



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD
Minutes of Thursday, May 18, 2023

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, May 18, 2023 at 7:00 PM at the Beekman Town Hall.

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

Also present was Conservation Chair – Cliff Schwark, Town Engineer - Dan Koehler, Town Attorney - Craig Wallace, Recording Secretary- Aletha Bourke and Attorneys Jonathan DeJoy and John Furst.

J. Frustace - Noted the emergency exits

Led the Pledge of Allegiance

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

P. Poltrack – Commented on exceptional way in which the emergency was handled at the last meeting.

J. Frustace – Introduction of Planning Secretary Aletha Bourke.

PUBLIC HEARING

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

Pleasant Ridge Road

Grid # 6859-00-434759

Zone R-135

D. Koehler – Received email from applicant requesting adjournment to June 2023 meeting.

J. Frustace - Questions permissibility of repeated adjournments and re-advertising.

C. Wallace – Clarified that there is no danger of timing out as all requested adjournments have been on them and there has been no meaningful public hearing but at some point the board may consider having the applicant reapply. It is a continuation. They have complied with the law initially and there is no need to re-advertise as long as it is advertised on the website.

R. Lopane made motion to adjourn to June 15, 2023. Seconded by P. Poltrack. All in favor

1. Nina Massen – Accessory Apartment – Special Use Permit

1169 Route 216

Grid # 6758-00-852634

Zone PH

D. Koehler – Indicated that there were unsuccessful mailings for notice of public hearing according to return mailer cards.

C. Wallace – No action is being taken toward a final resolution. The applicant can re-notice to comply. You can open the public hearing and keep it open if more information is needed.

Michael Berta, Architect – Will comply with mailing. Project consists of existing single-family residence with detached garage, converting part into accessory apartment connecting with breezeway. Existing house will go from 3br to 2br, septic the same, adding landscaping. Supplemental screening on 216 with evergreens. Will speak with building department about options for shed compliance to clear violation.

P. Poltrack – Has problem with taking shed down. Doesn't affect line of sight. Suggests relocation.

Michael – applicant does not believe the shed can be moved without destroying.

Board discussion; shed size and frontage requirements

D. Koehler – Can be no closer to front yard line as principal structure. It's a corner lot so technical both front yards. Any accessory structure over 120 sq ft cannot be closer proximity to the front than the house is. They can ask for a variance from ZBA as an alternative.

P. Poltrack – Are you going to ask for a variance or take it down?

Michael – Hoping to get approval at the next meeting. Assuming with variance application going we wouldn't be able to.

P. Poltrack – Wouldn't that be separate from the site plan?

D. Koehler – Historically, we always have a condition that if there are any violations on the property, they're resolved as part of the application. It could be that the violation would have to be cleared up before the issuance of Certificate of Occupancy.

P. Poltrack – Take it down and replace it with one that is in compliance.

D. Koehler – If it's going to stay, show it on plans as well.

Michael – Will discuss options with applicant. Straightforward project will be a nice compound and benefit to the neighborhood.

R. Lopane - Motion to open public hearing. Seconded by P. Poltrack. All in favor.

J. Frustace – Reviewed guidelines for public hearing.

Bill Crane – 254 Gardner Hollow Rd – Any disruption to natural environment?

J. Frustace – Referenced metal pots for adding pollinators.

D. Koehler – It's important to note that included in the application is a water resource permit. There is a 50' buffer along certain water courses. In this case it is from the top of the bank of the Whaley Lake stream and some of the disturbance associated with the project is within that 50' buffer so the planning board is in charge of reviewing the standards for issuing the water resource permit at the same time that the site plan special use permit is being analyzed. There are some standards in the town to go through as well whether tonight or at the next meeting.

It should be noted for the public that this is also a public hearing on site plan special use permit and water resource permit.

Elizabeth Crivello-Jordan – 37 Main St. – Share land and stream with project. On behalf of those that received the letters on main street, the neighbors could not be happier.

C. Wallace – Any comments the board wants the applicant to address as per the engineer's letter?

D. Koehler – There are a number of things Mike has mentioned that he's starting to work on. You may want to have a conversation about the existing vegetation on 216. There were some Evergreens along 216. Your plan shows some shrubbery you're proposing to screen it. Was that supplemental or in place of?

