



TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, March 21, 2024

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, March 21, 2024 at 7:00 PM at the Beekman Town Hall.

The following members were present:

Chairman- John Frustace
Robert Lopane
Faye Garito

Peter Poltrack and Jayson Abbatantuono were absent.

Also present:

Town Engineer - Dan Koehler
Town Attorney – Craig Wallace
Recording Secretary - Aletha Bourke
CAC Chair – Cliff Schwark

J. Frustace - Led the Pledge of Allegiance
Noted the emergency exits

J. Frustace – Asks if board members reviewed meeting minutes for February 2023 and asks for motion to approve.

R. Lopane – Motion to approve minutes. Seconded by F. Garito. 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

J. Frustace – Asks if a representative is present for the application and inquires where this was left off.

C. Wallace – Jim Horan was at the last meeting representing the town and did indicate that he was working on a draft letter for the applicant but we needed to find out some more information. Need to reach out to the applicant directly for the information for the letter so would ask the board to consider giving them an opportunity to the next meeting for a response.

J. Frustace – Confirms letter was not sent.

C. Wallace – Explains that based on examination of public records in the prior application, more information will be needed for the letter.

J. Frustace – Wetlands specialist said some wetlands were flagged towards the bottom of the property and we've been asking for that survey for several months. Recently we saw that there were flags but they have not been located on the plans yet after multiple requests.

C. Wallace – Notes that the applicant has reached out to the planning secretary so it appears they are engaged but not sure about the representative.

J. Frustace – Asks for clarification.

Secretary – Clarifies that the applicant has been in contact but the professional representing the applicant has not and there have been correspondence issues between the applicant and professional.

D. Koehler – Was told by email that the wetlands were actually surveyed and they asked me to come to the site. I asked that they send me the map first and I never got a map.

J. Frustace – The integrity of the delineation is gone because of the amount of time.

C. Wallace – What you can do is direct the planning secretary to notify the applicant and his representative directly and order them to appear at the next meeting in person.

R. Lopane – Motion to direct planning board secretary to require the applicant to attend the next meeting.

J. Frustace – Amends motion to add that if the applicant does not provide the information in the comment letter, the public hearing will be closed and the application denied. Seconded by F. Garito. All in favor. Motion carried.

J. Frustace – Motion to open public hearing. Seconded by F. Garito.

Bill Crain, 254 Gardner Hollow – Was sure this was the last meeting and it would be denied at this meeting which was the message received from hearing the last meeting. The application has had so many problems and they never appear; the steep slopes problem, tree problems, wetlands problems and he never appears.

R. Lopane – Trying to follow every protocol beforehand so if the town attorney could get that letter out then we could proceed toward closure if they're unresponsive.

J. Frustace – Asks if there are other comments.

R. Lopane – Concerned about the wetlands flagging being done sometime ago but survey did not follow soon thereafter so questioning accuracy.

F. Garito – Motion to adjourn public hearing to April 18, 2024. Seconded by R. Lopane. All in favor. Motion carried.

2. Pozzuto Lot Line – Lot Line Adjustment- Continuation

110 Frog Hollow Rd.

Grid # 6757-00-445645 & 563722

Zone R-45

J. Frustace – Reads aloud letter from applicant requesting adjournment. They are at the end of the health department approval process. DEC requested that the October submission be resent of which they have confirmed receipt. Asks if any members of the public would like to speak.

C. Wallace – The public hearing has remained open while they’ve diligently tried to obtain this information. DEC is busy. Can keep public hearing open for the next month in order to obtain this additional information at which point you’ll reopen the public hearing.

