



TOWN OF  
**BEEKMAN**  
New York

4 Main Street  
Poughquag, NY 12570  
[www.townofbeekman.com](http://www.townofbeekman.com)  
(845) 724-5300

**TOWN OF BEEKMAN PLANNING BOARD**  
**Minutes of Thursday, June 15, 2023**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, June 15, 2023 at 7:03 PM at the Beekman Town Hall.

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

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

J. Frustace - Noted the emergency exits

Led the Pledge of Allegiance

Called for a moment of silence for military and first responders.

Motion to approve May 18, 2023 minutes will be adjourned until July meeting due to lack of quorum as F. Garito must abstain due to absence.

Review of public hearing rules.

**PUBLIC HEARING**

**1. Cemco Development Group – Lot 2 & 3 Boyd Re-Subdivision- Continuation**

Pleasant Ridge Road

Grid # 6859-00-434759

Zone R-135

M. Gillespie – Application on agenda for a while. A couple of things we are trying to tie up on the backside relative to other agencies. DPW had given ok years ago but needed to revisit due to changes. Received direction relative to proposal. Ok with entrance but need to do a little drainage work to ensure changes ok with county for the project down the road. Wetland showing up on map as per parcel access that was not originally showing. Waiting on survey to get flagged and will get back to you. When originally approved, trees were removed from site so not much, if any, old growth. There was a request to show some trees for buffering along Pleasant Ridge Rd which may have changed with variance. Variance was to allow construction within 100 feet of Pleasant Ridge Rd.

J. Frustace – So you have been given a variance for the entire view shed buffer? Questions wording of variance and nature of hardship.

M. Gillespie – Very open ended. Back of property is heavily steep slopes.

Roy Bargicciotti – Variance was given open ended because well into the 100 feet is just septic and lawn. No structures or anything within the 100 feet buffer so they open ended it to get septic in and minimal obstruction.

J. Frustace – Questions dark line on drawing, septic, back up and proposed trees.

P. Poltrack – Fire advisory board meeting there was a discussion about shared driveways and where they branch off. The driveway cut off is staggered and would be most efficient from an operational point of view if the driveway came up so that it would be a regular T and if there is a problem on either house, there is an area with a level enough grade to operate various pieces of equipment.

M. Gillespie – Understand. We're pushing everything back.

Roy – Confirms clearing that has been done was years ago.

D. Koehler – Suggests having surveyor pick up all limits of previous clearing to help board understand how many are coming out.

Roy – Discusses potential types of replacement trees.

D. Koehler – Part of the problem with the process is the planning board, when reviewing water resource permit, must conduct public hearing on water resource permit. We figured it would be good to incorporate both the subdivision public hearing with the water resource permit. If the planning board closes the public hearing on subdivision and then there is disturbance to the buffer on the delineation of the wetlands, we have to open a different public hearing on the water resource permit. It could be incorporated into the presentation that this is a public hearing for subdivision and for water resource permit and you could talk about disturbances within the buffer if there are any.

**P. Poltrack - Motion to open public hearing. Seconded by F. Garito. All in favor.**

Written public comment read aloud – Bill Crain, 254 Gardner Hollow Rd. – I would ask the board if the Pleasant Ridge development (Cemco) should be allowed; it's on a steep slope.

**P. Poltrack - Motion to adjourn to August 17, 2023. Seconded by F. Garito. All in favor.**

2. **Active Dog, LLC** – Amended Site Plan  
359 Depot Hill Rd.  
Grid # 6757-00-693527  
Zone R-135

Remaining mailers for notification of public hearing collected and verified.

Brian Hildenbrand, Civil Engineer – Recap of general project details. Returning to expand parking areas. Basically a duplicate of last year. No concerns for runoff, no new tree removal, no new wetland buffer disturbance. Requesting up to 25 vans per day which was previously capped at 18 as part of condition of site plan. Gates being modified for snow removal, etc.

