Motion to grant one 90-day extension through April 13, 2024. Seconded by J. Abbatantuono. All in favor. Motion carried.**

**P. Poltrack – Motion to adjourn the meeting. Seconded by J. Frustace. All in favor. Meeting adjourned 9:02pm.**

Respectfully submitted.  
Aletha Bourke