



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD AGENDA
Minutes of Thursday, November 17, 2022

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, November 17, 2022 at 7:00 PM at the Beekman Recreation Center.

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

Also present was Town Engineer - Dan Koehler, Town Attorney - Craig Wallace, Chairman of the Conservation Advisory Council Clifford Schwark, Attorney Jonathan DeJoy and Attorney John Furst.

John led the Pledge of Allegiance and noted the emergency exits were noted.

PUBLIC HEARING

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

Dan Koehler – Received an email from applicant to adjourn until the December 15, 2022 meeting.
Rob Lopane made a motion to adjourn the Public Hearing. Seconded by Peter Poltrack. All in favor: AYE

- 2. Sparrow's Nest** – Site Plan-Special Use
Clove Valley Rd & Town Center Boulevard
Grid # 6759-00-465462
Zone TC

Steve Whalen – Whalen Architecture – Issues with the application that is online regarding the mailing and how many feet is required in the surrounding area. We have addressed Dan's memo. Drawings have been sent to Highway Superintendent. Sparrows Nest new 7000 square foot building of which 2000 will be for offices and administration. The other 5000 square feet will be for kitchen and storage. This is not a public building. Located across from the Beekman Library.

Krista Jones - Founder and Executive Director – Our mission is to feed families that are facing any type of cancer where there are children 18 and under living in the home. The food is made in house. Our refrigerated trucks can deliver to other counties. Drivers that come on Tuesday to deliver to Dutchess residents.

Faye Garito made a motion to open the Public Hearing. Seconded by Peter Poltrack. All in favor: AYE.
Unanimously approved.

John Frustace – Public comments are limited to 3 minutes per person.

Bill Crane, 254 Gardner Hollow Road – Permeable parking lot rather than asphalt parking lot. Disturbance of trees.

Peter Poltrack made a motion to post pone the public hearing. Seconded by Faye Garito. All in favor: AYE. Unanimously approved.

Board Comments: Peter Poltrack spoke to resident Brett Davis, lives across from the library and is questioning the lighting and privacy.

Matt Tawning, Willingham Engineering, Civil Engineer. Photometric plan is well within the boundary lines. Minimal lighting just for parking and deliveries.

Dan Koehler – Landscaping plans proposed may need to be pulled in a bit to make room due to the overhead wires and sidewalk easement. The Board should review the landscaping plans. Regarding lighting. Planning Board should review LED Lights that will be dark sky compliant and zero-foot candles around the perimeter. Review utility easement. The Ag data statement questions need to be revised. Once submitted to town Dan can submit to county.

Faye Garito proposes the town engineer to prepare a Negative Declaration. Seconded by Peter Poltrack. All in favor: AYE

Dan Koehler – The board is supposed to decide with the preliminary within 62 days. If we do the negative declaration in December this could allow the applicant to go before the Zoning board in January. If they get back to the planning board the board would ask the applicant to formally waive the 62-day within the 62-day period formally waive the 62-day period. There is a process and the board cannot grant preliminary approval without the zoning board decision.

3. 169 & 173 Lime Ridge Rd - Lot Line Adjustment

Lime Ridge Road
Grid # 6758-00-190470 & 110425
Zone R- 45

Peter Poltrack makes a motion to open the public hearing. Seconded by Rob Lopane. All in favor: AYE

Dan Koehler – Building and Planning Departments reviewed their legal ad in everything is in order.

Stephen Emanuel – want to expand his property from a 1.5-acre to 5.5-acre. Neighbor wants to make their 20-acre lot to 16 acres. The purpose is to save the land to avoid any potential future building. Would be going from 25-feet to 50-feet on road frontage. There will be no development plans.

Dan Koehler – Applicant has formally requested waivers related to the sketch subdivision approval. 130-12e which shows topography. 130-12f soil boundaries. 130-12h trees greater than 12-inch diameter. 130-18f frame subsection 12 which shows topography in more detail. Reason for waiver request is there will be no proposed disturbance. Just a lot-line adjustment. No changes in driveways, septic's or house locations. The board can grant the sketch subdivision approval.

Rob Lopane makes a motion to grant sketch subdivision approval with the waivers specified. Seconded by Peter Poltrack. All in favor: AYE

Peter Poltrack makes a motion to close the public hearing. Seconded by Rob Lopane. All is favor: AYE

Dan Koehler – Two more waivers regarding preliminary and final approval. 130-20a2 topography and 130-20a6 trees greater than eight-inch diameter. Waiver is because there is no destruction of property.

