



TOWN OF
BEEKMAN
New York

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

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, July 21, 2022 at 7:02 PM at the Beekman Town Hall.

The following members were present: Chairman - John Frustace, Peter Poltrack, Claude Rancourt and Jayson Abbatantuono. Robert Lopane and Faye Garito were absent. Also present was Town Engineer - Dan Koehler, Town Attorney - Craig Wallace and Town Clerk – Laureen Abbatantuono.

John led the Pledge of Allegiance and noted the emergency exits were noted. John also called for a moment of silence for First Responders.

Jayson Abbatantuono made a motion to approve the June 2022 Planning Board minutes. Seconded by Peter Poltrack. All in favor. Motion carried.

PUBLIC HEARING - Continuation

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

John Frustace, Chairman - We have a public hearing that that was adjourned and is now in continuation for this evening. Is there anybody here to speak on behalf of Cemco? The architect or a representative of the Applicant? No one is here for the Cemco Development Group Subdivision. We are going to then need to adjourn this until the next meeting.

Craig Wallace, Town Attorney - Instruct them (Cemco) to comply or to answer all of Dan Koehler's directions and advice on his letter with the conditions from June 16, 2022.

John Frustace, Chairman - Laureen so we're going to compose a letter to Cemco that points him to Dan's letters with conditions and we're going to adjourn the meeting again because the representative did not show up this evening for that application.

Dan Koehler, Town Engineer – The next meeting is August 18th.

John Frustace, Chairman - Even though there isn't a representative here from Cemco which is a two-lot subdivision or re-subdivision on Pleasant Ridge Road the town attorney has indicated that if you (residents) did show up for this public hearing even though the applicant isn't here to present the project you can make a comment to the board if you'd like. Is there anybody here who would like to comment on the Pleasant Ridge Road Subdivision?

Bill Crane, Resident – 254 Gardner Hollow Road - The board had a lot of concerns about this subdivision and I think it's it was about 100 trees that were going to be cut down and it seemed to me it goes against a lot of what's in the comprehensive plan. I tried to make these points. There's some concern by the applicant that it was approved a couple months ago – couple years ago, but it expired and well times have changed and that we're becoming more aware of the environment and the impact of the environment how much we need the vegetation and how much valuable the trees are in our steep slopes and our beautiful town and I think that we're all getting more aware of how much we depend on nature and how it's a shame they didn't show up. I hope it's scaled back enormously to actually protect the natural resources like our comprehensive plan requires.

Dan Koehler, Town Engineer - Just one point of clarification. The subdivision was approved. It was filed that created two lots here previously. The person that owned those two lots for whatever reason had decided to consolidate those lots sometime after the approval so it wasn't an expiration it was actually the two lots and then eventually they had just combined the two back into one.

Peter Poltrack – Mr. Chairman can we request that the engineer mark the center line of the driveway at least at the road entrance and also mark the boundary of the two lots as far as being able to view them from the road.

John Frustace, Chairman – Absolutely. Last meeting there was a little confusion about view shed and what and what we're required to do here to protect the view shed in an area where the steep slopes are. The individual who was representing the applicant should also compel him to put a list of trees that are going to remain. Does that make sense Dan?

Dan Koehler, Town Engineer - I think so because part of the part of the problem seems to be that the survey that's being used may still be the original survey and so at some point when the person that had the subdivision had those two lots created. They did some clearing already so some of the trees that are shown to be removed may actually have already been removed so it might be a benefit to the planning board to understand what trees are actually there now by a new survey.

John Frustace, Chairman - What is required in terms of girth of the tree?

Dan Koehler, Town Engineer - Everything over eight-inch diameter is required.

John Frustace, Chairman - So the letter should include that information as well and a table with species.

Peter Poltrack, Member - Craig would I be out of line if we requested that this be done - the marking of the trees and the driveway and the lot line boundaries so that can be seen from the road before the next meeting. Or before they come if front of the board again? If not then we don't want to see them.