J. Frustace – There’s some progress being made and the delay is not as a result of the applicant.

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

No comments

R. Lopane – Motion to adjourn to April 18, 2024. Seconded by F. Garito. All in favor. Motion carried.

DISCUSSION

1. Dutchess Contracting Corp. – Site Plan/Special Use Permit
State Route 55
Grid # 6759-00-494353 & 478317
Zone TC

Brian Stokosa, PE – Giving an update. Pretty extensive traffic study was done with Colliers Engineering to the point where they gave us a preliminary layout. Pete was pretty set on seeing what the left turn looks like so they spent some time, got us a draft with the left turn lane in. Points out on plans. Right of way dedication will not be needed. Been gingerly going forward because a lot of the layout is not determined by zoning. It actually starts with drainage and backs into what our impervious coverage can be, a little more difficult than we anticipated. We originally came in at 54 units and I think we’re down below 50 now at 48. The biggest thing was the left turn lane. What does it look like? How does it affect the front building? Is DOT okay with what we’re proposing? We’re at the last step now with DOT. Colliers has reached out to DOT for input on this layout. Don’t have an answer tonight but forthcoming. Wanted to give the board an update; 48 units, left turn lane with storm water management facility located toward Route 55. Confirms traffic study and plans sent to DOT. Not sure if Colliers had their sit down meeting this week.

D. Koehler – Inquires as to the permit engineer.

Brian – Cassandra Bibo. A project like this should be elevated to the Poughkeepsie office.

R. Lopane – Inquires if they will be required to widen the pavement on 55.

Brian – Confirms yes. To give some perspective, if you look at where Bischoff Ln is right now, we’re probably going to be about 75 feet to the north up the hill because we’ll be coming in at a right angle so that entrance will be pushed down slightly. With our next submission we’ll tie all this together. Wanted to get input from the board tonight before we make the final push getting you a complete package so we can have the public hearing set.

R. Lopane – Inquires if still doing storm water practice in the center of the site.

Brian – Yes, doing some filtering, PVC in the center of the site in the lower section. Confirms lower section is storm water pond. Confirms testing was done to determine water table and was done during rainy season. Started at 90.

R. Lopane – Would like to see robust planting plan as it is Town Center.

J. Frustace – Also bike stations and EV charge stations?

Brian – We did a little EV action there, some bike stands, short term and long term, to show it in concept. We tried to hit some of the key items raised in Dan’s letter to keep moving forward. The intent is to provide those amenities.

J. Frustace – Confirms sports court and playground are still on plans. Town attorney wanted the board to inquire about an easement that would be on the southwest corner where there’s an intersection of Bischoff onto the property lot.

D. Koehler – You might have a utility easement there now, but there is a portion of the existing Bischoff pavement that looks like maybe a T-type turn around or something there that encroaches in on the last lot that it serves.

J. Frustace – Don’t see elevations or colors or anything.

Brian – Previously submitted just a mockup but will splash some color on there and get you a full rendering.

J. Frustace – Would like all of the comments answered before we schedule public hearing.

C. Wallace – I think the two owners at the end of Bischoff might need easements. You may have to grant them easements since part of Bischoff is going to remain part of that private road. Part of that private road is going to remain on the property from what I can see.

R. Lopane – If the road is going to be dedicated to the town, would they need an easement?

D. Koehler – It’s where it encroaches back onto the property. The current Bischoff comes in and then it’s like a turnaround right up in here that comes back onto the property (points out on plans).

C. Wallace – It’s going to be very wide road that gets skinny as it goes through these private homes and the private driveway to the rear.

R. Lopane – They’re going to need an easement to be able to access that part of the road.

C. Wallace – I think their consent is going to be needed too. That is going to be a legal challenge. Suggest that applicant have his attorney reach out in an effort to resolve the access issue. You can bring a culdesac to the rear with a town road to spec but it’s going to be an added cost.

R. Lopane – Asks if the driveway is on the client’s parcel and if there is an agreement.

Brian – A portion on ours and a portion on each individual parcel. Confirms there is an agreement and also a gore, or area of undetermined ownership.

D. Koehler – Do not believe there was a good agreement in place. Something that’s been learned over time is that when you have private roads and shared driveways, you have to have a good agreement in place. Unfortunately, the town is probably littered with a number of them that don’t have that.

