



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD
Minutes of Thursday, October 19, 2023

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, October 19, 2023 at 7:00 PM at the Beekman Town Hall.

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

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

R. Lopane - Noted the emergency exits and Led the Pledge of Allegiance

PUBLIC HEARING

- 1. Samana Estates Residential Subdivision** – Subdivision
Beekman Rd & Greenhaven Rd.
Grid # 6658-00-777635
Zone R-45

D. Koehler – Notes that mailings and affidavit of publication are in order.

R. Lopane – Asks applicant for brief overview of project.

Mike Gillespie, Gillespie and Associates - Project Engineer for Samana Estates located on the corner of Beekman and Greenhaven Road. Proposing a five-lot subdivision. Two of the lots will have access directly off of Greenhaven with the balance of the three coming in off of Beekman. Greenhaven to Beekman: 3 access points. The parcel will be served with individual wells and individual on-site septic systems. Already started the process of getting soil testing done to confirm that we can get those lots on the property.

P. Poltrack – Inquires about Sharbell activity and suggests ability to tie into water and sewer.

M. Gillespie – Defers to Dan

D. Koehler – A little bit of activity but, in general, they're in discussions with East Fishkill to actually send the sewage up to East Fishkill instead of building their own sewer treatment plant and also getting water from East Fishkill. It's been about a year but there were some discussions so there's always the possibility that one will get going again at some point. Not sure when.

R. Lopane – Would like to have more discussion once public has spoken.

P. Poltrack – Motion to open public hearing. Seconded by J. Abbatantuono. All in favor. Motion carried.

Bill Crain, 254 Gardner Hollow – Recall an option for turnaround that would save trees.

M. Gillespie – At the last planning board meeting, there were some concerns relative to the location of the fire apparatus turn. They have to be within 25 feet so we incorporated those and pulled them 25 feet off the houses. In fact, a portion of those areas are now where driveways were proposed, so less trees will be removed.

R. Lopane – He is minimizing the impact of that emergency area by locating it on the actual driveway. So you're going to be impacted by the driveway itself, you won't be double impacted by having the emergency turnaround significantly off the driveway.

Mike Hayslip, 900 Beekman Rd – Family recently purchased the lot right across from Greenhaven on the opposite side going West. Just wanted to make sure where we got approval with our house and septic, everything's been measured off, that when we go to build we're not going to have any issues. Our septic right now has been Board of Health approved to be on that corner of Beekman and Greenhaven intersection on the side closer to Samana Estates where this development is going to be so wanted to make sure that was taken into consideration. Confirms that is the Southwest side of the intersection. Also concerned with missing pipe that was spoke about at the last meeting and making sure that nothing else came about from that because he has it on the plan showing that it does run into the lot that we just bought.

R. Lopane – Will discuss once everyone has had a chance to comment.

Jared Jakob, 958 Beekman Rd. – Owner of adjacent lot and only lot bordering property. The fire departments owns back lot. Lived on Beekman Rd for 40 years. Grown accustomed to privacy. Nothing can be done about selling or building but is there a way to ensure some sort of buffer to protect the nature of what Beekman has always been.

R. Lopane – That is something we have been discussing and has a lot to do with the removal of trees. Will discuss more once we have everyone's input. Asks if there are any other comments.

Jared – Only other concern is what would take place with the fire district property. They have been talking for years about building an entire training center there and firehouse and what impact would that have with houses there and how would the two work together. Don't know how a fire training center would fit into a residential area. Will be a conflict of interest.

P. Poltrack – As the fire commissioner, will address. There is currently no action being taken on the development of that property. The district is looking into and giving serious consideration to expanding current location. As a result, there has been no discussion on doing anything from a training center point of view in the foreseeable future. Protect yourself and plant some green trees in the back.

Jared – I have roughly 4 acres that I had considered possibly subdividing and putting a second house there and maybe going to another part of town where it is a little less congested. Would this impact my ability to do something like that in the future?

R. Lopane – Would like to discuss some of the issues. For the first issue, his lot is already in the process of getting approval and already received approval from the health department for well and septic. He would like to know what the impact of this project will be on his approval and if there will be an impact to his project.

M. Gillespie – As part of this process, he got his health department approval. We also have to get our health department approval. Knowing that I knew the lot across the way was actually bought and going through that process, I have a copy of that approved map in my file, so the next iteration with the health department will show his well system and septic system. It appears that we're okay in terms of separation distances but if we have to jiggle some things around, we will. He's close enough where we both have to make sure we're not impacting each other.

R. Lopane – Asks if engineer should show the separation distances on the drawing.

D. Koehler – Yes it should be on there.

M. Gillespie – Made a note of that to show the septic, the well and potential house location.

D. Koehler – It's any septic and well. I think our code calls for within 250ft.

C. Schwark – Inquires about timber law that was forwarded. Explains there is a section regarding requirements for not removing trees any further distances from various things, ie: housing, septic, etc. Also is subject to change by the planning board.

M. Gillespie – Was part of the review letter and could not be located. Indicated in response letter that it could not be found and it was provided.

C. Schwark – Can also be found on town website. Cannot speak to first hand knowledge as I have not walked the site, but some time ago there was mention of a pipe running under the road that is probably running into his property now. What is the latest on that?