Craig Wallace, Town Attorney - Just to clarify what your request is - You are asking for a survey or a markup like a survey to stake out the property itself.

Peter Poltrack, Member - I want to be able to get an idea of where the lots are and there's a common driveway going in. Where is that common driveway and where some of the boundaries are so we understand what we're looking at.

Craig Wallace, Town Attorney – Dan and I spoke about making sure that before and the applicant comes before the board, initially they have a total application which they're supposed to have in person to the code but any subsequent meetings before this particular board. I'd like to have you direct each applicant to Dan's letter of his notes and discussion - deficiency letter. Make them address if they haven't already addressed it in this meeting. In the future meeting if let's say 7, 8 or 10 have not been addressed you direct them to address those and they're going to retain the same numbering going forward. They do 7, 8, 10 in the same condition in every subsequent letter so then there's no confusion and there's no

allegations that conditions have been added. If you instruct each applicant to address those numbered items in Dan's deficiency letter then it actually makes a cleaner record. If they have not made a submittal in a timely submittal to this board then we have discretion to tell them you're going to have to wait until next month. You got to address these things.

Peter Poltrack, Member - Can we refuse to review it if the applicant has not responded to the comments of the town engineer? Some people keep coming back and back and they don't address the comments that the town engineer has put forward. The town engineer is truly our guide on how we move on all of this and the person coming back it's a waste of time. Every member of this board is a volunteer. So, all the time and effort that we spend in here or in relation to any project is strictly volunteer time and frankly after all these years I'm getting a little upset that a lot of people just keep dragging things along a little bit at a time. I think we'd be better off if we push people to respond in a timely fashion and if they don't respond then we don't have to review it, then we can move on to other things.

Peter Poltrack, Member - We need a motion to extended public hearing?

Craig Wallace, Town Attorney – Well this check list process is going to continuously make a record instructing the applicant to address the certain enumerated items that Dan is going to point out that have not been addressed. So that we know and when we come back here next month. What are expectations are with respect to the deficiencies.

Dan Koehler, Town Engineer - There are 22 comments still delineated in my letter some of which have been satisfied. The way it works is as we get into a different stage of the process, I will do a review of the code with regard to that stage of the process. Once you get to the point where we're doing a preliminary review I'm going to look at the preliminary plat content in our code and then I'm going to go through that. I will always add to the letter as time goes on. It would be a little inappropriate of me to point out every single one at this moment that would need to be done right but an effort should be made to address the majority of the comments at this point to the satisfaction of the town engineer. You can also mention in there that you'd want an updated survey of the existing trees eight inches and greater along with the removals table and that you'd want the center line of the driveway staked out. The August meeting is only a week and a half, not sure that could happen and without them here to confirm or deny that they could make that happen maybe it would be more appropriate to send it to the September meeting and that they would need to submit before then. If we don't adjourn it to a date specific would they they'd have to re-advertise?

Craig Wallace, Town Attorney - It has to be re-advertised.

Dan Koehler, Town Engineer - They'd have to re-advertise or he'd have to re-advertise and send out certified mailers. That'd be the September 15th meeting. By the submittal deadline for the September 15th. So, they'd have to submit by August 29th.

John Frustace, Chairman - Can I have a motion to adjourn this meeting until September 15th?

Peter Poltrack, Member - So move.

Claude Rancourt, Member - I second the motion.

John Frustace, Chairman - All in favor?

All Members - AYE

John Frustace, Chairman - Public hearing is now adjourned until September 15th. Time stamp: 7:23 PM.