Peter Poltrak makes a motion to grant the two waivers. Seconded by Faye Garito. All in favor: AYE

Dan Koehler – circulated a resolution for your consideration for preliminary and conditional final subdivision. Conditions are listed in the back of the resolution. The Applicant shall provide to the Town Engineer the project plan, revised to the satisfaction of the Town Engineer to address his letter of November 15, 2022, and any additional comments that may arise as a result of the satisfaction of said letter; and 2. As the project is located within 500 feet of established agricultural district, the applicant shall submit an Agricultural Data Statement to the Town of Beekman, and the Town will mail the Agricultural Data Statement to the identified agricultural district parcels; and 3. The Applicant shall provide deeds with legal descriptions of the parcels along with TP-584 forms for review and approval by the Town Attorney; and 4. Remediate any existing Code violations as stipulated by the Building Inspector; and 5. After the date the plan was last revised, the owner's certification on all plan sheets shall be signed by the applicants and all owners affected by the application and all involved licensed professionals shall seal and sign the plans, as appropriate. One complete set of paper plans and one complete set of plans on mylar, both signed by all parties, shall be submitted to the Planning Board office after all revisions have been made for acceptance; and 6. Any/all outstanding application and escrow fees related to the Planning Board review process shall be remitted, as directed by the Town Comptroller's Office; and 7. The applicant shall sign a copy of this resolution and file it with the Planning Board for the purpose of indicating familiarity with the provisions of this resolution and acknowledging receipt of a copy thereof. This Conditional Subdivision Plat Approval expires 180 days from the date of this resolution (on May 16, 2023) unless extended by action of the Town of Beekman Planning Board. This is a conditional approval.

Faye Garito makes a motion to grant preliminary approval and final conditional approvals based on the resolution prepared by the Town Engineer. Seconded by Peter Poltrack. All in favor: AYE

DISCUSSION

1. Greenhaven Road Solar Community – Site Plan Special Use Permit; Water Resource Permit 97 S. Greenhaven Rd Grid # 6757-00-082660 Zone C-3

Dan Koehler – SEQRA was done and applicant went to ZBA and were granted area variances. Seeking Planning board to authorize a drafted resolution of preliminary sit plan approval, the water resource permit, conditional final site-plan approval and special-use permit approval for consideration at the December meeting. Fire advisory Board requested that the applicant brush hog once a month so vehicles can get through and also act as a fire break.

Faye Garito – Height restriction in place depending on the growth.

Peter Poltrack – April through November 1. Height of the vegetation be maintained no less than and no great than 6 to 8 inches.

Rob Lopane – As long as the Fire Department agrees.

Applicant – reasonable height would be 12 to 18 inches max because grass grows quick.

Robert Lusardi – Represent Ditron – agreement on the easement is in the final form but not yet signed. One item Ditron wants on the plan is a tree that is on the boundary line that was not going to be cut. Client wanted all evergreens along the boundary lines by the parking lot would not be cut.

Rob Lopane suggest a diversity of trees and not a monoculture of one tree variety.

John Frustace – Authorize the preliminary site plan approval, water resource permit, conditional final site plan approval and special use permit.

Craig Wallace – Ask applicant to review the decommission statute under solar rights. When you submit plans, you are complying with town code 155-43.

John Frustace makes a motion to draft resolution of preliminary site plan approval, conditional final site plan approval and special use permit approval. Seconded by Rob Lopane. All in favor: AYE

2. Furnia Court – Re-approved -Contractor Yard

Route 55

Grid # 6858-00-002921

Zone C-2

Dan Koehler – No representative this evening for Furnia Court. This was approved by the planning board as a site plan special use permit for contracting and rebuilding storage building. The conditions of the site-plan were satisfied. There is a condition in the town code for special use permit. If you do not start the construction within 1 year and finish within 2 years you lose the approval. A resolution has been prepared for a special use permit reapproval. Spoke with the applicant about the provisions. Site plan was still in effect and no changes. The intent is the applicant has 1 year from today to start construction. Applicants delay is the economic concern and finding tenants. If applicant sells the property then the special use is no longer in place. The board could do a draft resolution with a 6th condition granting a one-time extension for special use permit.