D. Koehler – Indicates proposed area on drawing

P. Poltrack – There was a comment about a knock box which would give emergency responders access. You indicated you would obtain it from the fire department. It is actually up to you to obtain it. You can contact the fire district secretary to get the necessary information for purchase.

J. Frustace – Any questions before opening public hearing?

**F. Garito - Motion to open public hearing. Seconded by P. Poltrack. All in favor.**

*Final*

Frank Fetzter IV, 31 Daisy Dr – We had an issue where a few of the dogs got loose and came through my property. My property butts up to his (indicates on drawing). The gentleman has agreed to come and look at the property tonight where he could possibly move the trail or put up a fence to keep the dogs away from that section of the property. Concerned with safety.

P. Poltrack – Questions location of railroad.

J. Frustace – Locations indicated on plans.

D. Koehler – Sent out 239 referral. Board cannot take preliminary action unless they want to waive the 60 day.

Frank Fetzter V – Son of property owner. Indicates this is an issue between neighbors that will be actively worked on this evening and should leave up to neighbors to be amicably worked out.

C. Wallace – You may want to keep the public hearing open to address county planning comments and next meeting we'll have 239 comments, address public concern, and at that point can close public hearing and if it is ready for action, can consider at that time.

Erik Bleile – Questions necessity of attendance at public hearing and if county comments could be conditional. Inquires about pushing public hearing although mailings went out.

D. Koehler – Clarifies General Municipal Law requirement for county to comment when within 500 feet of state land. Board cannot take action by town code without county response in hand.

C. Wallace – It's up to the board, can close public hearing if so chooses. If something in 239 that requires re-opening public hearing, there won't time for comment so leaving it open will allow the public notice that they can make comment.

P. Poltrack – The applicant is not losing any time by that action.

J. Frustace – And we will also be able to vote accordingly on sketch approval, etc.

**FG – Motion to adjourn public hearing to July 20, 2023. Seconded by P. Poltrack. All in favor.**

- 3. Nina Massen** – Accessory Apartment – Special Use Permit  
1169 Route 216  
Grid # 6758-00-852634  
Zone PH

Michael Berta, Architect – Continuing public hearing. Talking tonight about water resource part of the application. We were hoping to have health department approval but unfortunately don't seem to have it. We got the application in to the health department and have gotten one round of comments from them to which we responded. We are just waiting for them to finish review. We anticipate that any day now. I was asked to go through and locate all the existing large trees. On the plan you can see where all the trees are located as well as the amount of disturbance within the 50 foot buffer. I've included the breezeway, a small walkway we're putting in, the water line which is in the buffer as well as the new patio that we'll be putting on the main house, and the pool that will be going behind the main house. There's 1,746 square feet of disturbance adding a little extra. We are claiming back 558 square feet of existing asphalt that we're turning back into lawn area. At the end of the day we have approximately 1,200 square feet of actual disturbance.

Confirms that is all specific to water resource buffer and still awaiting board of health approval.

## *Final*

P. Poltrack – Prefer to see no new trees and as a result it would increase the traffic line of sight. With existing trees, do not see the need for softening.

D. Koehler – This was adjourned to this month partly as a result of one adjacent property owner that was not notified and that person has been notified.

### **P. Poltrack – Motion to open public hearing. Seconded by F. Garito. All in favor.**

Written public comment read aloud – Bill Crain, 254 Gardner Hollow Rd. – If the board would please allow the breezeway on the Massen property to go around the beautiful cherry tree so the tree can be saved.

J. Frustace – Asks if there are any other public comments.

Michael – Being that we are close with the health department, rather than having the client wait an entire month, can we do a condition where we bring the health department approval in to the satisfaction of the town engineer?

D. Koehler – Traditionally, the board would authorize me to write a resolution for consideration for the following month.

### **F. Garito – Motion to close public hearing. Seconded by PP. All in favor.**

J. Frustace – Asks the applicant to speak about the cherry tree.

Michael – Without doing something very unnatural with the breezeway and cutting further into the driveway area bringing it into the front of the house, there's no way to save the cherry tree. We would wind up killing it or cutting off sun/water resource. It is not in the best of health. Talked about a couple different ways to save it. The breezeway is long enough now that trying to bring it around, it doesn't look right butting it into the house.