DISCUSSION

1. Greenhaven Road Solar Community – Site Plan Special Use Permit; Water Resource Permit Grid# 6757-00-082660 Zone C-3

Dan Koehler, Town Engineer - There's still some outstanding comments. We had a conversation with the applicants by phone prior to me releasing the latest review letter and expressed some concerns with some things that we feel need to be done before we can recommend that the board take any action on seeker. More specifically we talked about the decommissioning plan. We spoke about staking out the tree line down there by the client side of the property. Addressing the fire advisory board at this point my understanding is that the fire advisory board is going to be looking for a 20-foot cleared path on the outside of the fence and that needs to be shown on the plan so that you can understand what permitting issues might be presented by that in terms of Article 24 freshwater wetland permitting from the DEC or from the town for water resource permits. The DEC said in one of their latest pieces of correspondence that there was no clearing within their 100-foot adjacent area and if there's no clearing then there's no permit but if there ends up being clearing because of that we would need to know and then it also changes the path on some of the environmental review. The other piece is the storm water. We wanted the one-year storm to be fully designed as is appropriate by the New York state stormwater design manual which means that there needs to be a little bit more of a robust design on the existing ponds or the proposed ponds that they're showing in terms of the grading, the analysis on how the larger storms might affect it if we have a smaller orifice outlet. Where the pipes are going to go and where the pipes are discharging. There're no pipes shown right now as discharging. Those, if they're going into the pipes are discharging into the buffers and things like that may necessitate permitting from DEC or additional permitting from the town as a water resource permit so those were the bigger ticket items. I think that the conversation with the applicant went well and that they understand that we're looking for those things to be in place before we can make a recommendation to the board.

John Frustace, Chairman - At this point there doesn't appear to be anything that we can do in the way of making any other determinations or decisions at this time as a board. Since those have not been met.

Peter Poltrack, Member – Is part of part of what we're asking the applicant is that on the east boundary that the individual trees are to be cut or to be marked.

Dan Koehler, Town Engineer - I think that was part of the discussion that we've had in the past year. At one point I recall every 50 foot the property line was going to be staked and that the trees that were going to be removed were going to be marked as well for your review. I know that the plan says that the property line should be staked every 100 feet. They do need the guidance from you if it's 50 or 100. Those trees that are to be removed, marked for you to have a site visit. You should direct the applicant. in that way.

Garrett – Greenhaven Solar - We had a productive phone call in terms of the mechanics of moving forward recently. We had hoped that we had provided enough information at this point to receive a negative declaration ruling on seeker. The comment letter we received yesterday outlines a number of outstanding items and what we really are looking for right now is a very clear understanding of the conditions of what it's going to take to move forward. There was an offer in the letter for a potential meeting to have a discussion on the engineering items particularly with respect to some of the stormwater items. Our engineer Greg Gibbons is present so we just want, if it's possible as much clarity as can be provided to us in terms of what we have to meet in order for the board to feel comfortable taking action on seeker.

John Frustace, Chairman - After reading Dan's letter that you said you received yesterday a lot of the items on that letter have been there for quite some time and have been ignored. I keep reading the same thing over and over month after month all right and they're not being addressed. I just wanted to clarify your comment about you having received it yesterday. It wasn't for the first time. This letter yes, but a lot of those items no. The marking of the trees that is something that we've discussed continually for a few

months. That's another issue and that needs to be done. We need to know which trees are physically going to remain. You had issues on your plans with trees that were not actually not on the property and on your neighbor's property that you were planning on cutting down, so that's what led to that. The ribbons that you have, that delineate the property border. Were those done by a survey or by GPS?

Garret – Greenhaven Solar – They were done by a surveyor. That represents the survey done. For us some of the confusion or some of the clarity we wanted to understand is the distinction between what the board needs in order to feel comfortable making a ruling on seeker versus what the board needs to feel comfortable making a final ruling on the project. With respect to some items for example flagging trees obviously that is something that we were prepared to do I just wasn't clear that that needed to be done prior to an action on seeker. If what I'm hearing is that all of those items and of course seeker for us is a gateway item because we can't go to the ZBA as noted. We can't get a ruling on the ZBA on seeker and our hope had been that we had met a threshold that would allow us to go to the ZBA but then of course come back on any remaining items. Just to clarify, we need to flag the trees and address the items that have been in Mr. Kohler's letter. Including the reference made to the easement drainage from the neighboring Ditron property? We have reached a point of agreement and we're working on the final documents in my understanding that those documents need to be submitted to the planning board as part of the sort of the complete documents?