Michael – The row of evergreens you're talking about is on the side yard. It doesn't go in front of the property. There's some low level vegetation as you come in and supplement a couple of larger and continue the evergreen to make an L shape screening the property.

Michael – indicated areas in question on plans and points out proposed/existing trees and shrubs

Board discussion regarding location of trees

D. Koehler – Suggested distinguishing on plans what is proposed from what is existing

R. Lopane – Are you removing any trees?

Michael – We are pulling one down that is in between the house and the garage.

R. Lopane – What is the limit of disturbance along the embankment?

Michael – The only disturbance is when we do the breezeway, some of the asphalt going to the back of the driveway will be pulled away. There's no other disturbance on the property and nothing is going to be happening at the bank. All of the work is going to be inside the building envelope.

D. Koehler – Within the 50' buffer, which is part of the reason for the water resource permit, there's a new sidewalk, breezeway, water service line, raw sewage line, and removal of impervious area just mentioned. Also other slight soil disturbances. As part of this, we've formally referred to CAC. They have 30 days to review and provide written comments to the planning board for consideration. We would expect the CAC would have comments to us before next meeting.

P. Poltrack – Where is the septic system?

Michael – Septic is in the front of the house and fields go towards intersection. Points out on plans.

P. Poltrack – If it is between the house and the road, I don't understand what the concern is.

D. Koehler – They just need to have the conversation with the health department to ensure any changes they make as a result of this application are within their standards.

Michael – Their comments were minimal because we're eliminating a bedroom. Their concern was more with the water line and to verify the septic tank. That's all in the works.

P. Poltrack – Motion to adjourn to June 15, 2023. Seconded by R. Lopane. All in favor.

Michael – You had mentioned that you may want to go over the water course. Did you want to do that today?

D. Koehler – It might be worthwhile just to wait because it can all be done at one time.

R. Lopane – Such minimal disturbance, I'm not sure it's worth going point by point unless there are some changes that occur.

Michael – Should have a little less disturbance when everything is done.

DISCUSSION

- 1. Pozzuto Lot Line – Site Plan**
110 Frog Hollow Rd.
Grid # 6757-00-445645, 563722 & 500533
Zone R-45

Brian Hildebrand, Engineer – Returning for lot line adjustments. A lot of questions were raised by the board previously regarding ownership and lots so we took the comments and revised the submission. There are 2 lots in play. Lot 2 is 110 Frog Hollow. This is the lot with the existing single family home. Lot 3 is what we've been calling the access strip which is land hooked to the parcel on the other side of the train track. Although they are physically separated, its technically one lot. Lot 3 is owned by Don Pozzuto. Lot 2 is owned by a trust of the Pozzuto family. Doing a lot line change between the two.

R. Lopane – Confused about lot layouts

D. Koehler – Clarifies how lots were originally and how deeds have come along. County gave a tax ID and assigned as a property and not an easement. It may need to be straightened out.

Brian – Ultimate goal is to have a building lot for a single family home in the area where trailer currently is. Space for new house, septic and well. Working with health department for approval. Also add driveway up access strip which requires crossing DEC water course. Designed culvert crossing and submitted to DEC for feedback.

Board discussion regarding usage of lots, access and crossing.

D. Koehler – Procedurally, if they wish, the board could deem the action type 2. It's a simple realignment. Wanted to clarify that the lot on the opposite side of the railroad is still associated with one of the lots and it's clear that that's one lot.

Brian - Will clarify that any acreage gained will go toward that total lot 3.

D. Koehler – Would help to file with county.

C. Wallace - There would be 2 lots at the end of the day. 2 lot numbers.

R. Lopane – Any setbacks require a variance?

D. Koehler – Everything is compliant. A little more septic design but looks within zoning.

P. Poltrack – Motion to deem type 2 SEQRA. Seconded by J. Abbatantuono. All in favor.

P. Poltrack - Motion to grant sketch approval. Seconded by R. Lopane. All in favor.

D. Koehler – Board can set public hearing if comfortable.

P. Poltrack – Motion to schedule public hearing July 20, 2023. Seconded by R. Lopane. All in favor.

D. Koehler – that would be for subdivision and water resource permit. Water resource actions that also associated with DEC typically done simultaneously with public hearing.