R. Lopane – We are going to discuss that. The 2nd item brought up by adjacent property is concerns with privacy and what measures are being taken to ensure a buffer between his property and the new housing lot that's going up next to his property. There have been several meetings on this subdivision and been requesting they limit the amount of tree removals to only what's absolutely necessary to construct these parcels and that includes trying to maintain the wooded areas along the edges of the parcels. Maybe you can demonstrate on the drawing what is being left adjacent to his parcel.

M. Gillespie – Points out on drawing.

R. Lopane – Asks if trees on edge of property are being maintained.

M. Gillespie – Confirms yes

R. Lopane – That is one thing we've been trying to get them to do and are particularly sensitive to that. It's important to maintain a buffer between the new development and what is existing. People are currently residing there so we're making every attempt to do that.

Jared – Only problem is there is no guarantee what the buyer will do.

R. Lopane – That’s not something that the builder or we have any authority over once the person moves into that house. Cliff was mentioning that we do have a very good tree harvesting/tree removal law that limits the extent and types of tree removals that you can do so there is some level of protection that the residents have in this town. If someone goes in and starts taking down a ton of trees, we can talk to our code enforcement officer.

D. Koehler – Generally, the septic or well locations will not change as they are going to be approved by the county. Generally, the curb cut isn’t going to change because that’s going to be approved by the county DPW. The only things that end up changing for the majority of the subdivisions, as you can see there’s just a rectangle representing a house, is the location of the house relative to that. If you could just add some of those tree notes based on the law, reference the law right on the plat so everyone is aware of the law and what the limits of the tree clearings are from structures for when the plot plans come in then they can at least identify those trees at that point.

Jared – Most of those trees there, being over 8 inches in diameter, most of the foliage is up top and there’s trunks at the bottom so keeping them there is nice but doesn’t do much unless you’re 50 feet in the air. Is it possible to have shrubbery put in as a privacy screen or something like that?

R. Lopane – As a board, we are overseeing the subdivision as it’s developing and we can propose to the applicant to do some landscape buffering. That is something we can request.

M. Gillespie – I can kind of keep that open ended with the owner and the applicant because I’ve been involved in that too. In theory it looks great, put a couple of pines in, stagger a little bit to provide some buffering but when you have all the foliage up top and they don’t get the sun, what happens is they die so you didn’t really get anything out of it but I will have that discussion. Could also meet up and walk the site, figure out the best option based on the walk through.

Jared – Asks for accessibility to digital map.

D. Koehler – Explains to resident that he can complete a FOIL request and come into town hall to view the documents.

C. Schwark – Questions resident’s location relative to the project.

Jared – Points out location on drawing. Indicates it is the only residential property.

R. Lopane – Asks if there are any additional comments from the public. Is the application completed sufficient enough that we should not expect major changes to the project that require us to have public input? Do we need to keep the public hearing open?

D. Koehler – NY state law would require that within 62 days of closing the public hearing we’d have to make a decision on preliminary. There are still a number of items out there with regard to §130-20 which is our requirements for preliminary. There are two routes; you can ask the applicant to waive the 62-day process and then you could consider closing the public hearing. There may be some changes once we start talking about the drainage issues. That is really the biggest issue is drainage on the site. Can’t say for sure whether it will change the subdivision layout substantively, don’t think so but there will have to be some accommodations to garner approval.

R. Lopane – Asks if applicant would be willing to waive the 62-day requirement.

M. Gillespie – Confirms they are willing to waive 62-day requirement. Do not want to drag public hearing. Waiver would allow us to continue to get plans satisfied to move forward with some kind of approval.

R. Lopane – Logistically, how do they technically waive it, a letter?

C. Wallace – It's on the record.

R. Lopane – You just waive it right now. Asks if anyone feels like the public hearing needs to be adjourned or if it can be closed.

P. Poltrack – Very limited input, could probably close.

R. Lopane – Indicates the board is still going to discuss the project but needs to adjourn or close public hearing.

C. Wallace – Suggests asking the applicant to answer those particular questions if possible, during the public hearing and then close it if the board so chooses.

R. Lopane – Confirms he means for the pipeline. Will continue to discuss. There are 2 culvert pipes, one on Beekman Rd and one on Greenhaven Rd. There were some questions as to where they were located on the map. You had schematically located it on the map. Did you have the surveyor survey the location of those pipes? Do we know more about them?

M. Gillespie - At the time of the submission, we didn't have that exact location but now we have the exact location so that will be on the next iteration. Not too far off from where we figured it would be. We have some inverts and stuff like that now. We submitted our letter of request to the county DPW relative to the driveway locations. Basically, need the conceptual approval from them to be able to move forward with the process. These are county pipes. We don't want to fight city hall. They are there for a reason. They currently owned and maintained by DPW. They discharge onto private property. There's doesn't seem to be any wetlands on the property. It's not creating a wetland area. There's a widely defined (30-50 ft) where it just kind of runs down and makes its way from Beekman Rd. down to Greenhaven Rd. So is it something where we offer the county an easement to allow them to maintain the discharges on that property. I don't think the town would be interested in something like this. It has nothing to do with the town. So, if I resolve this issue specifically with the county, are we going to be okay with this? Would rather not go out and start doing wild drainage studies and things like this on county pipes.