Peter Poltrack makes a motion to approval the reapproval of special use permit. Seconded by Faye Garito. All in favor: AYE.

John Frustace makes a motion to grant a one-time extension for the special use permit. Seconded by Peter Poltrack. All in favor: AYE.

3. Barton Orchards Farm Market – Site Plan

64 Beekman Poughquag Rd (CR7) & 3 Apple Tree Lane

Grid # 6758-00-170733

Zone R-45

John Frustace – Had meetings with Ags. & Markets regarding this application. Farm Stand versus a market. The applicant has changed the title of the application as agriculture use to add this property into the farm. I spoke with the planner at Ag & Markets and our purpose is to protect the safety and welfare of everyone in the community. As a farmer the applicant has the right to market crops he grows (marketing, advertising and selling. There are percentages that Ags. & Market refers to and that number is 70% but that can be ambiguous as to wear that percentage comes from. The applicant has the opportunity to bring in products from other farms. That serves the purpose of keeping the farms thriving. We had a meeting with the Town Engineer and the lawyer John Furst as well as the Code Enforcement and Building Inspector Jess. John Furst is going to draft a letter. There isn't a concern a bout the use or description.

Dan Koehler – Town Code and Building Inspector didn't have concern. It generally met in conformance with the definition of agriculture. As long as Ags & Market regulations were followed as the terms of the marketing portion of that definition.

John Frustace – the board has approved the use and a letter will be forthcoming.

Victoria Polidoro, Attorney and Janice for the applicant. We want to work with the board collaboratively. This applicant has been before the board since July of 2021. As noted there have been some changes. This is now an agriculture use. The parcel is now in an Ags district which gives it protection under the New York state law. Special Use permits are no longer required. The property was not annexed. The lot line hasn't changed. Farms can be made up of multiple parcels and even different ownership. This project is on a 3.87-acre parcel. It has been annexed into the farm for business purposes but the lot line remains. The question regarding the café, in New York you can have a café accessory to the farm. That in itself does not mean it is no longer agriculture use. You can have an accessory café to the farm. The guides in

Ags & Markets is 51 percent of goods not 70 percent. 51 percent average over the year is Barton's responsibility.

John Frustace – The entrance and some of the concerns with the neighbors regarding the traffic.

Peter Barton – Submitted tourism documents to the board. Treetop – I don't think the idea was understood with the planning board that was in place at that time. We had a road coming in off my other property and it went all the way down. The former town engineer Jon Bodendorf was handling the whole project and then disappeared and some of the plans disappeared but the idea of driveway going all the way down and was asked to post "stuff". There was a fine for nothing with no impact. Covid then changed for Treetop. The treetop and Ice cream sign are coming off the main sign. The farm stand was destroyed in the fire.

John Frustace – We are not here to give any harsh restrictions. We have to consider the neighbors.

Peter Barton – there are 500 homes around the farm. I own a 182-acres next to Dalton Farm. How many neighbors are concerned? There are many customers that come to my farm from Dalton Farms.

Victoria Polidoro – we are asking the board to review this application with a level of reasonableness required by Ags & Market.

John Frustace – The board relies on the professionals and they ask questions.

John Furst – Based on all the information we are all in consensus that is this an agricultural use. I had questions for the attorney with the percentages. The building inspector will follow the letter to protect the town and applicant. Have Joe go through the site plan and go through some of the issues. After Dan can go through his memo with his site plan questions.

Faye Garito – Just to clarify so the farm has to sell 51 percent of products but if there is a frost in May and the applicant loses his crops he can bring in products from someone else to keep his market moving during the hardship?

Victoria Polidoro – That is the idea with the flexibility. If the town says you have to shut down your farm market we would appeal to Ags & Market.

Peter Poltrack – At the time of Treetop there was a traffic study that had to be done and approval by the county.

Dan Koehler – The county had a traffic management plan and approved and was intended for the larger events. It was a condition of the approval for the site plan.

John Frustace – The issue is the bottlenecking. Treetop is suspended for now but if we add that with your regular business for the farm, the tap room, and now adding the market.

Victoria Polidoro – There was a market already there so the traffic would not change. When Joe is done going over the site plan I am asking that the board will accept the application tonight. We would like to schedule a Public Hearing and allow us to resubmit.