J. Frustace – Locates rendering. Comments positively on visual presentation of building.

R. Lopane – Asks if the application has been vetted with the fire department.

D. Koehler – The Fire Advisory Board has talked about this a number of times.

Brian – Asks if they have issued any comments.

D. Koehler – No. Normally I'll get comments from that meeting and put into the review letter so there might actually be something in there, maybe Knox boxes etc. that were mentioned, but I think they were pretty satisfied with access around the buildings to be able to fight from a number of angles. Will probably end up going back to them with the next submittal.

Brian – We'll clean up some of the line work so it's clearer.

J. Frustace – Asks for summary of traffic study and for representative to explain the banking parking.

Brian – With the 48-lot count, probably under the threshold for the left turn lane. Explains that although the volume may not be there now, it will be in the future so from a planning standpoint, it would be smart to lay everything out with the left turn lane. Town center spec has on and off-street parking so we tried to accommodate that with the town road aspect of the project. If you look at the overall parking for the unit count, we are heavy but are incorporating that on street parking concept. We show we can meet our parking. If the board would like to see bank parking, we could show that out. What we did, from an impervious standpoint, is full buildout condition, design storm water and then if the board wants to pull back and have some more green then we can accommodate that.

D. Koehler – This is the first opportunity for a new Town Center street. There's a detail in our code that shows the streetscape that was always intended so that provided on street parking, curbing, sidewalks and trees so that's what we're trying to create there.

J. Frustace – It would be very helpful considering this fact when you do your elevations and have colors for the building. Within that landscaping, trees and sidewalks, and you have the playground and court more for presentation than calculations and layout.

Brian – On the site plan will have a colored landscape plan so you can see potential areas.

J. Frustace – The EV stations, light posts and that would like to see more for presentation on the screen rather than paper copies. Suggests having a nice presentation for the public at the public hearing.

EXTENSIONS

1. Alaina Estates Subdivision – Site Plan Beekman-Poughquag Rd. (CR7) Grid # 6758-00-642721 Zone R-45

Donald Capolino, JSM Attorney – Alaina Estates which is a 16-lot subdivision. Project was supposed to served with water and sewer services from the Dutchess County Water and Wastewater Authority and has been from the beginning. We were involved with a lot of those negotiations when Bridget Barkley was the executive director. In 2017 we received high quotes for fixing the Plum Court pump station. There's never been a water problem and it's never been an issue. The Dutchess County legislature has approved the expansion of the water and sewer districts and everything had been going well. We engaged Day Stokosa to go look at the problem because it seemed a bit expensive. They looked at it and came up with an engineering solution. Client had already paid somewhere in the neighborhood of \$23,000 to the DCWWA besides hiring our own engineers to come up with a solution. The problem with the pump station is that it goes from 4-inch pipe to 2-inch pipe back into 4 inch pipe. They came up with a very practical solution. The DCWWA hired Rich Rennia to do the

review and he came up with \$130,000 cost. Bridget said once you add management fees, \$178,000. My client agreed to pay half the cost up to \$100,000. Before we entered into the 2021 Memo of Understanding with DCWWA, we had a purchaser sign a contract and everything was moving along well. There was a change in administration and they decided they needed a different solution which went from \$178,000 to \$564,000. We've been negotiating with both the purchaser who's going to build it out and the DCWWA to see what could be done as half of that was not feasible. There was a closing on August 5 and found that the Saturday before, the purchaser was not satisfied with working through a solution with the DCWWA. Eventually, a solution was negotiated but the purchaser withdrew just beforehand. We have another purchaser and signed contracts and have the down payment. Ready to close. Respectfully request one more extension.

J. Frustace – Also received two letters. One was from assistant county executive requesting we honor the extension. The other from DCWWA explaining the issues that occurred on their behalf.

C. Wallace – Been in touch with Mr. Capolino who has been passionate about keeping us informed. Concur with recommendation for extension.

