



TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, November 16, 2023

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, November 16, 2023 at 7:00 PM at the Beekman Town Hall.

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

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

J. Frustace – First agenda item is to review minutes for October and November 2022 and July and August 2023. Asks if the board has had a chance to review those minutes.

F. Garito – Was absent for July 2023 meeting.

P. Poltrack – Motion to approve October/November 2022 and July/August 2023 minutes. Seconded by R. Lopane. All in favor. Motion carried.

PUBLIC HEARING

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

Mike Gillespie, Project Engineer – Cemco has been on the agenda consistently for the last couple of months. Where it stands currently is the overheads on the wetland maps indicated a wetland on the property. We had a wetland biologist out there that determined, based on what he saw, that particular wetland was not there so it wouldn't be regulated by Army Corps. No DEC. There is a ravine drainage path that does exist there. We don't believe there's going to be any specific regulatory actions that's needed but you guys do have the provision within the code that does at least identify it so it's clearly on the map. That's the latest item that popped up so we have to get that located out there. The surveyor is aware but it's got to be done. Letter was sent late today asking for further adjournment of the public hearing or if the board felt so inclined to close this hearing then we would certainly waive the 62 days.

D. Koehler – The reason it keeps getting adjourned is because we have a water resource permit process and if the wetland meets the town's requirements for requiring a water resource permit, there has to be a public hearing at the planning board level for that. We kept thinking that this information was going to be coming and it hasn't been surveyed or whatnot. At this point it's just difficult to the extent that if that happens then we got to come back to another public hearing. Is there a definitive time frame?

Mike – The survey is scheduled. I wouldn't ask for next month. I would ask for another two months just to provide some buffer. Wouldn't want to advertise. Adjourn it so that it incorporates that particular provision.

P. Poltrack – Questions the size of the wetland and if there's new criteria as far as size.

D. Koehler – We don't know. We got to delineate it and survey it to show. There's criteria for the town's purposes for the water resource permit and then obviously there's the environmental for which we're the lead agency. Regardless of regulation of it, it's still a wetland. It's still a feature that has to be considered and you have to account for it in your environmental determination, whatever that disposition might be. Maybe the wetland where it is can be maintained. Maybe it has to be filled in. I don't know but we have to be able to see it too make that decision.

P. Poltrack – Why is it not being defined?

Mike – I think it was determined on parcel access. It shows a core wetland on the property kind of up, not in the area of development. We had a wetland biologist go out and take a look at it and made a determination that wetland was not there. It was brought up that there is still a watercourse there, or a ditch. We have to get that on paper. This was actually a previous subdivision that was approved and file. Not that we were dealing with the regulations in the town that we are today, those have changed, but it did show picking up that swale and wrapping it around the property and then running it down to Pleasant Ridge Road. The presumption is we're still going to have to do something like that. I think we showed that on the latest plan. Again, the level of moving it and what the impacts would be, Dan has indicated that we do have a provision that he has to take a look at.

R. Lopane – We do have regulations regarding wetlands, water bodies and water course protection, and there's good reasons for that. It would be good to understand what the extent of the water course is. If there is in fact a water course out there, we need to factor that into our decision, especially as it pertains to our SEQR assessment.

Mike – It's something that does run when the weather's wet. Otherwise, it tends to be dry. Once we get it tight on paper, we have to make the determination to check and see if it falls under the criteria of that water course based upon the fact that it may be dry 95% of the year. Something we will have to evaluate.

P. Poltrack – Questions if anyone has been out to walk the site.

Mike – Yes. We had somebody go out there after making the first determination that the wetland is shown on the parcel access map is not there but there is now a water course so it has been flagged, it just has to be surveyed. It has been tough getting this information timely.

J. Frustace – We have two choices. Do you want us to adjourn or the applicant indicated he was willing to waive the 62 day requirement.

C. Wallace – He has no choice but to waive because you have before you a very incomplete application. If it's the board prerogative to adjourn the public hearing, it would probably be for two months because it's going to take at least that in order to get maps.