D. Koehler – Did some research on this just to understand what's going on and there's over 130 acres that drain to that culvert pipe which is a lot. The culvert pipe that goes under Greenhaven is like an 8 in CMP. It's a straw. There's nothing there of substance. What happens is the water sits in that lower area where you have two driveways. We need to be able to make sure that when you're gone and the developer's gone, that a resident owns that house and now their driveway is consistently getting flooded out or under water, not passable. What we don't control is that let's say the culvert on Beekman Rd. is maybe a little too high and so water sitting on the north side of Beekman Rd. ponding there. When the county comes in at some point, they may say the pipe needs to be fixed because the adjacent property owner wants to develop and now the property is wet, so they lower the pipe and now the water is making its way through. We just have to be able to identify that and account for it for the future. That is my concern. I can tell you that there's a number of old subdivisions here and lots that were built whether it was poor design, poor construction or a mixture of both, or a complete headache for the town, and the residence expect the town to fix it so we're trying to avoid the problem before it happens. It's been a big problem.

M. Gillespie – Understands the concern with the residents. The county does not seem to have a whole lot of concern. It may take a sit down with higher ups.

D. Koehler – Don't know if its as much about them as it is about showing what's there now and how it actually reacts and what's going to happen in the future if one or the other changes. What would be helpful for your lot is if the Greenhaven Rd. pipe was actually larger and lower because right now there is a bowl there and the pipe is up high and its small.

P. Poltrack – Where is it going to discharge?

D. Koehler – It discharges across so it doesn't go to Mr. Hayslips lot. It actually goes to the 20ft x 20ft drainage easement on Sharbell where the pipe actually discharges. It's shown on a filed map. Don't know where it goes from there. Would probably go Southwest towards Fishkill creek. Don't know if Sharbell's plans had accounted for that water coming through. There are also some other discrepancies that were found to be really odd. There's mapping that shows this is a Class C stream. There's mapping that shows it's an intermittent stream, still with a Class C classification, and then there's some mapping that shows that there's a possibility that some of this water was diverted over and through a ridge and then Westerly of the site. At the end of the day, some of this can be looked at. We can go up onto that other property. Maybe some of that water is not making it down right now because it was temporarily dammed up. If that ever lets loose, where's all that water going. It's a concern that we need to be able to address. We can't anecdotally say it doesn't look like there's a lot of water there and then have to deal with it later.

R. Lopane – I could see what the county is doing. They are saying right now they are not that concerned with it. In the event one day they go to reconstruct the road and they look at the drainage on the road and they look at the drainage on the road and determine that the pipe isn't functioning as a culvert the way it's supposed to function and they go in and put in a bigger culvert, then that land owner is in for a surprise. All of a sudden, water that wasn't getting to them on a certain level storm is now getting to them.

M. Gillespie – Understand. Naturally it's called the town, but the town really shouldn't be taking the obligation for the county changing the conditions out there. It's really a county issue.

R. Lopane – If there was an easement between that pipe and the pipe on Greenhaven Rd, the landowner would know up front that there's going to be water coming through here. Maybe not today, but expected. We could then say there's an easement on your property that allows water to pass through it. Advancing that discussion as we may not need to go there but we're trying to preempt the possible problems residents may have in the future. The county may not be thinking down the line. Suggests to applicant bringing up concern to the county and question whether they will ever lower the pipe or keep it the same. If there will ever be a potential increase in runoff into this parcel, we would like to address that now if possible.

Jared - Would like to give insight as seen every day. There is a culvert put in a few years ago that crosses Beekman Road right here (points out on drawing). It goes into a trench that runs along Beekman Rd right in front of my house, there's a culvert in my driveway. The culvert falls into a trench and right about here (indicates on drawing) kind of swales off into here and all the water from Beekman Rd flows through here. It's a seasonal stream and in dead of summer dry and not flowing. Usually it's got a small trickle through it. If there's a storm, it comes through pretty fierce. It washes out the valley, goes into here and disperses in there. If you walk around there you'll see silt and sediment in the road. It flows through, you can see where leaves have been disturbed, and flows all the way through and puddles up somewhere around here (indicates on drawing) and disperses over time.

P. Poltrack – The county could control that by continuing the culvert.

R. Lopane – They would have to construct a swale.

Jared – It could flow all the way down to the road as opposed to flowing into here.

R. Lopane – Asks if applicant was aware of that condition.

M. Gillespie – No. Been on the site a couple of times with soil testing but haven't seen that kind of condition up there. Will encompass that to discuss.

R. Lopane – Think we need to investigate that drainage issue because we don't want to have a drainage problem on these parcels. For the benefit of the owner of the lot, parcel, and potential owners of those lots, we want to make sure that there's not a drainage concern. Asks applicant if he can include in the plans to do some drainage swale work along the edge of the road.

M. Gillespie – Will have to go out and take a look at it.

D. Koehler – Not sure what the county is going to say other than you can't obstruct our pipe and we are still allowed to drain onto that property if we want to.