R. Lopane – Asks if costs have changed or if there was a negotiation of the more expensive remedy.

Don – I think the decision that was made was not to solve the problem with the present one but to redo it and put in what we refer to as the Cadillac version. That may be a bit cynical. I think he had his reasons for doing it. The new executive director is an engineer and wants the bigger one to take care of all of the potential things that may come up so he's asked for that. It still has to be put out for bid. The cost we will incur is a good portion but not half as was asked in the beginning and that scared away the other purchaser. Were working with them to come up with solutions on how the bonds are done, etc. We've come to a solution to provide service to 8 units immediately and the next 8 units can be constructed but won't be connected and get CO until the next upgrades are done. Whatever modifications are made during that time, our client and the purchaser are not going to have to bear direct cost of any of that. The \$100,000 is still going to be put up by my client

R. Lopane – Confirms they will not be granted CO until they get the improvements to the pump station.

D. Koehler – The first 8 can.

Don – The pump station is working adequately in the opinion of the DCWWA to handle the first 8 units. They were suspicious of the second 8 units. They're not getting a lot of flow. We believe that if we followed the Stokosa design or Rennia approved design that it would more than have handled that of all 16 units and perhaps then some but they're building for the future. We understand. We're at a point where we just want to get this over with and stop the bleeding on our end.

J. Frustace – Comments on the changing of meters in Dalton Farm and the fact that there has been a 25% increase since the new meters. Hopeful that this project will distribute that cost and decrease the amount of money by this getting developed.

Don – There's also the regular bond that you pay down each year. I think it is being paid off in this year so hopefully your annual bond charge will either go down or be eliminated if they're going to take another bond out for other improvements or upgrades to the system it should be significantly less than the acquisition bond.

J. Frustace – We refer to it as an improvement bond as opposed to an acquisition bond. That was discussed at a public hearing but not as clearly.

D. Koehler – Based on some of this new information, we prepared a resolution at the last minute so you really haven't had time to digest. The one difference is we went 91 days which would bring us to the June date for the meeting at this planning board just in case. Wasn't there a closing scheduled for May?

Don – The contracts were signed and completely finished on March 15 and it's through 75 days later so it's within that.

C. Wallace – Asks if there is financing.

Don – Confirms cash deal.

R. Lopane – Inclined to move forward but would like to comment. As said past, the board should not be making judgements based on what is going on in the background with real estate deal. It sets a dangerous precedent when the board makes decisions based on residential transactions that have nothing to do with the public. At any point, the applicant could've paid the money and then worked out a deal. It's a nicely designed project but the discussion about the rationale for why it's late is not our concern and never should be.

Don – Explains that the issue has always been with DCWWA and that there was a deal and it changed.

R. Lopane – Understood that you had a difficult time negotiating. We hope that you work out those arrangements or come close to it before you get to the point of a conditional approval. As a board, we do not want to set a precedent for future applicants.

Don – Reiterates that the cost increase would've made the project no longer feasible and a solution needed to be worked out.

R. Lopane – Inclined to move forward, just wanted to make the point for the board's sake and the record.

J. Frustace – Reads aloud prepared draft resolution.

F. Garito – Motion to accept resolution. Seconded by J. Frustace. All in favor. Motion carried.

PRE-APPLICATION

1. Hitorra Subdivision

Baker Road
Grid # 6659-00-848412
Zone R-90

Brian Stokosa, Project Engineer – Property located on Baker across from High Ridge, the lower section. Tried to indicate sensitive areas. We are in R-90 zone. The applicant is looking to do townhomes which are a permitted use. If you look at how we establish density and count criteria in R-90, there are no values. Some conservation areas and try to clump density in flatter areas. The townhomes have a garage and then you can park 2 cars in front of each individual town home and visitor parking off to the sides and in the center.

J. Frustace – Confirms each of the PODS on the map represent three and public should see.

Brian – Tried to break it up and cluster them into groups of three and six trying to preserve sensitive areas. The circles at the bottom obviously storm water. Would have plantings in and around the town home areas. The project would be served by on-site central water and sewer so probably have a well field and water storage tank for pressure and fire-fighting storage. Down toward the lower area, probably doing some kind of MVR plant for sewage. Confirms it will be discharged to the existing going down site.