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

D. Koehler – Board granted approval for site operating now. Noted that this is an amendment to the site plan and special use permit for additions and has been set up as a separate project in an effort to avoid confusion with financial tracking.

Brian Hildebrand, Engineer – 357 Acres on Depot Hill Road where dogs are brought in and hiked on the property. Business is doing well. Owner would like to expand to increase number of vans. The last approval was for 18, we are now asking for 25. Intent is to copy from the last application with a new parking area based on what was learned about the functional operation of the business. Points out existing area on plans and proposed access drive and parking area with double gates and trash receptacle areas.

R. Lopane – Proposing a new culvert?

Brian – Drainage pipe drainage coming off hillside to deter erosion.

R. Lopane – Estimated area of disturbance?

Brian – 0.4 acres

J. Frustace – Asks D. Koehler for comments

D. Koehler – Did not do full technical review but everything seems to be in order. Was deemed type 2 action last time as it was a non-residential with no building. Would be good to get this to public hearing sooner than later.

R. Lopane – Public was concerned with traffic on the road. Do you anticipate increased traffic?

Brian – just the 7 vehicle/day increase

J. Frustace – Confirmed hours of operation 9-3 matches original

D. Koehler – Can move forward with SEQRA determination

P. Poltrack – Motion to deem type 2 SEQRA action. Seconded by R. Lopane. All in favor.

P. Poltrack – Motion for public hearing June 15, 2023. Seconded by R. Lopane. All in favor.

3. Barton Orchards Farm Market – Site Plan
64 Beekman Poughquag Rd (CR7) & 3 Apple Tree Lane
Grid # 6758-00-170733
Zone R-45

Victoria Polidoro, Attorney with Joe Berger, Engineer

Victoria – Made reference to letter on the issue of hours of operation and continues to assert that the board has no legal authority to limit hours especially once a liquor license is obtained. Will preserve for future discussion. Suggested hours are unreasonable.

P. Poltrack – Suggests using daylight to determine hours of operation, such as extending hours during summer months.

Joe – Review of changes. Sheet 3. Discussion regarding trees, added erosion control practices that had been removed. Will be completing SWPPP. Dumpster changed to stockade fence, no intent for vinyl. Will be in notes. Review of building design.

J. Frustace – Commented positively on character of building. Asks what will be done in the bioretentionarea/stormwater area?

Joe – Explanation regarding stormwater reduction and water quality treatment plans.

J. Frustace – Discussion regarding side yard landscaping, buffers, view shed etc.

Joe – All will be cleaned up with stormwater practice and bioretention.

P. Poltrack – Suggests fence be extended toward Beekman Poughquag Rd. with intent to provide headlight screening. Trees will supplement screening.

J. Frustace – Indicates area in question on plans. Discussion regarding placement of fencing/trees to minimize glare within line of sight. Approx. 40' if to scale.

R. Lopane – Suggests there may be more changes than seen in the past.

Joe – Working in conjunction with health department which required changes to conceptual.

R. Lopane – Question of why expansion area cannot be moved.

Joe – Best soil location. Elaboration.

R. Lopane – Explanation of concern with changes.

J. Frustace – Moving on. Hours of operation never discussed. They were presented to us and were written by you, not us. A favorable vote was given for those plans with those hours. Public hearing commenced and FOIA requests were made by the public. Concerns: brought up 6 months after public hearing, virtually no comments were answered at the last meeting but the board was mostly unaware. A lot of comments have been satisfied since then. Asks if the hours on letter were misread.

Victoria – Hours were placed as an intention absent of the idea that they would be limited. Would be happy to add “likely” hours of operation.

J. Frustace – Suggests too much ambiguity and contradiction. Code is interpreted to me as quality of life issues such as noise etc. Gives example. Concern is none of this was presented at the public hearings. Sites tap room comparison regarding hard cider tasting and sales.