R. Lopane – We can at least mention to the county that in the event that you ever increase the pipe size and there's a problem with our residents, we're going to defer that right back to you. That's a condition they create and if we want to remedy the potential for that now, now is the time to do it.

P. Poltrack – Questions lawsuits related to drainage onto someone's property.

C. Wallace – As long as the town doesn't divert the water onto private property or cause a condition that does so. There are always issues of municipal responsibility but I don't see that in this case with a county culvert that has already been in existence for years. Whether or not that has to be re-engineered, that would have to come from county. They would have to make that determination but the town has no jurisdiction over the county to force that.

R. Lopane – Confirms with M. Gillespie that he is going to look into the issue with the runoff coming through the property. In the meantime, we should just adjourn the public hearing until the next meeting until we get more information.

C. Wallace – You can close it. If there's new information that comes to light you could always reopen the public hearing. He already waived the 62 days.

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

D. Koehler – The only thing I would mention is if there is going to be an investigation into it, Spiro realty used to own this. They don't anymore but they own the property on the North. Just understanding what's going on up on that property to understand where that water is going would be critical for understanding how much is actually getting onto here. If there's contacts between the current owner that bought this from Spiro, if we can get permissions to walk up on there and see what's going on.

M. Gillespie – I'll just go take a walk.

D. Koehler – I think that's called trespassing.

R. Lopane – Will you be locating wells and septic in the adjacent properties?

M. Gillespie – I have it in my notes. We're going to get all those on the plans based on the comments. May or may not be back next month but not for public hearing.

R. Lopane – If I get a chance I will take a ride out. I won't go on the property but I'll look from the side. There seems to be a drainage issue on the side of the road.

D. Koehler – Confirms planning board members can take a walk on the property. Suggests no more than 2 at a time.

C. Wallace – Just don't discuss any matter with this application with anybody.

DISCUSSION

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

Brian Stokosa, Project Engineer/ Tara Khorosh, Applicant – Refreshing existing site. Planning board was okay with layout. Biggest issue was town center setback pushes the building up fairly close to the front. The ZBA granted a variance for the front yard setback to keep the building where the existing pad is. We're here to give that update that approval was received. Now its just getting the board updated renderings. We had some schematic renderings of what the building will look like. Working on full color renderings, showing staircase on the side of the building to the residential up top. Been a tough battle getting DOT input from a conceptual standpoint. Will continue to reach out. Reusing existing entrance. Don't think there will be much hesitation on their side. Working with board of health. They have some tough soils in this part of the town center. Supposed to have meeting with health department to run over design flaws on the proposal, see what's existing on site and if we'll have to make any improvements. The two components we don't really have for the board right now are the updated renderings and field grid. Working on some signage for the front. Need to move the sign back off the front property line slightly but the applicant has been working with a sign detailer. Question about signage: the sign face is 50 sq. ft. Assuming that is 50 square feet left, 50 square feet right.

Tara – On the sign currently, there's 6x4 one sign and 6x4 bottom portion of the sign. Can I use all 6x4's front and back for the sign?

D. Koehler – Yes, I believe you can. The zoning code section is §155-57. It talks about free standing signs, delineates colors, materials, sizes, and talks about back to back signs, V sign and what the angles could be before you can't angle it any further because then it's considered more square footage. I think you'll be okay but just read through §155-57.

Brian – We're developing, for submission at the next meeting, the applicant's color palette. It's a black building. Will have white window trim, white columns in the center. As you're looking at the building, that kind of shed overhang for the walkway and then metal style roof. Looking into the town code specific colors, I didn't identify anything that restricted us to that color combination.

R. Lopane – I think it says to use earth tones, right.

D. Koehler – There's actually a town center architectural design guideline book. I will forward it to you to take a look as you're going through the design and the rendering and that should provide you some guidance.

Brian – Didn't want to move too far until ZBA approval.

R. Lopane – Asks engineer if he would like to review comments.

D. Koehler – Because this is an aquifer overlay, I think we need to get a better understanding about the operation and what happens with the things in there. There was nail stations, hair stations, feet cleaning stations and such. We don't know what type of chemicals or what might be going into the septic which is potential impacts to the aquifer. Maybe in the next submission you could put together a narrative on exactly what is going in and the impact. If you have a different method of disposal of anything that might be hazardous or bad for the aquifer, that would be great to include for the board to consider when they go through the standards for the aquifer overlay. Already in talks with DOT and health department. Elevations forthcoming was mentioned. Regarding the easement, just for flexibility and future design, instead of having an 8 ft easement for the sidewalk and then the other easement for utility, maybe just make it a combined sidewalk and utility easement. That way, there could be flexibility in where the neighbors end up putting a sidewalk in the future or where water or sewer line might end up going in the future. There was a planning board discussion item that we already started talking about which was the refuse enclosures under the stairs. The planning board had generally agreed that but Fay had a concern about how long it was going to stay out there. The applicant has suggested that within 24 hours after garbage pick-up, those will be moved back under the stairs. I just wanted to make sure the board kind of gave authorization on that and then it can come off my letter. Is there a consensus on that?

No issues from the board.