F. Garito – Comments as to the amount of water that will be added.

Brian – There will be oversight from NYSDEC and the health department. The idea is whatever is generated on site to capture, treat and discharge.

F. Garito – Questions number of units.

Brian – There's some old growth and large canopies in there so there's some areas that have brush. Trying to keep any kind of development off of 15% or greater. Basically, where you see shaded are 15%.

R. Lopane – Confirms pretty much the whole lot is wooded.

Brian – With this, sidewalks throughout, center clubhouse, pool, sport court.

F. Garito – Questions number of units.

Brian – On this plan you're seeing here, 138.

R. Lopane – Asks if that exceeds the density requirement.

Brian – That's what we're here to talk about. If you look into the R-90, it suggests townhomes. It doesn't specifically speak to how to design the townhomes. It doesn't speak to a density requirement in the R-90.

D. Koehler – Establishing the count.

R. Lopane - Doesn't that apply to all the different types of residential uses?

D. Koehler – Would have to look into it more. The way the pre-application meetings work is that there's no escrow set up so I don't exactly do a technical review. Just listening in on this one and taking a look at what is being proposed and certainly work towards a better understanding of our code is trying to make this work in terms of density.

J. Frustace – No comments until you've made that step so they can look into this.

Brian – With most boards, it's a formalization of having escrow established.

J. Frustace – It is a significant project plus there's traffic issues involved here and other things that I would need to hear from Dan.

D. Koehler – One thing is the Fire Advisory Board would probably be looking for some sort of secondary way out of there.

J. Frustace – CAC would also need to weigh in due to steep slopes.

Brian – Asks about setting up escrow.

R. Lopane – Concerned with density. Seems like a lot of units in an area that's very environmentally sensitive. It's fully wooded, has lots of steep slopes. Even the slopes that are not 15% it's not a flat area. To be able to achieve, you're going to have to do a lot of major disturbance and grading to be able to cut all those units in. We're told all the time that our ordinance is confusing, broken, not giving enough guidance. I'm sure there's a table in there that provides a density for that R-90 zone. It just doesn't specify a different density between the different types of residential uses. Whatever the density is, that's the density. It's meant to be we mean to have this density in this zone. If you want to do townhouses, single-family, you can but you have to meet the density requirements and clearly there's a reason this zone was an R-90 because it's further out in the rural wooded areas.

Brian – Will have to explore that option. The fallback is to do a conventional subdivision. Right now just exploring options to have it at the right count for this piece but it's obviously subject to review and access so it was just to introduce it to the board, establish an escrow account and working to see if this is viable.

J. Frustace – Dalton Farms has pre-existing townhomes that could give you a benchmark.

R. Lopane – Not against townhomes or clustering development to help protect the environment, just giving my opinion. It seems like a lot of density and a lot of disturbance to the environment. Would be very concerned about not only the steep slopes, but wetlands, watercourses, old growth forest. Would like to know what size the trees are as I am learning more and more about old growth forests. There are very few remaining and they serve an important biological habitat ecosystem. Faye's initial issue of sewer, having lived on a property that's below other properties that were developed, I can tell you that there were impacts. Not suggesting that you can't somehow mitigate but that's what we want to keep an eye on, that there's no additional storm water coming off the site, no sewage affluent, not drawing down the aquifer. These are all the things I would be concerned with when you're proposing what looks to be a very high-density development.

J. Frustace – How many people would fit in that proposed space? How many bedrooms.

Brian – Mixture of 2's and 3's.

J. Frustace – Confirms the lot is 104 acres. The Dalton Farms 700 acres, 350 homes I believe. That's dense. I concur with Rob on that.

F. Garito – If you did houses, you wouldn't have to have the sewer system and how many units do you think you could get there?

Brian – Confirms 55 houses, subject to investigation.

F. Garito – But on private septic. Have you tested the water?

Brian – This is just preliminary. We don't even have a survey. We want to see where this going and then we make a decision. First step was to get input and second to set up escrow just to go over concepts.