Bill Crain – As a member of the public, not a couple of months but several months thinking there is a public hearing. I think the public has been disrespected in the postponement. Every time the postponement is at the last minute. Now I've come again for a public hearing. My issues do not have to do with the wetlands. This is the first I'm hearing about it. My issues are hanging issues that were left dangling over steep slopes and trees, which we never got answers to. I feel like before you postpone, I should have an opportunity to speak tonight. It's frustrating for the public to be constantly left off by this. I think it's been 8 or 9 months on and on. It's relentless so I ask for an opportunity to speak and you can adjourn after that or whatever.

P. Poltrack – Was the public hearing opened?

J. Frustace – No. It was adjourned.

R. Lopane – It was adjourned to this meeting. The public's aware that it was adjourned to this meeting and they come with the expectation they're going to have the opportunity to speak. I see no problem keeping the meeting open, allowing them to speak and then adjourn to the next meeting if we feel like we still don't have enough information to close it.

D. Koehler – It's pretty standard that we let the applicant start with a presentation anyway.

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

Bill Crain, 254 Gardner Hollow – There's been a concern about the steep slopes. Your comprehensive plan recommendation NR action 1.1.2 states very simply the recommendation is to prohibit development on steep slopes. As you know, mudslides can come from those. Soil erosion can come. The applicant, a few months ago, proposed a retaining wall. We had the heaviest rain I can remember a month ago and we don't know what kinds of rains are coming. The applicant is cutting down some unspecified number of trees, I think it was something in the 80's, and planting 4. What kind of mitigation is that? As you know, trees prevent soil erosion. Cutting down all those trees and the wildlife that live in them, they can absorb carbon dioxide, provide oxygen. The town needs the trees. I think considering the steep slopes and the vagueness of the plan before there was another unknown, this is one proposal I think should go back to the drawing board. I really think this one goes overboard.

P. Poltrack – Questions percentage of intrusion in reference to the slopes.

Mike – There were some on the bottom. There were steep slopes that we were pushing into. It was a single driveway that spurred off and we were trying to keep that to a minimum. Some of the fire concerns were trying to make it a little bit easier to get up through there so we were touching some of those slopes as well. Obviously minimum for what we needed. The houses are not put any further into the property than absolutely needed based on having the septic in the front.

P. Poltrack – I just wondered how much of an intrusion and what the degree of slope is.

Mike – It's a fair question. Unfortunately, again, knowing that we were likely going to adjourn, I don't have a copy of that plan with me. One thing I will do is keep the engineer and town advised on internal dialogue, try to push the surveyor so everybody knows there's progress. It's going to take some push to get the information we need but if you want to go ahead and adjourn, I wouldn't adjourn for a month. I would adjourn for at least two.

J. Frustace – There's always a rush to go to public hearing, but there isn't enough preparation. That is the frustration that the town engineer and we all have. Now we are in a situation where we're leading the

public on as Mr. Crain explained. What would be the downside to closing this with them waiving? Is there a downside to the public commenting on any changes, problems or issues that come up?

D. Koehler – Only to the extent that there is a wetland shown, then they have to tell us what they are going to do with that wetland. The public would have an opportunity to speak on that at a regular planning board meeting. If it was a public hearing on the water resource permit, even more so. The whole intent of having it was we didn't want to have to re-advertise again. It costs money to send certified mailings to everybody but I understand the people that keep coming.

P. Poltrack – Let's be realistic. December, January, February. If you have an open winter, somebody can map that which is what's got to be done. Something like that doesn't seem feasible this time of year. I could see merit in adjourning the public hearing based on potential.

R. Lopane – Do we have to be confined to a date? Can we continue to adjourn month-to-month. I don't know why we're restricting ourselves to a certain date.

J. Frustace – I think the idea is for the public so they're not going to show up next month and the month after.

R. Lopane – If the public does come to the next meeting but we adjourned to January, do they then not have an opportunity to speak up at the next meeting? It seems to me the best thing is to keep it the most flexible. If the public doesn't show at the next meeting then we just adjourn it to the following one.

P. Poltrack – Suggests planning secretary send notifications to the adjoining property owners that the meeting has been postponed with an explanation of the reason why and a statement of when the next public hearing would be.