J. Furst – Suggests focus on hours. Confirms intended use is retail farm market. Suggests board revisit extending hours or compromise with fencing.

P. Poltrack – No compromise on the fencing. Entirely separate subject.

J. Frustace – Significant issue has public has no idea.

Victoria – Explains perspective of planning board role and how disturbances are being mitigated. Changes have been made as requested by the board. Restricting hours of operation not necessary.

J. Frustace – Not for you to tell the board what they can or cannot do. Neighbors issues matter.

R. Lopane – We agreed to 7 at the last meeting. Letters from neighbors essentially ask not to make the concession on the hours of operation. Moving it to 7 was a concession of the board.

Victoria – The neighbors don't want you to do something that is acceptable by law.

C. Wallace – Confirms board does have jurisdiction. Site plan criteria has a specific section whereas planning board must consider impact to adjacent neighbors with respect to noise, lighting, objectional items. Hours of operation will address the noise. Ag and Markets specifically says if there's noise issues, local board may want to consider restricting the hours of operation. County planning also provided a recommendation to consider the hours of operation. There are no other commercial uses in this area. It is reasonable and rational to restrict hours according to case law.

J. Frustace – Suggests applicant return once business is running to amend hours if necessary. Sites example of another business whose hours were limited due to resident feedback.

Victoria – Asks board to consider extended seasonal hours.

R. Lopane – The season does not matter to the neighbors.

J. Frustace – Confidence that request will be received positively at a later date. The manner in which you speak is suggesting what our scope is minimizes the public's concern. Not interested in extending hours further at this time.

C. Wallace – confirms the board as a majority does not want to extend past 7pm. Once operating, nothing stops you from seeking an amendment.

D. Koehler – Review of Item 15. Asks for verification that proposed landscaping is acceptable. Goes hand in hand with Item 22 with trees versus parking spaces.

Board reviews. No issues

D. Koehler – Notes ADA compliance/accessible route to protect applicant and client. Fire advisory board met on May 11 and suggested knock box. Asks for consensus by board on architectural.

C. Wallace – There is a resolved clause in the resolution that covers the architectural as well as the site plan aspect but good to have discussion on record so everyone has seen and is ok with it.

D. Koehler – The board tends to go through standards and accept and it becomes a whereas clause. 5 AO Standards 155-12d talks about how project will affect aquifer.

1. Reviewed. Response states no proposal of new wells or water uses. All satisfied with response.
2. Reviewed. Adjust note. Address language. Proposal of onsite sewage treatment. Approval will be part of this plan set.
3. Reviewed. No harmful storage that would affect groundwater quality.
4. Reviewed.
5. Reviewed. Not a lot of cuts and fills associated with project.

Board is sufficiently satisfied with AO Standards.

Review of SRSV Standards. Board wanted agricultural buffer maintained. Maintain view to farm house.

J. Furst – References draft resolution. Whereas clauses added. Conditions added for seating, discussion regarding commercial delivery and garbage hours, additional fencing buffer, hours of operation on site plan.

Board members review draft resolution.

J. Frustace –Motion to approve draft resolution granting preliminary and conditional site plan approval with amendments. Seconded by P. Poltrack.

Roll Call Vote:

J. Abbatantuono - Aye

R. Lopane - Aye

J. Frustace - Aye

P. Poltrack - Aye

EXTENSION

1. Grape Hollow East Subdivision

Grape Hollow Road

Grid # 6756-00-731467

Zone R-135

D. Koehler – I provided resolution granting an additional 90 extension. Did not grasp concept of conditional approval. They were working with DEP on most conditions but must be satisfied for approval. Sewage disposal, water supply, SWPPP for watershed, other code items and small items and escrows and fees. Three extensions already granted.

R. Lopane – Inquiry of project details.

D. Koehler – Review of details of history of project. 3 lot subdivision. Extension would take them to July 14, 2023.

P. Poltrack – Motion to approve extension. Seconded by R. Lopane. All in favor.

P. Poltrack – Motion to adjourn. Seconded by J. Abbatantuono. All in favor.

Meeting Adjourned 9:24pm.

Respectfully submitted.
Aletha Bourke