D. Koehler – The ARB is also charged with looking at the lighting. They had some lighting on there. I had one comment about the lighting. I think its kind of a negligible spill over the property line but we don't want to have an issue with a neighbor so if you could just look and see if there's a better cut off on the shield on the back side of that, maybe we can prevent that spill. As the planning board is looking at the renderings and the sign, they can look at the lighting then. It would be appropriate to look at all that at the same time. There's some landscaping shown. I think it would be good if the planning board gave some guidance on the landscaping now so that they could start incorporating any changes you might have or say you like it. There's a landscaping legend on the first sheet, bottom left. And then there's locations. He's got the bigger plan there if it will make it easier (asks applicant to approach board with large map).

Board members review landscaping plan.

R. Lopane – Native plant palette is good. Are you maintaining the wooded area on the edge of the parcel? You're not taking down any trees. I don't take any exception to this. They're attempting to limit the amount of disturbance in this proposal.

D. Koehler – In terms of compliance for town center, we normally would be looking for street trees. They've shown a number of trees along 55. It would be unfortunate if that sidewalk and utility easement ends up being constructed later and affects that because they're shown within that easement. It meets the current streetscape landscape standards that we have. There's a number of landscaping features that are along the parking area to help soften the parking area which is also important to the extent that town center calls for the parking to be in the rear of the building. Since we're using the existing slab here, parking has always been in the front here, the septic in the back. Whatever we can do to soften the look of that.

R. Lopane – White pines are typically not street trees. They're used more for buffers. I like them a lot so I don't have a problem. What do you guys think?

Board members discuss tree type possibilities.

R. Lopane – Doesn't have to be decided tonight.

D. Koehler – Just thought it would be good to give them some guidance. I think they kind of get the flavor of where you're at. Maybe they can put a little variety in there and make you all happy.

R. Lopane – We like the intent, which is to landscape the property to buffer the parking. Any other comments?

D. Koehler – The rest is all pretty self-explanatory. It's a pretty thorough submittal. At this point, I would mention that the planning department had circulated for lead agency as authorized by this board previously. After the 30 day period, we only had received notification from the Dutchess County Department of Behavioral and Community Health who did not object to the planning board acting as lead agency. So, the planning board could declare itself lead agency for this unlisted action at this point.

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

D. Koehler – Maybe just get a little bit more from the DOT, Health Department, address some of these comments, those elevations. That way we can get it off to Dutchess County Department of Planning. It's part of the process for the public hearing is also having their comments from the 239 referral.

R. Lopane – Like to reiterate the importance of getting more detail down the road, with the health department in particular. We tend to move all these projects through and have very little interaction with the health department and that could have significant changes on the design. In order for us to feel comfortable with approving the project, we need to know that you're heading in the right direction with the health department and that they're comfortable.

2. Town Center Grove – Subdivision & Site Plan
Town Center Blvd.
Grid # 6759-00-500438
Zone TC

Michael Gillespie, Project Engineer – Town Center Grove. If you head up, take a right on Town Center Blvd, you pass Sparrow's Nest on the right-hand side. This property is the next property on the right-hand side (points out on map). Been in front of the board a couple of times. We are proposing subdivision and site plan. Two new multi-family buildings. These are the latest elevations that we've come up with. Each of them will have four units for a total of eight units on the property. As you mentioned, maybe on the previous application, the soil is not so hot out there so we've started work with the health department getting our soil testing done. I do have a comment letter from Mr. Koehler dated the 18th. I think the last time we were here, which was not last month but maybe the month before, the board wanted to circulate for lead agency so that should be taken care of. At this point, we would certainly be looking for sketch for subdivision and site plan and then obviously moving forward with public hearings.

R. Lopane – Can you remind me if this required any variances.

M. Gillespie – In the TC zone, they require the front is 0-15 feet. They like to have the building either on the property line or 15 ft off. Based upon the fact we had a discussion with the library across the way, the parking is in the front. Sparrow's Nest parking is in the front so in order to be fitting with the area around, we're showing that parking in the front. We have been before the zoning board. They had no issue with what was proposed for the same reason I just emulated. We may have to go back for one time. In terms of SEQRA, we've got to get lead agency squared away and then push around to the other agencies.

R. Lopane – That was the only variance? The amount of units or the fact that it's a multi-unit house.

M. Gillespie – That's all permitted.

D. Koehler – I think the variances would end up being the parking in the front which is against Town Center design principles and the front yard setback. Sparrow's Nest was a charitable facility which our code actually requires to set back 100 ft so there was a contradiction between the fact that that's in the Town Center Zone where they want the buildings up front versus this charitable facility that has to be set back by code also. In putting together that plan, the board gave Mike Gillespie some guidance and he's going to go ahead and set back the buildings a bit to provide the consistency the planning board was looking for at the time.

R. Lopane – Asks Dan if he would like to go over comment letter.

D. Koehler – They are in the process and acknowledging a number of things that they are still getting some survey on. Asks M. Gillespie to provide update on additional survey.