F. Garito – Would that be setting a precedent to do that every time?

J. Frustace – I get what you're trying to do but sounds like we're breaking procedure. I think we should take Rob's lead on this and just keep deferring it. It's certainly not fair to the public.

P. Poltrack – It's not fair to the public to have them come every meeting.

R. Lopane – The public has just generated some sentiments on the plan. I would like to see them come back and address these issues with the plan at the next meeting so we can discuss.

J. Frustace – Going forward, we will not be scheduling public hearings until comments are completely answered, just to be abundantly clear, because it is an awkward situation we're in right now and would like to avoid it in the future.

J. Frustace – We also need to address Mr. Crain's questions about the steep slopes and trees. It's important for us to just let this play out unfortunately, until we can close the hearing and are satisfied.

R. Lopane – Another separate issue, the water course designation. The fact that you're identifying the water course. As far as I can tell, the way to classify whether there's a water course is by the definitions in the code. The definition is Water Course Classification and Identification: New York State DEC identifies certain waters in the Town of Beekman that are classified and protected on the basis of the existing or expected best usage of these waters. This information is available in the Town of Beekman stream classification document as prepared by the Dutchess County Environmental Management Council from New York State DEC biological survey series dated 1991. That's the answer to the question of whether it's a water course or not. That's the definition of water course. It's not whether it's wet or running or not

running, but whether it's been classified as such on a map. I'm assuming that's why you're locating it on the drawings, because it's classified per that definition.

Mike – If that's the classification, I can confidently say it's not detailed on the DEC mapping. Across the street, there's a stream that's protecting wetland, but in terms of what's on this property, that's not DEC.

D. Koehler – Here's the thing. I was told by the applicant that there are flags on the site that delineate a wetland. It wasn't necessarily wet water course. I don't know what it is. I have to see it on the plan, that's all.

J. Frustace – I think a date of completion for all this should be established. Given that we're being lenient and putting the public in an awkward situation here, if all comments haven't been resolved by March, are we capable of closing this application and having a restart because then the public would need to be brought back up to speed with a new public hearing once the application is complete.

C. Wallace - You're going to have to weight the hardship with the applicant who spent a lot of money and time. To your point, you're also going to have to be hearing this application again if that applicant does come back and we've already heard it. Never heard of a hard stop to be honest. They have always worked out but I understand the frustration. There's not a lot people that have been attending the public hearing so I would air on the side of the applicant for now. I would advise you to do that.

R. Lopane – Chair, appreciate your concerns, but the applicant has rights too. We can't just close the application. It has to meet the requirements of our code before we do that. I think we're overthinking it. Regardless of what's going on here, we had a complaint from a resident whose been coming to meetings and wanted to be able to speak. We opened it up and he got a chance to speak, so I don't think there's a big problem here we're trying to solve. The fact is that we opened up the meeting without enough information and we're going to address that in the future. We need to continue with this and my suggestion would be that we just adjourn it to the next meeting. Hopefully, his surveyor will have gotten back to us. If he hasn't, and we don't have complete information, then we'll adjourn it to the following meeting. At that meeting, certainly we'll keep our options open to opening up the meeting so that if someone does come, they'll have the ability to speak.

P. Poltrack – What's the problem with putting it off?

R. Lopane – The problem is someone may come, knowing that we've adjourned it, and potentially want to speak.

P. Poltrack – Why can't we send a mailing.

J. Frustace – It's not legal. It's not within our procedure. We have to notify by mail, not by email. It's just not legal procedure.

Mike – In other municipalities, sometimes there's a large period of time that occurs between setting up a public hearing and then getting that additional information, sometimes based upon what comes from the public. I understand it's a few bucks for certified mailings, but I would not say next month unfortunately. If we could do January and we have the information together, if the board feels that we should re-advertise this for February then we can do that so the board feels comfortable and everybody knows we've got new information on the plan.

R. Lopane – Motion to adjourn public hearing to December 21, 2023. Seconded by J. Frustace. All in favor. Motion carried.

