



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, May 16, 2024

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, May 16, 2024 at 7:00 PM at the Beekman Town Hall.

The following members were present:

Chairman- John Frustace
Robert Lopane
Peter Poltrack
Jayson Abbatantuono
Faye Garito

Also present:

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

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

J. Frustace – Asks if board members reviewed meeting minutes for March 2024 and April 2024 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 – States public hearing has been adjourned for 23 months through no fault of the applicant. Reads aloud letter from applicant’s engineer Gillespie and Associates requesting adjournment to June 20, 2024. Responses to the town engineer’s comment letter were received this morning and there was not sufficient time for review.

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

Bill Crain, 254 Gardner Hollow – Indicates that he visited the site and captured video of the stream the applicant would like to move.

C. Wallace – Comments that if there is a video, there has to be a medium in which the entire board can view and it can become record of the proceedings. If it could somehow be projected, it could be the basis for the applicant's response at the next meeting.

Bill – At the last meeting, the applicant suggested moving the stream. It's more than a ditch. Goes down parallel to the road for 5 or 10 yards and then under a tube (culvert pipe) and then into a much bigger stream as soon as it gets under the road. Don't remember the name but it's a tributary stream to Gardner Hollow which is Class A. Would guess it would fall under DEC regulations.

Video plays on projector.

J. Frustace – Questions type of stream.

Bill – States there are several along the road.

D. Koehler – It showed up on our NRI maps and Cliff had mentioned it las meeting as well. It shows up as a water course on our NRI maps.

P. Poltrack – Questions if it is on the property itself.

D. Koehler – Yes. It comes down right towards Pleasant Ridge Rd., hits into the ditch and there's a culvert pipe that crosses Pleasant Ridge down into the stream on the opposite side.

J. Frustace – One of the points Rob brought up is that there were issues getting that area surveyed and marked and he didn't see a stamp.

R. Lopane – If we question the applicant's professional, we have the right to hire our own if needed. It's disturbing, the misrepresentation, from the beginning with the trees and water courses out there. Told one thing but the evidence shows there is definitely a stream there and it falls within our regulations to assess any impacts. It was made clear at the last meeting that they need to go back and review what's on their plan as existing conditions and design accordingly. If there's an actual stream, you have to design around it, whatever that means, that doesn't have an impact to the stream. That's what we have to assess as a board.

Video replays on projector.

R. Lopane – It appears to have the anatomy of every part of a n ecosystem of a stream and doesn't seem to be seasonal. It has the boulders, the flowing water, wetland area, tiny bits of vegetation in wetland. There's clearly biological activity occurring all up and down the stream and something we're supposed to be looking out for according to our ordinance. Looks perennial. Has enough rushing water. For our purposes, its classified as a water course, period, and must be reviewed as such.

J. Frustace – Asks if all water courses have the same buffer.

Cliff – Yes. 50 feet.

C. Wallace – If this board feels it would need the assistance of an expert in that particular field for your hard look that you're required to give under SEQRA, you're within your rights and duty bound actually, to seek that assistance and have your own expert and consultant for that reason.

R. Lopane – On every project, we like to give the applicant the benefit of the doubt, provide their own professional services. In most cases its fine and we give them the opportunity to handle that with their own professional services. It gives them the right to negotiate and keeps us out of it but when it comes into question

there's been misrepresentation, and they're representing something's not there when clearly it is, perhaps we should hire a professional.

C. Wallace – You have a member of the public who just provided a video and evidence of a water course. Don't know if it meets the definition of a water course but definitely a stream. Whether or not you can draw conclusions from that video without the assistance of an expert who can draw parallels to our code and instruct and advise you, don't think you can without that expert.

J. Frustace – Favorable towards requesting that.

J. Abbatantuono – The fact that it has been misrepresented is grounds enough.

D. Koehler – Clarifies that the submittal package that was received was due 17 days ago and did not have time to review. The standards within §155-52 are what we talked about at the last meeting. Specifically told the applicant they needed to provide all the documentation outlined in §155-52 and it's a lengthy section of code all about the standards, application process and what needs to be done for the board to make a permit decision because it is a water resource permit that this board is charged with making a decision on. Don't know level of detail in submission but can offer suggestions, if you wanted to assign someone, that could support the board

R. Lopane – Asks how that works logistically.

C. Wallace – This board has inherent authority to authorize it.

D. Koehler - Confirms it becomes an escrow expense for the applicant.

R. Lopane – It's warranted we need an accurate assessment of the wetland and the water course because it's currently in question and that's why we need to get a wetlands specialist on board.

C. Wallace – Reiterates that the video needs to be put on a medium to be made viewable and part of the permanent record that the public can see.

R. Lopane – It's important to have an independent assessment.

C. Wallace – You now have to rightfully obtain that expert opinion in order to satisfy the hard look. Expert will need to get up to speed. Maybe should adjourn to July.

J. Frustace - Motion to have wetlands specialist/scientist to report on the nature of the wetlands on that property and this water course. Seconded by F. Garito. All in favor. Motion carried.

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

J. Abbatantuono – Motion to adjourn public hearing to July 18, 2024. Seconded by R. Lopane. All in favor. Motion carried.

C. Wallace – The public hearing would be kept open until that date.

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 received from applicant requesting adjournment. Asks if there are any public comments.