M. Gillespie – Cannot say the work has been done but it has been scheduled. We will have it for next meeting.

D. Koehler – Okay. This is part of the FAB comments. Comment number three on general comments. The building inspector did say that this is group R2 which is going to require sprinklers so we just need to know where any water storage would be, where emergency power would be for that, where the FDC connection would be so that the fire department can look at that and make sure that's an appropriate location for them. FAB also talked about a collapse zone on this. They thought that they would pull into this site to fight any kind of fire here and that in concert with comment 16 which talks about a requirement where the parking cannot be located any closer than 25 feet to the front of the building. That's §155-36.2b2. That's a multi-family. There's a special section of our code specifically for multi-family. It says the parking shall be located no closer than 25 ft to the front of the building. Between that and the fire advisory board comment, that might end up having to result in some sort of new look at the layout to that extent to provide both of those. You can either try to work with the FAB and then add that to the list of variances for the §155-36.2 issue, or you can try to address it and meet that section of the code and meet the FAB. I don't know if there's a way to transfer some of that parking a little further away but that's something that will have to be considered or dealt with within the variance process.

M. Gillespie – Does the FAB have a monthly meeting? Would they allow us to attend?

D. Koehler – I think that would be welcomed. That is how it used to be.

P. Poltrack – It's the second Thursday of the month at 9am at the firehouse.

D. Koehler – That might actually necessitate that the building would have to be set back even further and then we have to get into the septic design and making sure that you have room for a primary septic

system, a reserve septic system, separations, public water supply, wells, etc. We mentioned about the SWPPP so we just need to advance the storm water design a bit. Obviously, we need to get that layout issue hammered out before you get into the strict design of grading and stormwater management. There's a front elevation that was shown. Need to advance that to provide materials and colors and maybe some of the other elevation sides, rear elevations. The planning board shall review the landscape.

R. Lopane – Is this requiring post construction storm water practices?

D. Koehler – Yes. It requires a full SWPPP. There's some landscaping show right now. I don't know if the planning board wants to review any of that at the moment or wait to determine if there's any layout changes. They put a relatively robust section of landscaping between the sidewalk and the building and quite a few street trees along Town Center Boulevard and some other landscaping right at the entry to the site. There's a tree planting and shrub planting schedule on the bottom left. If the planning board wants to review some of those species now and give some guidance, that would be helpful. Otherwise, we can wait and see if there's changes to the layout.

Board members discuss tree and shrub planting schedule.

R. Lopane – Would like to see more native shrubs being used.

D. Koehler – You will need to put any lighting on there. I know you're saying there's minimal lighting but anything that's going to be there we will need to know about and get some photometrics, make sure its dark sky compliant, etc. Obviously, this is toward the end but storm water management, maintenance and easement agreements and all that will need to be included. In terms of process, the 30-day period has passed. The planning department did lead agency circulation. Again on this one, only the health department responded and they did not object to the planning board acting as lead agency so if the planning board wishes, they could declare themselves lead agency for this unlisted action.

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

D. Koehler – This is a subdivision, site plan, and special use permit, so process there is granting sketch subdivision approval if you think you're ready for that. Just sketch subdivision approval.

R. Lopane – Question about the septic. You say you don't have the best soils there for a septic. Have you started discussions with the health department on this?

M. Gillespie – We popped the holes but haven't done the design. It may just end up being a larger septic.

R. Lopane – Asks M. Gillespie to show on map. Is it all the way up in the left corner? What is the series of dash lines in the top left? Ok storm water. Is this design requiring any removal of trees?

M. Gillespie – The answer is yes, but it's kind of a secondary growth type of site. It's not wooded but kind of scratchy.

P. Poltrack – Scrub

J. Abbatantuono – Is that what is showing around the border of the property? Obviously, they have their landscaping up front but on the sides, is that what's being maintained? I'm talking more like the borders of the property.

D. Koehler – Disturbance limit.

M. Gillespie – This is along 55 here, septic here (points out on drawing).

R. Lopane – The squiggly line represents the edge of the wooded area?

M. Gillespie – Not wooded area, just disturbance.

D. Koehler – That’s going to change with the septic design.

R. Lopane – Aren’t they required to show all the trees?

D. Koehler – Yes. That may be one of the requirements for preliminary, which we didn’t go through the plans for. This is just sketch.

M. Gillespie – We’re in the process of getting the trees on there.

P. Poltrack – You’re bordering private properties on the back end of that where the septic is? You may want to consider possible screening.

M. Gillespie – If it’s needed it’s not a problem.

D. Koehler – Screening from what?

P. Poltrack – The adjacent private properties that border.

D. Koehler – You can go to the ortho photos and get it pretty close if you want to show where the adjacent structures are and that might help the board. Trees were comment seven and he mentioned he was in the process of picking those up.

R. Lopane – Are there any wet areas on the site? Relatively dry, alright. Any other questions?

D. Koehler – You could consider granting sketch subdivision and sketch site plan approval at this point and get to a higher level of design. Meet the requirements of §130-20, §155-59e and §155-60f so we can move forward. I will have to see if we need 239 referral for multi-family but then get that to a public hearing at a later date.

R. Lopane – Motion to grant sketch approval for site plan and subdivision. Seconded by P. Poltrack. All in favor. Motion carried.