D. Koehler – Confirms the board would like a draft resolution prepared for the next meeting.

## **DISCUSSION**

### **1. Dutchess Contracting Corp. - Site Plan**

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

Brian Stokosa, PE – We took some input from the last meeting about positioning buildings in green space and trying to fit those design elements in there and coming up with an efficient site, looking specifically at stormwater. In our last iteration there was a lot of underground chamber storage for stormwater. Those do get pricey. We have some groundwater out there. We wanted to look at trying to reshape the existing stormwater pond to make it bigger, meet DEC standards and see if we can transition a portion of the site from chambers. (References on drawing). We try to have an efficient site; 2 buildings, 3 stories, 27 units each building so we are still at that 54 mark accommodation. We are trying to fit that town center concept where it is building in the front and parking behind it. Having some landscaped islands in the center so it is not a sea of asphalt. And then transitioning into the green space past the parking lot in between the new road that we created for the town center. Since we are creating this new road in here to lead to the parcels to the South, again carry the same concept where we are pushing the building up front, parking behind. In doing that, we get away from the large retaining walls that were in some of our previous proposals. From a cost savings standpoint, we actually put shovels in the ground trying to make sure we can economically do this. The biggest thing we have is a shift in the entrance. It is located a little further

## *Final*

down (indicates locations on drawing). This allows us to stick this building in the front where we really get into that town center concept.

P. Poltrack – How far back is the first building?

Brian – about 15 feet off the property line, maybe 30 feet from the road

J. Frustace – Is Bischoff Lane going to be used?

Brian – (Indicates on drawing) Once you come up to this intersection, there would be access to Bischoff from across the property. We've always shown that concept. There will be a realignment of Bischoff.

P. Poltrack – An issue that needs to be addressed with any project on 55 is traffic with the state. To accommodate any development on 55, the road will need to be widened and need turning lanes for traffic flow. Don't understand why we would go any further until that issue is addressed and something concrete is in place because that is going to have an impact on that first building closest to the road.

Brian – This is the beginning steps of that process. Before I go to DOT, I need to make sure that this board is ok. The purpose of this meeting tonight is to generally talk about the layout, the positioning of the road, green space concepts, and stormwater management. We have engaged with Colliers Engineering, and based on the analysis they did 1-1 ½ years ago, a left turn lane would not be required for this configuration. We will obviously update that report with this configuration and they will work with DOT. At this point we just want to make sure that the board is relatively comfortable with the layout. If we do require a left turn lane, this building can be shifted and if there is a left turn lane, the property line would be a taking. We would carry the same concept. State has yet to comment.

P. Poltrack – Will buy into the layout but not the state.

F. Garito – Pleased to see incorporation of green space. Questions square footage, units, and parking.

Brian – 900 sq ft-1100 sq ft, mix of 1 bedroom and 2 bedroom units, 145 parking spaces.

P. Poltrack – Confusion...You referred to the retention pond as stormwater retention. We had a prior applicant that referred to it as a water garden...

D. Koehler – There are several different types of stormwater management practices. A rain garden is a type, basically a biofiltration type of stormwater treatment system. Will do some infiltration tests. At the end of the day they have to meet state standards and the state will want 1. Infiltration if you can get it, 2. Biofiltration of some sort. If your soils aren't conducive to that then you can still resort to other storm water practices like more traditional ponds.

Brian – We are at the low point of the property in the front and everything else so there is some high groundwater in spots in the front so switching to a chamber type system I'm not going to meet the separation requirements. In the front we will do our best with screening and landscaping. It will probably be some type of open feature but as you get toward the back of the property, based on elevation, a chamber type of system where you won't see it and it won't be as much of an attractive nuisance.

J. Frustace – Manhole covers also present. No problem with the layout. Landscape plan will come eventually. It's kind of a concept where its actually filtering and coming out clean on the back end of these retention ponds.