2. Pozzuto Lot Line – Lot Line Adjustment

110 Frog Hollow Rd.
Grid # 6757-00-445645 & 563722
Zone R-45

D. Koehler – They sent a letter in today as well. They haven't made progress with the DEC. They received comments from the DEC regarding the wetland permitting but they're still awaiting comments from Army Corps as well apparently, which can take a while. Their surveyor is still preparing subdivision plat so they've asked to be adjourned as well. We have to adjourn to a date specific.

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

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

P. Poltrack – Motion to adjourn until December 21, 2023. Seconded by R. Lopane. All in favor. Motion carried.

DISCUSSION

1. 83 Church St. Contractor Yard – Site Plan

83 Church Street
Grid # 6758-00-917930
Zone C-2

Jeff Econom, Consultant for Applicant – Here to legalize initial use that was going on for a number of years at 83 Church. It's two parcels; overall parcel is 4.86 acres and residential portion is 3.64 acres. You have .8 acres across the street. It's a triangular piece of property with two barns on it. Currently, the contractor that lives in the house is storing equipment there, so we are trying to legalize. It's in a commercial zone. A couple of questions came up on Dan's comment letter. With regard to the full SEQRA assessment, the use in the barns is equipment on the bottom floor and office space up top so there is no residential component, which came up with regard to the SEQRA determination. Another question was the use of the old barn that is in pretty bad shape. He also plans to rehabilitate that structure for equipment storage so there will be no residential component on that side. There are existing well and septic that serve the parcel property. The driveway that is currently there has been there since the 1940's according to parcel access aerials. One barn on either side of the existing driveway. The residential house is on the other side of the street. We indicate on the map a chain link fence with slot insert for year-round protection from 55 and also the southern end of the property.

J. Frustace – Asks for clarification on whether code permits chain link fence.

D. Koehler – It does. In certain areas it does not. If you're on a scenic road or scenic view shed area or within town center I believe is prohibited. There are mention of chain link fences in there and in a lot of the cases where it is allowed, they talk about putting in the privacy slats.

Jeffrey – Had spoken with Dan previously and decided that would be most beneficial. Other comments received today were standard and will be addressed by the next meeting.

R. Lopane – Is the entire lot C-2 including the residential portion across the street?

D. Koehler – It is. There's a land hook that goes through Church St. so the East side has the barn and the West side has the residential.

R. Lopane – Comments on the beautiful restoration of the barn and adds that restoration of the other barn would be beneficial to the town.

D. Koehler – Applicant may want to add that the other barn is going to be restored at some point further into the use of the site storage yard because then you wouldn't have to come back unless its years out.

Jeffrey – Indicates that he has recently retired from the government, doing some consulting on the side and is helping out the applicant.

R. Lopane – Use is appropriate for the site. No problem with it. Happy with improvements to the barn. Being C-2 district, it's probably the only district in the zoning code that would be most appropriate for a contractor storage yard. Contractor yards are needed. There are not enough of them, and people are parking their equipment behind their houses and getting in trouble with their neighbors. Locating a contractor yard within a commercial zone is probably the most appropriate thing you can do if you're going to have a contractor yard and the way he is doing it seems most aesthetically pleasing. It's the right place for a contractor yard and he's doing the right thing with the property.

P. Poltrack - Adds examples of other permits approved for contractor yards in the area. Agrees with Rob.

R. Lopane – The only thing we should worry about is the proximity to 55 and that building materials don't migrate down the road and the road is protected.

J. Frustace – It is in the aquifer overlay. Any concerns about fuel, spillage, maintenance of excavating equipment because that usually involves all sorts of mechanical fluids.

C. Wallace - You're going to be asked to issue findings of fact and the engineer is going to have to address those and you will issue a report. It is in the aquifer overlay district so you will need a SEQRA analysis and make a determination. This is a special use permit, allowed in C-2 but because it is in the aquifer overlay you have to take another consideration of these tests. We included §155-12 so I direct the applicant to look at §155-12 and comply with all of the questions that are brought forward within the code regarding degradation of ground water and long term effects on ground water to private water supplies and sewage and things like that. It's a detailed test but it's something that the planning board has to consider actually in a detailed report and address them in a detailed findings decision under the code. This will be classified as an unlisted action. You would have to go through site plan process for that.