Joe Berger, Civil Engineer – The driveway will connect to the existing driveway to stay off the road. The building is 1670 square feet with an additional of 2100 square feet in order to get the square footage for the market. Adding a 45-space parking lot in the front and on the side with electrical charging stations. Septic system will be in the front. Storm water is going to be treated through a bio retention at the lower part of the site where it drains now. Using an existing well that's up on top. There's a 100-foot scenic buffer along the road. We do have the septic and bio retention in that scenic buffer. This will replace the lawn area and stay open space and provide a scenic nature with trees. The bio retention is full of plants and looks nice. Sell baked goods. Sit down with friends and have a coffee, read a book, use your laptop.

Peter Barton – The main part of the house’s vision is where the people will congregate. Would like to sell hard cider. Liquor license is already established on the farm. Will make my product is LaGrange and bring it to the market here. Cider will be one of things sold at this farm stand. This will be the main market area with possible a small bakery in the main farm area during the fall time.

Town Comments – Concerns about the existing wooded area around the house and if those trees will remain and the buffer along the county road. The concern is the neighbors. Also, the possibility of moving the parking lot. If the parking lot is moved then more trees would have to be taken down. An organized site visit will take place just to take notes and no discussions. Or give more information on the survey plan.

Peter Barton – We are proposing screening along some of the property but the house will be blocked in their view. It has to be a scheduled visit to come onto the property.

Dan Koehler – Part of the concept swapping and relocating certain things and be more of a vegetative buffer. The septic could be where the turnaround is. Bio retention could be down along the side of the parking. So, it limits and we can rebuffer. We will need outdoor lighting.

John Furst. Town Board has the process of escrow and is applied to applications. Town Engineer and planning board is considering all options for the site plan. The current plan will have the least disturbance.

Dan Koehler – We reviewed 617.4 which lists the Type I actions. The fact that it is in an agricultural district makes it a 25 percent threshold. Once action would be clearing 10-acres or 500 parking spaces. So that introduced 2.5-acres or 125 parking spaces. 617.5 lists Type II action for non-residential uses with a 4000 square foot gross floor area or less. We are applying that this is a Type II action. This was forward over to the attorney. He can give his comments. I just want offer one thing: No public hearing was ever set when they appeared back in April and June of 2021 for the farm stand.

John Furst – Agrees that this is a Type II action.

Rob Lopane makes a motion to deem the action a Type II. Seconded by Faye Garito. All in favor: AYE.

Dan Koehler - Submission deadline for the December 15, 2022 meeting is 17 days prior which is November 28th.

Victoria Polidoro – Would like to schedule the site walk before the submission deadline so if issues come up we can incorporate that into the plan.

EXTENSION

1. Norsk – Site Plan
57 Greenhaven Rd.
Grid # 6256-02-608945
Zone C-3

Dan Koehler - Previous extension through November 15, 2022. They are asked for two 90-day extension. Bringing them through May 14, 2023. They are working on the financing

Faye Garito made a motion to approve two (2) 90-day extensions. Seconded by Jayson Abbatantuono. All in favor: AYE

2. Grape Hollow East Subdivision

Grape Hollow Road
Grid # 6756-00-731467
Zone R-135

Dan Koehler - Suggesting three (3) 90-day extensions. That will bring you to April 15th, 2023. Mainly health department and DEP review of water supply and sewage disposal.

Rob Lopane made a motion to a three (3) 90-day extension. Seconded by Faye Garito. All in favor: AYE

3. Camp Ludington – Subdivision

165 Paine Rd
Grid # 6756-00-464707
Zone R-135

Dan Koehler - Camp Ludington submitted on time but wasn't placed on the agenda in time so a Resolution was not made up. Applicant appeared before the Town Board and were able to get their waiver of the recreation fees. Their approval is good until December 13th, 2022. They are requesting two (2) 90-day extensions that will bring them to June 11, 2023.

Jayson Abbatantuono makes a motion to grant the two (2) 90-day extensions. Seconded by Rob Lopane. All in favor: AYE.

John Frustace made a motion to adjourn the Planning Board Meeting at 9:55 PM. Seconded by Faye Garito. All in favor: AYE.

Meeting Adjourned

Respectfully submitted.
Planning/Zoning Secretary