J. Frustace – We want to understand your rights as well so that's part of why you need to move forward in that direction.

Brian – Asks about setting escrow amount.

D. Koehler – Craig was suggesting \$5,000. You can contact the secretary.

2. Schacht Subdivision

Baker Road
Grid # 6559-00-720250
Zone R-90

Schacht Property Solution, Applicant – Presents board with booklet containing plans, etc. Confirms property on Baker Rd. about a mile south of Delfina.

Board members review property location.

Schacht – Confirms single-family homes. 17-acre parcel want to subdivide into 8 lots keeping with 2-acre zoning. Fortunately, not too many issues to deal with as far as grading, water, wetlands, etc.

Discussion regarding parcel location.

Schacht – The idea is 2-acre lots, 4,000 sq. ft. above ground with unfinished or finished basements, depending on preference. Will be 8 homes. Looks like there should be plenty of room, ingress and egress.

J. Frustace – Comments that density is appropriate. Asks if they will need two ways out and comments that the applicant will need to also establish an escrow to have the application reviewed.

R. Lopane – Comments that there may need to be a paper street to allow for future connection.

Schacht – Wanted to show the layout, some proposed floor plans and illustrate how we wanted to subdivide the lots, show how we would be able to create the road to come in and out, show that lot sizes meet zoning. Asks if there is a recommended escrow.

Secretary – Comments that it depends on the lot count and other factors.

R. Lopane – Asks if applicant anticipates the need for any variances.

Schacht – Confirms no.

R. Lopane – Asks if property is mostly wooded or densely populated with trees.

Schacht – Confirms yes.

J. Frustace – We have wetlands laws, steep slope and forestry laws in our town. Would like to see trees delineated on the property, existing ones over 8 inches, the viable trees, not thatch or weed but any type of thriving tree.

R. Lopane – Follow the requirements.

J. Frustace – The secretary will help with escrow amounts and the town engineer can review and provide comments.

R. Lopane – Only concern is that it is all wooded, all trees. We are going to want to see a plan that minimizes, to the extent needed, to build the homes and not clear cut the whole thing. It's going to be a pain in the neck for the builder or developer and will require more attention to detail. It's easier to clear. Customers will appreciate that when they go to buy.

J. Frustace – You've got 50, 60, 70 year-old trees. You can't replace those.

R. Lopane – We're going to need to see what you're planning on doing with the storm water.

Schacht – Confirms well and septic and catch basins on the sides.

J. Frustace – Questions if it is within scenic viewshed overlay. Those are the kinds of things to look for.

Schacht – Questions whether the board would want plans for both the subdivision and the homes at the same time or separately.

R. Lopane – For the homes, you're just locating the rectangles and demonstrating that you can get a driveway in there. The shape, design, square footage of the home will go through the code enforcement officer when you go for a building permit.

F. Garito – We don't aesthetic review on that. We maintain it with the town center but not residential homes.

R. Lopane – Asks if any soil investigation has been done.

Schacht – Confirms yes. It was part of the preapplication process so we took a look at everything. No issues with the percolation test.

R. Lopane – Asks if triangle in bottom corner is stream quarter.

Schacht – Indicates there's only a small bit of wetlands in the very front but can't really tell when you walk the land (points out location on map).

J. Frustace – The wetlands would be important to put on the plans.

R. Lopane – Reiterates that the board would like to see how they plan to handle storm water practices as it may have an impact.

J. Frustace – Asks if applicant has storm water plan and indicates that is an item that the town engineer will want.

R. Lopane – It's not always possible but it's good you're trying to work within the confines of the bulk regulations.

Schacht – Asks for recommended next steps.

J. Frustace – Instructs the applicant to correspond with the secretary with regard to the application. The town engineer and attorney will establish the escrow amount.

F. Garito – Motion to close meeting. Seconded by R. Lopane. All in favor. Motion carried.

Meeting adjourned 8:29pm.

Respectfully submitted.
Aletha Bourke