D. Koehler – We would just have to consider whether it is coordinated review or uncoordinated review for unlisted action on this case. Not sure what outside permits might be required. I did mention the health department in my letter just to get an understanding of that septic system, what the capacity is, whether that was considerate of employees during the day or how the operation is working. You can get back to us on that. That would be an outside agency potentially involved. They're not coming off the state road. There's no tree removal as far as I know, so shouldn't be any endangered species issues in terms of that. I don't think there's any DEC permits I can think of at this time.

C. Wallace – State DOT will definitely have to be notified as an interested agency because the property does border Route 55.

D. Koehler – So it would be a coordinated review then. Coordinated review agencies, we always do the DEC, DOH Health Department. We tend to send it to the Department of Planning and Development County, Town of Beekman Highway because it's Church Street. Might as well send it to the Zoning Board of Appeals at that point too, Conservation Advisory Council and Fire Advisory Board. Those would be the agencies potentially interested or involved. We could draft up a circulation letter to that effect and have the planning department send it out. They provided us with a full EAF which is probably

overkill for unlisted action. We can deal with a short EAF on that so I didn't review the full EAF in anticipation that this could be Type 2 or Unlisted and subject to the town attorney's review.

C. Wallace – Since the applicant is trying to legalize existing use in this case, pictures would actually be very beneficial to rule out certain uses that are barred under the aquifer overlay district. The pictures are going to show that it's not industrial sludge or fertilizer storage or pesticides are being use there. Pictures would be useful to outside agencies as well.

D. Koehler – You may want to consider mitigation measures mechanical work that might be happening where there could be some diesel or hydraulic fluids that make their way to the ground.

R. Lopane – Best management practices.

Jeffrey – I'll talk to the owner of the property, put a note on the drawing that any repair work or maintenance work has to be done inside on a concrete slab.

D. Koehler – Yes and that would be part of addressing of the standards for §155-12. There are five standards in subsection D that we ask you to take the first stab at and then the board gets to consider if those are appropriate responses and if they're not, we can talk about other mitigation things that might make their minds up on saying yes or no.

R. Lopane – Is there fueling there, fuel tank or the intention to put a fuel tank? If there is an intention, are you looking at best management practices?

Jeffrey – Not right now. Will have to talk to the owner. Have it in a sealed unit.

R. Lopane – Maybe with a canopy over it if its exterior.

C. Wallace – There is a provision, Section F7, any installation or construction or placement should be above ground.

P. Poltrack – Today basically it is anyway I believe with DEC when it comes to fuel storage. Double wall, spill containment, etc.

C. Wallace - The town reserves the right to prohibit certain installations and expansion so since that's a discretionary act, you might want to just expound on the plans for that.

D. Koehler – If there are certain things that are not proposed when you speak to the client, certainly by all means you can put a note on there that there will be no storage of fertilizers or pesticides or other things that might be of concern for the aquifer.

Jeffrey – He's a general contractor so he wouldn't have any of that.

D. Koehler – So just notate that on the plan and that way it becomes part of the record for the planning board to consider. Comment 16 was regarding landscaping which is typical for site plans and special use permits. Just thought I would throw it out there in case the planning board thought there needed to be any landscaping out there. Maybe you do a site visit and take a look at what's there now, see if you see anything that could be added on for a benefit, or we can talk about it now.

R. Lopane – To be fair to the other applicants, we did require buffering on the other project across the street.

P. Poltrack – It was also more exposed. If they're going to put a fence up with slats, it's going to help to hide it. Plus the fact that you notice the property as you're driving towards Poughkeepsie, but you do not notice the property as you're driving towards Pawling.

D. Koehler – I think that’s part of the reason the sight lines were shown on the second sheet of the plan set to give perspective of the elevation difference from 55 up to the site. That was part of the comment letter with regard to planning board discussion. We have had, not just related to the aquifer over lay but related to fire department, when we’ve had contractor yards in the past, if there was any storage of any kind of hazardous materials, we would ask that they be identified so the fire department can have an MSDS on it or something to know what’s in there before they access the building. We would ask that the town building department have a copy of that as well for understanding. Lighting is typical. This will have to go through 239 General Municipal law referral, so it will go to the county. Undoubtedly, they will ask about lighting and landscaping but more than likely they will leave it up to the town. Often times they say it is a matter of local concern but with some comments. So, before we do the 239, we’d like to at least have some of these addressed and then that way we know.