P. Poltrack – Do we have to do SEQRA?

R. Lopane – We just declared lead agency so that was part of SEQRA. We don’t approve until after the public hearing.

D. Koehler – Yes and we have to know about stormwater, septic, etc. It’s all part of consideration.

EXTENSION

1. Grape Hollow East Subdivision

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

D. Koehler – I didn't think the applicant was going to be able to make it tonight but they did ask for an extension. They have provided a few supplemental submissions. We're still looking at it. We provided a draft resolution for one 90-day extension.

R. Lopane – What size subdivision.

D. Koehler – 3 lot subdivision off Grape Hollow.

R. Lopane – What is the hold up?

D. Koehler – Been going back and forth with meets and bounds descriptions, closures of that and corresponding that onto the plat and some stormwater. Still not there but getting closer. Could be faster but making progress.

R. Lopane – Requesting three 90-day extensions?

D. Koehler – Confirms it is one 90-day extension which would bring it through January 10, 2024.

P. Poltrack – Motion to grant one 90-day extension. Seconded by R. Lopane. All in favor. Motion carried.

2. Greenhaven Road Solar Community – Site Plan, Special Use Permit, Water Resource Permit

97 S. Greenhaven Rd.
Grid # 6757-00-082660
Zone C-3

R. Lopane – Greenhaven Solar. They are still not complete either.

D. Koehler – No, and it's a complicated thing. There's decommissioning plans and stormwater easements so they have been doing both engineering and legal back and forths. They have been very persistent with getting us information. A little delay with legal but also getting to a point where it's much closer and they are trying to get it across the finish line.

J. Abbatantuono – What happens if it expires? If there's weather issues, etc.?

D. Koehler – Technically, if it expires they have to ask for reapproval. Being that there would be no substantiate changes to the plan that was previously approved, it could be a streamlined process but this is only their second 90-day extension. Code permits that. I would worry if they don't come in by the end of January.

C. Wallace – There's only easements and decommissioning plans.

D. Koehler – This is our first real big application for solar field. There are others that didn't come through the town but we're just making sure, particularly with decommissioning and bonding, that's all in good place.

R. Lopane – Concur. It was a fairly complicated application with a lot of agreements so it's a genuine issue. It sounds like they are continuing to move forward.

C. Wallace – Concur. They have continued to move in good faith.

D. Koehler – So if the planning board wishes, they may grant one 90-day extension which would be through January 24, 2024 per the draft resolution provided.

R. Lopane – Motion to grant one 90-day extension. Seconded by P. Poltrack. All in favor. Motion carried.

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

R. Lopane -Confirms this is also an extension.

Peter Barton – Just started archeological survey of the property. They've led me to believe it's going to be possibly 2 months before its done so we're asking for an extension. The other reason I'm here is to briefly talk about my escrow. The only reason why I was able to come tonight was to pay up my escrow. I was told today, midday, that I had to pay to date not only the cost but then to put \$2500 more towards my project. Just want everybody to know, this project to date is \$33,657 town money, not my contractors. Most of it is for special counsel that was appointed because there was a conflict early on with my attorney. My personal attorney at the time that went to work with Craig Wallace's firm but no longer works with Craig Wallace's firm. One of the things I am asking for tonight is to remove this idea of special counsel because most of this, \$24k or \$25k, is to the special counsel. One of the things I want to bring forward tonight is that I couldn't be here unless I paid up and paid \$2500 more so you earn \$2500 tonight moving forward. My question is why was I allowed to go in front of this planning board in January, February, March, April when I was in arrears. I asked the town what I owed. They didn't know at the time. I'm realizing now that the special counsel was paid in July, so I have special counsel that was representing you against me. I didn't know what it was costing me. All of a sudden you pay them in July, 24 some thousand dollars, but I can't come in front of you until I pay that. This is like strong arm. I should not have even been able to go in front of you back in February and March. How many applicants come in front of you that are allowed to come in front of you that are not paid up in escrow would be the first question. My understanding is if I didn't pay today, I wouldn't be here tonight. Of course, if I don't get my extension, my whole project will go back to square one with all this money for nothing for a farm market from a farmer. Second, can we please remove special counsel going forward because we are so close to the end of this process. The irony of all this is when I look back at this whole project, where we are to date, conditional approval, it's almost everything that I asked for from day one. I'm asking that Mr. Wallace take over the project and we remove special counsel because it's silly and it's hideous. Did special counsel give their invoice to this town?

R. Lopane – I think we heard what you had to say. Thank you. We'll take that into consideration. We're not here to answer questions about escrow. That's not something we do as a planning board.

Peter – You do understand this is not \$2400. This is \$24,000. When were they billing the town for the energy to represent you in front of me.

R. Lopane – I understand. You got your point across. You're here for an extension and that's what we're going to discuss.

Peter – Legally, I was told that I can be in arrears and still ask for an extension. So why was it today that I was told not only that I have to pay the bill, but give \$2500 more to the town to ask for an extension. How many applicants stand up here in arrears.

R. Lopane – Can you allow us to discuss please.

Peter – This is policies and processes of the town and I feel that maybe I am being penalized for the town's incompetence.

R. Lopane – I can't have you controlling the meeting, Peter. You've got to let us discuss. If you're not going to let us discuss or move forward, I'm going to have to adjourn. So what is the proper venue for discussing an applicant's escrow?