Brian – There is a good amount of guidance that we have to follow in the DEC manual. Assuming drainage district will be associated with the site. No retaining wall anticipated with this layout.

Discussion regarding drainage being possible combined responsibility and future potential road configuration.

**2. Safe Haven Animal Shelter – Phase I Parking Lot Temp. Sediment Trap Design**  
186 South Greenhaven Rd.  
Grid # 6757-00-106399  
Zone C-3

Brian Stokosa, PE – Some history of the project precedes me. I understand we need to re-establish some approvals. There also was an issue of some material on site that was not the most favorable. In speaking with the applicant, the town is requiring to at least cap that area of not so good soil. From a financial standpoint, the applicant would like to grade the parking lot and cap asphalt so she can at least open for business and have a revenue stream. So basically grading the parking lot, paving it, and capping it so that water does not enter that soil underneath, and then temporarily holding it in the sediment trap directly below it and outside of the approved drainage system. The approved drainage system is a chamber system again and runs the length of the parking lot. Trying to find a happy medium where the town's happy and it allows her to open. Pave the parking lot, let the water discharge off of the face of the parking lot area into the temporary holding sediment trap. We need the construction permit open so there's coverage and at such time she would have to come in, build up phase 2 which is the improved drainage system. She is getting the numbers right now which are in excess of \$300,000 for the approved drainage system. In order for her to cap it and move to that permanent drainage system, it is not financially in her power to do that right now. I was trying to come up with a happy medium with a time table behind it. Pave it, cap it, let her get open, use the temporary sediment trap to hold back any increases in stormwater. I sized the sediment trap based on volume. Wanted to work with the board to see if there was an avenue to get her open.

J. Frustace – You are new to this. I remember the original architect. We had a scientist here. There was a problem with the fill because it was free fill and the guy was indicted and jailed and went out of business. It was the DEC or DEP that came up with the mitigation plan.

D. Koehler – Tailored Environmental put together a mitigation plan that the DEC approved.

J. Frustace – So she doesn't have enough money to handle the final.

Brian – I believe the approved chamber system is bonded. The numbers based on the increase in plastics is crazy. She is telling me numbers in excess of almost \$300,000. To create the parking lot, cap it with asphalt and move to that permanent drainage system is unfeasible for her right now. We were trying to come up with ideas where we could meet the intent of protecting the environment through a cap as per the approved mitigation plan but also trying to find relief by phasing or staging the implementation of that final drainage system.

J. Frustace – Is there a projection of how long it may take to accumulate the money?

Brian – I haven't ventured that far into the conversation with her yet. I wanted to introduce this to the board first.

J. Frustace – If I recall correctly, the contaminants were mostly heavy metals and the scientist indicated that they do not travel.

D. Koehler – They move slowly through the soil.

P. Poltrack – Concern that this whole project from the start is a boot strap if you will, underfunded. It is an idea with merit but I'm afraid that if this thing goes along it will never be completed because we're not going to have enough funding to complete the project as engineered.

F. Garito – Agrees. We need to safeguard the applicant and the town.

Brian – The applicant is aware of the fact that she has to cap it. From an environmental standpoint we can at least get the area capped. The unknown is the time frame behind it. You are correct. I don't know

## *Final*

what the revenue stream would be. There are contracts in play once she gets open. I don't know where that takes us. We can come back and give early updates. I don't know how to give the board that level of protection.

J. Frustace – As an engineer you have some exposure. There was a scientist, another firm, signed off by DEC. That plan.

Brian – The plan is to implement that. The mitigation is the cap. And that's what we will follow. Where I am deviating is implementation of phase 2 drainage system. That drainage system would treat the impervious surfaces that we've created with the cap. That's what that system is designed to do.

P. Poltrack – What is going to happen in the meantime?

Brian – In the meantime, I would create a sediment basin off the edge of the parking lot to retain that stormwater. It would be controlled.

J. Frustace – The fill that was brought in; due to unfortunate events, the applicant had no idea as to how much fill and how much area was affected by the contaminated soil. They don't know the spread or the distance. The cap for the parking lot doesn't necessarily cover all of that.