Jeffrey – We’ve got the two sides with the fence. The only side that’s not landscaped is what the property owner is going to see, and he probably wants visibility of his site from his house.

D. Koehler – At this point, if you’re inclined to, can declare your intent to serve as lead agency for an unlisted action coordinated review and we’ll send it out the agencies I listed before.

F. Garito – Motion to declare intent to serve as lead agency for unlisted action. Seconded by R. Lopane. All in favor. Motion carried.

C. Wallace – Clarifies that the motion is to circulate for notice of intent to act as lead agency.

2. Baker Hill Subdivision – Conservation Subdivision
Baker Road
Grid # 6659-00-760142
Zone R-90

Mike Gillespie, Project Engineer – A couple of things from the meeting month before last. We originally had seven lots, then went down to five lots, and then to try to keep away from steep slopes and things, all the lots were shifted up. What you see now is the conservation subdivision which the board endorsed. The board has declared its intent to serve as lead agency. It was circulated. I don’t believe there was any opposition. Soil testing was done in septic area so pretty confident in what we have out there and don’t believe those will change much. We’re in the process of making that application to them. We received a letter today from Dan’s office. One of the things that the board requests, and we’ve been diligent about doing, is getting the trees in the area surveyed. Those are not on the plan yet. The surveyor is scheduled to go out and get those on there and may have to move some things around to try to preserve those as best we can.

J. Frustace – There are other comments that aren’t satisfied at this point.

D. Koehler – Yes, just a few things. We’ve mentioned this a couple times with that other three-acre parcel. It’s owned by the same person and the code talks to including the analysis of the development potential of it and it sounds like there’s no development potential. In the past, we’ve talked about maybe incorporating it into this application which would reduce recreation fees. Sounds reasonable. I can’t imagine that lot ever being developed.

Mike – I’ve had the discussion with the applicant. There was training on there with the fire department because of the slopes I’ve heard in the past. I’ll mention it one more time. I did provide a notation on here that there is no development of that parcel.

Board members discuss location of parcel.

J. Frustace – Confirms that is the contiguous lot Craig was referring to.

D. Koehler – Yes. It's under the same ownership. That's why that one section of our code speaks to that §130-15e5 and §130-18F9 says the boundaries of contiguous owned lands are required to be shown. They've shown on the area map that they own that one but it's not the meets and bounds. It's not included in this application but I've said if it's not going to be buildable, put it in this application. Put it in that lot 1 but basically include it in the conservation area.

C. Wallace – The code has a segmentation. It calls for any contiguous properties to be included in this application so it should be to avoid segmentation.

J. Frustace – So it's not really a request, it's what needs to be done.

C. Wallace – It's required under the code.

Mike – I think there's probation too, if you make it abundantly clear that in fact there was no development intent. I'll have that discussion again.

P. Poltrack – Include it in the conservation.

C. Wallace – Yes it would have to be.

D. Koehler – Would save \$5000 in recreation fees and stop paying taxes on it.

R. Lopane – Confused. We're referring to lot number one?

J. Frustace – Adding to lot number one. If you look at the point, beyond that is another piece of property that Mr. Ferris owns with steep slopes.

C. Wallace – The lot number is 842016.

R. Lopane – So you're saying combining that into lot number one.

F. Garito – Or to the conservation easement.

D. Koehler – Yes which would be part of the lot. If you incorporate it in then you have two parent lots, five lots total so you're paying for three rec fees instead of four. That was my take. Why continue to pay tax if you never intend to develop and there is no clear use of that property that makes sense.

R. Lopane – If we leave it a separate lot, someone will come back some day and say they have a hardship and this building lot and you need to allow me to build a house there.

P. Poltrack – The road is washing out.

D. Koehler - There's drainage and erosion issues in that area. Reiterates that code requires it to be brought into the application.