C. Wallace – Not this. There is special counsel and I'm not even supposed to be commenting or presiding over this so I just want that to be clear. This applicant called out the conflict early on in his application so it necessitated the need for special counsel. For your consideration tonight, you're being asked for an extension of time.

R. Lopane – And that's what we'll discuss. Your points are well taken. They're noted and on the record.

Peter – Who do I talk to about my escrow? Not the finance department.

C. Wallace – The Town Board

Peter – I saw the Supervisor today and she says this board acts separately.

C. Wallace – The Town Board passes all the legislation with respect to the local code about consultant fees and such. It is right in the code. You can ask the Town Board to maybe change the law.

Peter – So it would be the Town Board that I should ask that to find out how the special counsel, what the contract is with them, why they don't bill monthly invoices.

C. Wallace – I can comment about special counsel or how people bill.

Peter – As attorney to the town, you would oversee special counsel as far as representation to the town right.

C. Wallace – I don't oversee special counsel.

D. Koehler – I don't know if I would say special counsel, it's conflict counsel. That's a better terminology.

Peter – I appreciate that because there's no more conflict.

C. Wallace – If it started as a conflict, it's a conflict.

Peter – No, I’m sorry.

C. Wallace – You can’t just ask for new.

Peter – Why not?

P. Poltrack – I make a motion to adjourn.

Peter – Without the vote Peter? Vote the way you want to vote.

R. Lopane – We’re going to have a discussion.

Peter – No, go ahead. I want to see this tonight cause I have all the money in this town and I’m asking for an extension Peter. Do what you want to do, go ahead, I challenge you.

R. Lopane – The task before the board tonight is to discuss whether we’re going to grant an extension for the approval of the Barton Orchards Farm Market.

D. Koehler – I’ve prepared a draft resolution that considered two 90-day extensions. The engineer for the applicant asked for a 6-month extension. We do by 90-day extensions per code and we’re allowed to do up to two 90-day extensions on a site plan so I’ve prepared a resolution for your consideration. Two 90-day extensions would bring you through May 12, 2024.

R. Lopane – This is the first request they’ve made for an extension?

D. Koehler – Yes. It’s been 6 months since the approval.

R. Lopane – What he mentioned was he is seeking archeological concurrence.

D. Koehler – There’s a few things. In terms of the stormwater management design with the stormwater pollution prevention plan, as part of that, when you submit your paperwork to the state- it runs through the town as MS4. Once accepted, gets sent along with the notice of intent to start construction activity to the state. The state will be looking for certain things. One is always OPRHP or SHIPO in case there’s an archaeological hit. There was archaeological identified in the area so they have to go through the process of having somebody go through and make sure that there’s no artifacts of significance or anything like that on site.

R. Lopane – We conditioned the approval based on the stormwater permit being approved by the state, is that correct?

D. Koehler – It’s part of my comment letter as the development of the plan and the supporting documentation for the project.

R. Lopane – Wondering why we didn’t start that archaeological process earlier sooner.

D. Koehler – If we went through a traditional SEQRA process where this was either unlisted or Type 1, then it certainly would have been identified where they would get on that earlier to that extent. This was a type 2 action based on the size of the building and the reuse of existing. Generally, once you have a Type 2 action, your SEQR process is complete.

R. Lopane – Don’t we have to approve the stormwater plan?

D. Koehler – Yes, and that was a bone of contention for a little while as the project was going on. There is a full SWPPP required. They're working towards that goal of providing all that, SWPPP and supporting documentation, to me. As part of that, the archaeological is being completed.

R. Lopane – I am inclined to give them one 90-day extension.

P. Poltrack – You don't want to go 180?

R. Lopane – No I think he's got sufficient time with the 90 day and if he needs more time he can come back.

Peter – Statements made away from podium not understood by all.

D. Koehler – I think he needs the two to ultimately finish.

J. Abbatantuono – Confirms applicant needs both 90-day extensions.

Peter – Based on recent feedback, 90 days is too tight.

D. Koehler – Inter terms of archaeological, the only thing that could happen is if they find something and then they have to continue to move to the next level of archaeological study and whether or not that would affect the location of the parking lot or expansion or the storm water management area or a light pole, whatever it is. In terms of stormwater management for the site, I reached out to the engineer just to say that we realize that you're looking at the archaeological now, but if you want to get me the nuts and bolts of the plans and the stormwater pollution prevention plan report, I can look at that concurrently as your archaeological is moving so that we can keep this thing moving forward and complete prior to the end of the extension period.

R. Lopane – Motion to grant resolution as drafted- two 90-day extensions good through May 12, 2024. Seconded by J. Abbatantuono. All in favor. Motion carried.

D. Koehler – Were not able to discuss the meeting minutes without the appropriate people present. May want to state for the record that minutes will be pushed to the next meeting. July and September.

R. Lopane – Meeting minutes will be reviewed at the next meeting. We do not have all the planning board members present to consult for those minutes.

R. Lopane – Motion to close the meeting. Seconded by P. Poltrack. All in favor. Motion carried.

Meeting Adjourned 8:46pm.

Respectfully submitted.
Aletha Bourke