D. Koehler – They had considered the amount that was there and the plan was they could even push some of that to make sure its under the asphalt cap. There was an engineer that provided some plans with some grading that the architect didn't necessarily match up to. That would have to be a consideration also is working with Tailored and Joe Berger had done those plans with some of the volumes. You might find that you're going to have to pick up the parking lot which might change some of your grades. You already had two on one end of the sediment traps. The difficulty for the town is that regardless of phasing, it is impervious and part of SPDES coverage so we have to make sure the processes that it goes through meet the DEC's coverage for the SPDES permit. A temporary sediment trap is supposed to be temporary for during construction, not for permanent practice. Also, the negative declaration was brought in as part of that this had to be done and as you're now creating that impervious, that's why the chambers were there. That helped us meet the SPDES permit requirement. There was also a plastic liner of some sort that was going to help prevent further potential leachate of contaminated soil into the chambers. I suppose we would do something like that for the temporary trap as well. The grading with the intent of meeting the mitigation plan is going to be important. It was not considered on the plan right here which is not your fault as you're using what was given to you already. The other concern is that while it is bonded, it is bonded for too little of an amount now and there was already an issue with her getting that bond. The town is not in the business of finishing someone else's project. We have bonds in place to do that if we need to but certainly we do not want to.

J. Frustace – The toxicity just adds a whole level of scrutiny. We appreciate the discussion. I cannot think of a better way to soften the blow.

P. Poltrack – I don't want to see a temporary thing.

D. Koehler – It seems like since there was a reapproval required, the planning board granted a re-approval previously, based on the premise that nothing had changed from the previous approval. Once you start getting into changes that could be considered substantive or an environmental impact, you may have to go back into the environmental assessment as well. That is something you would have to present to us and there would be legal advice on it, engineering thought, and planning thought. It's a difficult topic.

J. Frustace – We were also knocking around the idea of test wells. We compromised because of the cost of those test wells. That was part of Tailored's recommendation so we had already tried to compromise.

P. Poltrack – The bottom line is continue to follow the existing.

J. Frustace – Confirms. Follow existing.

Brian – As far as re-approval, it sounds like we are being told to stay the course. Do we need to change anything for re-approval if we're staying the course?

D. Koehler – There was a note that was placed on the plan set as part of the previous approval that was in relation to the mitigation plan and how it may change some of the grading of the parking lot. That change was kind of considered in that approval although it wasn't graphically shown correctly. There's some minor changes but if you're going to say that we are going to just match what we did before, that is an easier path in terms of the planning approval process.

## **PRE-APPLICATION**

- 1. Center of Youth – Amended Site Plan**  
NYS Route 55  
Grid # 6759-00-652224  
Zone TC

Tara Karash – RN looking to open Center of Youth. This is diagonally across from Dollar General. Would like to have 7 hairdressing stations, 3 pedicure stations, 3 nail stations, 2 rooms for injections, maybe massage/waxing and a salt cave.

Brian Stokosa, PE - That's the concept down below on the first floor. The 2<sup>nd</sup> floor was an apartment up top over the spa area. Either 1 or 2 bedroom.