Mike – One thing deserving more discussion is the conservation.

D. Koehler – The planning board has the ability to reduce the bulk requirements based on it being a conservation application. We listed three requirements that aren't being met and thought it fair to advise the applicant that we would accept those. In the case of the minimum lot width it's supposed to be 200 feet per R-90. The smallest lot is 150 so the suggestion was to just reduce the lot width by planning board action to 100 feet. Minimum road frontage for R-90 zone is 100 feet. In the smallest case, it's 65.7 for proposed lot 5 so we would say reduce the road frontage requirement to 65 feet let's say. And then for the front setback, 100 feet is required by R-90. One lots 1 and 2, those are the ones that are kind of come off

and then drops down. To keep them closer to the road will also help preserve steep slopes and the trees on them. They are proposing 54.8 feet so we could say the front setback requirement is 50 feet there. If the planning board agrees to that, I don't know if there needs to be a motion or if it's just acceptance of those.

D. Koehler – They've been granted sketch approval on this conservation layout but now as a result of them having conservation, the code says that the planning board can reduce certain bulk requirements to facilitate the conservation. They have lots that wouldn't be compliant for R-90 but they're doing conservation, the planning board can alter those.

C. Wallace – The consideration I was just talking about with respect to the sketch plan for the inclusion of this 3 acre lot, 842016, which is contiguous to the 26 acre lot that is before this board, the code says in §130-15b5: where the lands to be subdivided represent only a portion of any and all contiguous lands owned in whole or in part by the subdivider, the development potential for all lands should be adequately considered so as not to segment the review as prohibited by SEQRA. That means that the 3 acres parcel must be considered, and that inclusion might satisfy bulk area. If you have that inclusion you now have a 29-acre parcel. The board can relax those other standards for the conservation easement.

D. Koehler – Reads aloud §130-45F

P. Poltrack – Asks Jimmy if he anticipates any problem with adding the contiguous lot to the proposal.

Jimmy – Indicated that Bob seemed to have a bit of a concern but didn't know why. Doesn't see how it accomplishes any less. Maybe he thinks he can sell it to another land owner next door. Don't know. Lot is not useful for anything.

C. Wallace – Just to clarify, you don't have to consider it for SEQRA purposes. The contiguous property would have to be considered for SEQRA purposes, so it's not segmented down the road.

J. Frustace – Is it subject to discussion here? Is it up to the applicant to decide.

C. Wallace – It just needs to be considered by this board for SEQRA purposes, the particular use of that lot.

J. Frustace – But it does not have to become part of this application. Dan was merely trying to consider the finances of the rec fees.

D. Koehler – At the end of the day, if you were to try to look at the development potential of that site, we would have to consider the fact that we would need steep slopes permitting, there couldn't really be a septic system placed there in accordance with health department regulations. The road frontage should be okay but the setbacks could be an issue for sure because it's not very deep actually, but then there's water course and wetland at the very bottom of it so there's going to be buffers into that. They come up the hill halfway.

C. Wallace – A detailed map does not have to be offered to the board, but the development potential has to be addressed by the applicant because it's a contiguous property and its owned by the same developer. That's what segmentation is, to avoid duplicate SEQRA reviews for contiguous properties down the road.

R. Lopane – He has the right to keep it as one single property and enjoy it the way it is. We can suggest that we think he should loop it into this subdivision and combine it with that lot #1, but I don't think we have any right to say it has to happen. We're considering it now as part of the SEQRA, recognizing that it really doesn't have much of a development potential based on all the environmental constraints so it should be noted.

C. Wallace – That is correct. The board just has to consider development potential. It will be part of the public hearing.

J. Frustace – Confirms it has to be added to the SEQR.

C. Wallace – Absolutely. By code.

F. Garito – You’re establishing a lot.

R. Lopane – Do not want to speak for the entire board but I think it’s a good suggestion to say it would be a good idea to loop that on in. You should bring that back to your client and see what he thinks. Other than that, when you prepare your SEQR, you need to consider that extra lot and then we can move on.