Dan Koehler, Town Engineer - I was relatively clear with four items. When I first was asked about this the decommissioning plan, the tree stakeout, the clearing as a result of the fire advisory board and then the storm water. Those are seeker related issues that need to be addressed before I can give a recommendation to the board on where they might want to go with seeker

Garrett, Greenhaven Solar - There's reference made in your in your letter to the drainage easement though and that the documents need to be submitted so that's not a seeker?

Dan Koehler, Town Engineer - As far as I'm concerned no because that's something that will benefit both parties and should be done. We've been pushing for it. We got pushed back at first but we expect that to happen before any approvals are granted.

Garrett, Greenhaven Solar - Before any approvals were granted but not necessarily as a condition of negative declaration?

DK - Right

GGS - The trees do need to be marked prior?

DK - The trees along the Klein property were the ones that I was aware of, but you know the board should answer that.

GSS - Would you like those to be marked prior to taking action on the seeker question?

JF - As soon as possible.

PP - I don't know whether it's necessary to mark the trees as part of the SEQRA as much as it is that they have to be marked before.

DK - We had mentioned it was because there's a lot of concern about the visual impact from there which is an environmental assessment issue. Visual impact.

Garrett, Greenhaven Solar – We would take up the offer to have a meeting to work through the remaining engineering concerns on stormwater.

Greg Gibbons, Project Engineer - Borrego Solar - I want to discuss the New York State DEC buffer discussion. From reviewing the plans, there are no buffer impacts proposed in the plans that the tree clearing goes up to the buffer but it doesn't go past the buffer.

DK - The fence goes up to the 100-foot adjacent area and if the measuring of the fence goes we want to keep towards 20 feet is required by the FAB outside the fence aren't you clearing in 10 feet of that adjacent area?

GG - Tree clearing goes up to the buffer. I did just measure that the fence is about 12 feet from the tree line so we could pull the fence back eight more feet to keep a 12 foot to get a 20-foot gap for the tree for the fire.

DK - That needs to be shown and then the 20-foot offset from the fence just needs to be shown on the plan. Then that one pond, your culvert. How it's going to outlet out of there so we know by the time you get a culvert an end section and a rock rip rat outlet protection pad. Is that getting into that buffer as well? Just more detail to prove. Don't make the board wonder if we're going to have a buffer disturbance. Show us that you're not.

GG - We won't have any buffer impacts. Regarding fence, panel and electrical code. We always keep 15 on the inside minimum often times it's more than that so between the panel like the corner of the panel to the fence is going to be at least 15 feet. Around the outside we're going to make 20.

PP - Outside of the fence travel way. Our concern is the wet areas. Being able to travel through or across the wet areas. Ditron property line in relation to that field. It slopes down in that direction and the area is wet or has the potential to be wet. We've been told that in the past.

DK - if there's a way to consider that maybe it's a construction item some sort of a note on the plan. Work with the fire department once the fence is up and you have that area cleared maybe do a test run see where there might be areas where it's spongy. Some areas that you might tighten up a little bit may make it a little bit easier for the fire department to be able to traverse around the outside.

GG - If it's not within the 100-foot buffer which it won't be then there's no problem with us putting some gravel down right in that area to make it firmer. We always have a site meeting with the fire department before its fully turned on. The fire department will walk the site. If they want to see some additional stabilization in certain spots we'll stabilize it to their satisfaction.

PP - At some point you could stake out where the fence line's going to be. Just stakes with ribbon so we have idea of where the area of travel is going to be.

JF - How does the clearing apply to vegetation that is not on your property. For example, you've got your property and then you've got a lot of vegetation here that you have the right to cut down. What about all of this vegetation that's not on your property along the entire property line?

GG - We won't cut anything out that's not on the property. It'll be staked out in the field.

Garrett - Would the Planning Board want to do a site visit after we flag the trees?