J. Frustace – Questions gray lines on rendering.

Brian – Provides description of site plan concept. Wanted to try and be mindful of construction by doing a pole barn style. What you see coming down will be the piers that it will be sitting on. Those will actually be in the ground. We have existing slabs above, we'll put the piers on the outside and go down and basically encompass the slab itself and go right up from there. Those feelers are supposed to be a representation of grade. First floor elevation will be sitting as you see it where the slab is. We will probably have to play with the elevation a little bit as far as meeting energy code. Maybe put some insulation down on the slab to create a thermal envelope. Access to the apartment above would be where the existing loading area is. There is a set of stairs down. We were thinking from a parking standpoint, the 2 bedroom apartment, they could park right next to the stairs and walk over. Working through things like lighting and landscaping. There's some landscaping there now but we would obviously add to it. From a refuge standpoint it's a spa, not a retail, so the garbage consumption will be relatively light. We were thinking of a standard rolling cart to keep underneath the stairs because there is not going to be much garbage. From a loading standpoint, deliveries will probably be FedEx/UPS. Won't need a tractor trailer for deliveries for a salt cave. Once up and running it will be small deliveries. The loading space has been pushed off to the side. We could have put it next to the apartment stairs but thought it would be better separation since we don't anticipate a lot of deliveries. The intent was to refresh the lighting, meet current town center standards, meet the landscaping requirements. We are in the process of reviewing Board of Health as it relates to water usage. The biggest thing I wanted to hear from the board tonight is layout. I see this as a redevelopment of an existing site. We have a lot of infrastructure that we can use. There is hardly any disturbance because it is existing. With a lot of applications in the town, they talk about sidewalk along Rt. 55 due to relatively large drainage ditch that runs right in front of this piece. Since we have existing structures next to us and there's no sidewalk, we provided an easement. Don't know if the board is for or against that based upon the projects that have come through. Just trying to get these thoughts out there and get it on the table early for the board. The biggest thing is town center pushes the building forward. My biggest thing is procedurally, how we make formal applications to the town. Can we consider this re-use?

F. Garito – I would think so. You're not expanding. They are replacing something that burned. The building burned, it's a slab, it's established. Defer to experts.



## *Final*

D. Koehler – At the end of the day, the town center principles are quite the opposite of what this is but, understandably, when you look at it as a redevelopment project and the fact that there are a couple of buildings that are up closer on that side of 55.

Discussion regarding town center setbacks, character, aesthetics, streetscape concept, and potential need for area variance.

D. Koehler – It's a compelling argument for the zoning board to consider. There's existing parking, existing slab for the building, existing septic. There is a lot of sense to it so even if they did have to ask for the variance, there's compelling arguments on why.

Brian – Process wise would I need a denial letter from the building department to pursue zoning.

D. Koehler – Yes and what we normally do at this level is this would be a coordinated review for SEQRA so you would work with the planning board. You could always approach the zoning board for an opinion if you wanted a warm and fuzzy but we would also have to advance the plans and everything to a point where a neg dec can be done by this board so it can be referred to the zoning board if that is the path.

Tara – Questions building setback

P. Poltrack – I think the precedent has been set with Station Grille.

F. Garito – That is a whole other can of worms.

P. Poltrack – Yes but the whole idea was that it was on the existing footprint.

Discussion regarding when building burned.

J. Frustace – So what kind of guidance can we give them at this point?

F. Garito – They'll have to put in an application. The building inspector will determine whether or not to deny it and then go from there.

J. Frustace – And then you will figure out whether you need to go in front of the zoning board or not.

D. Koehler - They have to come here no matter what for site plan just so that's clear.

## **EXTENSION**

1. **Alaina Estates Residential** - Subdivision  
Beekman-Poughquag Road  
Grid # 6758-00-642721  
Zone R-45

Brian Stokosa – We are close. Supposed to close by the end of the month I heard. Making mylars this week. Already talked to the health department. They are ready to sign. Everything's going to be from a mylar standpoint. Going to put the mylars on the reader. For the closing there will be an exchange of property and the readers will sign the plan. In the process of making that name change. Anticipate dropping plans off to the health department next week. Working on the legal end of things. We are close. Hopefully this is the last extension we will ask for.

D. Koehler – Prepared a draft resolution that considers one 90-day extension which would bring the date through September 22, 2023.

*Final*

**F. Garito – Motion to grant extension to September 22, 2023. Seconded by P. Poltrack. All in favor. Motion carried.**

D. Koehler – We never had a fourth person come in so the approval of the May and June minutes will go on next month's agenda.

P. Poltrack – Do they really formally have to be approved.

C. Wallace – Yes, in case there is an appeal.

**F. Garito – Motion to adjourn. Seconded by J. Frustace. All in favor.**

Meeting Adjourned 8:49pm.

Respectfully submitted.  
Aletha Bourke