Mike – Questions consideration of bulk regulations

Board members discuss whether or not a vote is needed to reduce or waive bulk regulations.

D. Koehler – We have the flexibility to allow it to be different because it is a conservation subdivision.

P. Poltrack - He would make notes on the plat.

D. Koehler – He would put some notes under his bulk table saying at the November 16, 2023 planning board meeting the planning board agreed that a front yard setback of 50 feet was required for here, something to that effect. I had those three where I showed what his minimums were for those three that were non-compliant.

R. Lopane – What officially sanctions it as a conservation subdivision? Does it have to say that in a title, just in a table as you state?

J. Frustace – Curious about the bulk requirements. Is there a certain amount of land that is required to be deemed open, percentage-wise?

D. Koehler – 35 percent. We mentioned that in here about showing the open space and that should be the next thing we talk about. Ownership of the open space is in the code. I didn’t necessarily think it would make sense to have a separate parcel that was owned by conglomerate owners. I think it would make more sense to have a conservation line and just have it shown on the field map with a deed restriction for each lot saying you can’t clear anything beyond this area. I think that meets with the intent of what the conservation subdivision is asking for, which is a certain amount of land to be conserved. I wanted Mike to basically show us a conservation line, try to get as much of the steep slopes as you possibly can in there, obviously the wetlands at the bottom.

Mike – Line something along this area here (points out on map) and if we can, define the meets and bounds from there and there to the property line, I think it would be well over 35%. We would have a large easement on all three lots and then written into those deeds of those properties will be identification of those easements, whatever the attorneys agree to.

R. Lopane – Agree with that approach. Seems most plausible for home ownership, rather than having a separate parcel that’s the easement.

D. Koehler – They even spoke about homeowner’s association but it seemed a bit ridiculous for a five-lot subdivision.

Mike – The home owner seems to get the map half the time so if it’s written into the deed, they’re very aware, not only by the map but as per the deed, this is what’s scripted under the property.

R. Lopane – But it will be on the map and the deed.

D. Koehler – Yes that is what I would want.

Mike – Fire question for Peter. We have our apparatus operating turn around areas within 50 feet. Would it make sense that you wouldn't need that and just park along the road and fight the fire from the road?

D. Koehler – He's talking about the two that are right on the road. That's what the FAB we spoke about. They're about 50 feet off the road, those two lots.

P. Poltrack – It would be a case of putting your equipment in and backing your equipment out. In other words, it's a driveway. The majority of equipment would be on the road. I would say that as long as the driveway meets driveway requirements, which is going to be width and overhead clearance, I think it would be alright.

D. Koehler – Besides that, there's a notation on there during plot plan, so whatever they actually end up deciding to do for plot plan, for each one of those properties they're going to have to show the apparatus operating area and FAB will have a chance to take a look at it then. We just wanted to make sure it is realistic and for some of the larger lots there too with the longer driveways. We normally ask for it to be shown graphically, but in this case FAB will have a chance to look at it when somebody knows what house and exactly where the driveway is going. I think lots 1 and 2, there's a little something going on there with the profiles. It might behoove you to run the driveways from the low side. Then your garage floor will be on the low side there. Two of those profiles show drainage would be heading down towards the garage and then you'd have to make provisions for drainage. It didn't look like it would really affect any other item you have on there other than maybe just moving a septic tank a little bit on that one lot. You might find the driveways might be a little more flat that way too, instead of that 10% section in the middle.

Mike – That makes sense with the way the grades are. Most of the other stuff is kind of tightening up. I have no concern with getting them in the next submission. I would ask that the time is allotted in terms of the 30 days. The board declaring lead agent would be good to give us some time to do some clean up. I'm not going to ask for a public hearing.

D. Koehler – The only response I believe we received was from Dutchess County Department of Behavioral and Community Health and they did not object to the Planning Board acting as lead agent. The just noted that there are permits required.

R. Lopane – Motion to declare planning board as lead agency. Seconded by P. Poltrack. All in favor. Motion carried.

R. Lopane – Motion to close the meeting. Seconded by F. Garito. All in favor. Meeting adjourned 8:26pm.

Respectfully submitted.
Aletha Bourke