JF - Sure. I think the neighbors should be invited too as well.

DK - I suggest separate site visits so there's not a quorum.

Garrett - Last thing we agreed to 10/12-foot trees on the border of the property. You're asking for updated plans to show certain items.

PP – On the Ditron trees it said 10 to 12 feet. I'd like to see a minimum size of 12 feet. The guarantee or the review or replacement of dead material that doesn't make it is how long are you proposing a year two years.

DK – There is a landscape maintenance period and bond.

PP - Could the maintenance period, instead of being a year could be extended for a three year or four-year period?

DK - It's a special use permit so if the board feels that there's some additional conditions that they feel are warranted by the request of a special use you can certainly impose that on them.

JF - I think a four-year warranty then on anything you plant would be appropriate. We've had some discussions and some concerns from the community about how long it's going to take for size trees that you proposed to actually reach a height that will mitigate the viewshed. He came up with the solution that you increase the size of the tree thereby having a larger ball that will allow it to survive. Do you have a problem sourcing these trees?

GG - We typically source them from landscaping companies that have trees available and they will typically provide an insurance on them that they provide a tree that they'll live but if you get too big then they won't insure them because it's much more likely that they'll die the bigger that they get. The smaller a tree is the more likely it survives so at a certain point they won't insure them anymore and you'll get a much higher percentage that do die. 10 to 12 feet would be our recommendation.

PP - I'm saying a minimum of 12 feet because lots of times when you go to buy a tree at the nursery they will measure to the fall over tip of the new growth. The spring growth. That's really not what you want to be measuring you want to be measuring the prior year's growth.

DK - I will note is that our code is actually pretty specific with regard to the maintenance. It actually says maintenance and all plantings shown on an approved site plan or special use permit plan shall be maintained in a vigorous growing condition throughout the duration of the use and plants not so maintained shall be replaced with new plants at the beginning of the growing season.

JF - Borrego is involved and Carolyn Dixon is the current property owner. You're leasing right? So now Borrego reassigns. Is a special use still in effect that's attached to Ms. Dixon and the leasing agency isn't a part of that?

CW - The underlying owner is still the same. There's nothing in the statute that prohibits assignability. It hasn't come up before. As long as it's in place with the special use permit and it's in compliance. There's no reason revoke the special use permit at that time.

GG – Special Use Permit for the state law are with the property that they're given to they're especially using this special use permit for the property, but when there's a transfer of ownership I was under the impression has to do with a specific area adjacent to the parking lot uh

PP - As far as the from the parking lot towards Condon the buffer there is not as critical and I would think to some extent that same thing is going to apply on the boundary at least the side area.

Garrett - We have a landscape plan where we identified plantings. We were specifically speaking about larger trees in the area where the Ditron parking lot is located.

2. Sparrow's Nest – Site Plan – Special Use Permit
Clove Valley Rd & Town Center Boulevard
Zone TC

Steve Whalen, Whalen Architects - I'm joined tonight by Kristen Jones, CEO of Sparrow's Nest. Last time we presented we were going in for a sketch plan approval which was granted. We were showing a building that was six thousand square feet. We did up that to seven thousand square feet but just in the kitchen area. The office area will still be two thousand square feet. We still do meet all the zoning requirements for parking. I think there were a couple typos on the drawings which we will update. We've added some more information. We added the property line information mostly with the meets and bounds. We updated the zoning chart. Dan had a couple notes that we added to the drawings about outdoor storage and things like that which we will address. We have since retained Willingham Engineering. They will be providing septic design and well designed. I know Dan we received your latest letter of comments so we will have additional topo information on there. We just recently completed the deep and pert test and got positive results back from that so now we're moving forward with the septic design.

JF - So the geology is appropriate the way it is.

SW - There were a couple other comments which we will address for Dan's latest letter.

Kristen Jones - I think that we are not really in a position to even focus on doing any events at the site in the near future. We are more focused on just getting a permanent home and expanding our mission and really concentrating on that. It would be helpful to know what you consider an event. For instance, we have about 15 corporate sponsors every year. So, we will have them in the kitchen and give them a tour and we'll usually give them appetizers and say thank you. Would something like that be considered an event? Is there a certain number of people? That would be a great guideline for us moving forward and we just want to make sure that if we were to want to do some type of event in the future we would like to know from you, guidance on how we would proceed. If in a few years we decide to have a picnic would we come to you for some type of a special event permit? Is this something that you just need to see now? I'm just not at a place that I can give you any details because I don't see it in the near future. I would hate to say that there would never be anything on site.

DK - The reason I brought it up was because in the building information section for the rear structure it says this will house the kitchen to the far right and allow for the overflow for events to happen in the balance of the rear space. It just wasn't clear to me whether or not you were going to have fundraising events every week, once every quarter, once a year. That's when we would be asking you what's the extent of what you're looking to do? Are you going to have 100 people there? Are you going to have a porta potty? Are you going to have loud music? Those are the things that the planning board would need to consider. If you want to incorporate that into this approval you certainly could. You could just say we're not looking to do events right now and then deal with events in five years as the organization continues to expand and grow. The onness is on the applicant to let us know what you're asking for. The fact that that was that note was there, I had to make sure because the next thing you know is we will have neighbors calling us saying right they got a kitchen approved here and you know they're having all these parties.

KJ - There are no parties there in our future and we only do three to four sanction events a year. Most of them are not events that we would even consider doing in our space.

DK - Either eliminate that note or clarify what that rear space is for and then that way we know.

SW - There was like a contradiction within the zoning laws about where we want to place the building. We need a variance so that we're not 15 feet from the front yard but then because it's a non-profit organization we have to be 100 feet. I'd like to request if we could go before ZBA to get the variances at least taken care of and then come back.

DK - What we're suggesting happen this evening is that the planning board declare its intent to act as lead agency and ask that the plan that they authorized the planning department to circulate to a number of agencies that I listed in the back of my review letter. We typically do coordinated reviews here even this would be a considered an unlisted action. But we typically do coordinated reviews. Normally we would have to have a seeker determination made by this board in order for them to make a decision. Town Center has zero to 15-foot front setbacks. Town Center Zone allows charitable foundations by supplemental regulations within that cost for 100-foot setback. I'm not saying that I can guarantee what the zoning board would say when you go to them but I think based on the fact that the supplemental regulations are in place and that the planning board here liked the concept of that caddy corner layout similar to the library across the street that they would probably be inclined to give you a positive referral to the ZBA at that time. Again, I can't say that they'll definitely give you a permit but I'm not necessarily worried about it because of the fact that there's a code discrepancy. With guidance from the planning board with that layout.

CW - That section of the code actually contemplates for charitable foundations, accessory buildings like caretakers housing which the setbacks would be more appropriate for and you don't have that in this particular proposed use. You might want to point that out. That is one of those things you haven't created your own hardship in this particular situation. That you're going to be not guaranteeing but these are the criteria that the ZBA has to look for and consider.

DK - As I'm going through the 155-42 which is what Craig was just alluding. Those are our supplemental regulations specific to charitable foundation facilities. There is the setback of parking to 60 feet.

JF - Can I get a motion to intent to act as lead agency for Sparrows Nest? Motion to authorize the planning department to circulate to the coordinating bodies or agencies that are listed on the back of his review letter.

DK - Authorize the planning department to circulate for the lead agency to the organizations mentioned in the July 19, 2022 letter. That would also be subject to just a really quick EAF change. If you could send us an EAF change on that because we'd rather send the EAF that corresponds to what the plan shows.

PP – Also move

CR – I second

JF – All in favor?

All Members - AYE

John Frustace made a motion to adjourn the Planning Board Meeting at 8:18 PM. Seconded by Peter Poltrack. All in favor. Motion carried.

Meeting Adjourned

Respectfully submitted.
Laureen Abbatantuono
Town Clerk