R. Lopane – Motion to adjourn to June 20, 2024. Seconded by P. Poltrack. All in favor. Motion carried.

3. Rieckermann Lot Line – Lot Line Adjustment
110 Greenhaven Rd.
Grid # 6658-00-742061 & 787036
Zone R-45

J. Frustace – Comments that there were some inconsistencies with the mailing that have now been sorted out.

Secretary – Indicates that one of the adjoining property owners (642 Route 216) no longer owns the property and therefore did not receive the notification of public hearing. The applicant confirmed the notice was hand delivered to that resident who brought in proof of receipt as well as affidavit of publication and indicated he had no issues or concerns with the application.

D. Koehler – Asks applicant to describe project for the purpose of the public.

Christian Rieckermann – Glad public hearing notices were acceptable. Also owner of Frog Hollow Development. Single lot, adding land to parcel that is the primary residence. Own both properties and moving flag lot line over to incorporate a building structure on that property, a detached garage.

J. Frustace – We'll put the design up on the screen and then individuals from the public can approach the podium, announce name and address and comment. That way it will be on record.

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

Christian – It is a simple realignment of R-45. In the process of addressing the concerns. Most of the comments were addressed by consultant. Already filed with building department to demo the accessory apartment so that will be eliminated.

J. Frustace – Invites public comment.

Brian Wilson, Dixon Ct. – Indicates he did not know details. Confirms nothing is happening to the other property.

Christian – Confirms at this time just opening up that flag lot line because the structure is on the old property line. This was a structure that was in the front of the property that was demolished (points out on map) and rebuilt.

Bill Crain, 254 Gardener Hollow – Recall at the last meeting, the applicant saying that the overall plan is to develop this to sell it and for development. If so, would like to know what is there.

J. Frustace – The nature of this application is a lot line adjustment and the board is only discussing that. If there is another application, there will be more information and details provided prior to that public hearing.

C. Wallace – Adds that as part of this application, it's a simple lot line revision that cannot produce or spawn off a new buildable lot so there's no buildable lots that are going to be created here and that is what the map says. I believe there is a note on there, and if there isn't, there's going to be a note on the map that's on the mylar that's filed, as well as the deeds, that there's no buildable lots created.

J. Frustace – Asks for elaboration as to why.

C. Wallace – That's part of this application. It would be a traditional subdivision if buildable lots were created so that's not the case here. It's not how the application or notes are set up.

D. Koehler – Maybe some of the wording that would help would be an “approved” lot. It's not saying that the lot is not buildable, it's saying that they'd have to go through a process to make buildable lots out of the remainder parcel.

C. Wallace – There's going to be a clause in the deed, and in the legal conditions, that the conveyance doesn't create any new or additional building lots or parcels. Towards that end, asking you instruct the applicant to provide meets and bounds description on the 1.5 acre parcel in light blue so the deeds can be easily identified and show that piece going from Frog Hollow to you personally. Its easier to follow and delineate as to how that was created in the first place. Asks if sole share holder of Frog Hollow. Confirming yes, adds that as we get later on the conditions of the legal requirements, will ask for a resolution from that corporation deeding the property. Asks if there are mortgages.

Christian - Confirms mortgage on primary and was disclosed.

C. Wallace – When you add a piece of property to a property that's already encumbered, the bank requires notification. Suggests applicant speak with own attorney.

D. Koehler – Most of the technical comments were addressed. Procedurally, need to grant sketch subdivision approval as there were a few items that weren't provided in the first submittal that have been provided since. That was mentioned in the letter.

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

F. Garito – Motion to grant sketch subdivision approval. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – Clarifies that in Beekman, lot line realignment is considered a subdivision. There're two lots today and two lots after this process is over. There're no net new lots.

C. Wallace – The 1.5 acres depicted in light blue that is going to be added to Mr. Rieckermann's light green parcel will be a single unified lot. That's why meets and bounds description is important in the light blue as it will be subtracted from Frog Hollow and added to Mr. Rieckermann's property.

D. Koehler – That addition of property actually puts that lot into conformity in terms of violation of setbacks.

C. Wallace – This is a Type 2 action so SEQR not required.

D. Koehler – Deemed at last meeting.

Christian – Will have conditions prepared for next month's meeting.

D. Koehler – Can look to the board and if you want to resolve to have us draft a resolution for preliminary conditional and final approval, can do that for the next meeting.

J. Frustace – Asks for motion for resolution for conditional and final approval.

P. Poltrack – So moved. Seconded by F. Garito. All in favor. Motion carried.

J. Frustace – Will prepare resolution and get it signed off.

DISCUSSION

- 1. Town Center Grove – Site Plan/Special Use**
Town Center Blvd.
Grid # 6759-00-500438
Zone TC

J. Frustace – Confirms location is between soccer fields and Sparrow's Nest.

Brian Watts, Day Stokosa Engineering – Gives brief project history. Previous professional had gotten through sketch subdivision approval, sketch site plan approval element of what amounts to about twice what we're showing here. This was originally going to be subdivided in the middle with mirror image lots on either side, parking in the front, buildings and septic in the rear and a lot of storm drainage along the western side. We've been approached to bring this to the finish line. From that starting point, the scale and scope of those improvements, it didn't work out with the sight soils and was just too ambitious. With the less than ideal soils, we've pulled everything back to about half. Got rid of the western building and changed the parking arrangement. Now in the rear which is more in line with TC standards. Septic will shrink as a result. Storm water is not nearly as much of a concern now that disturbance was reduced. The amount of impervious we'll be creating is substantially reduced. Subdivision elements are no longer applicable. Keeping as one lot. The building is the same as the original sketch plan approval. Four (4) three-bedroom units for a total of 12.

J. Frustace – Asks to see elevations.

Board discussion regarding siding materials and other aesthetic recommendations such as landscaping plan, more stone and two-toned siding.

R. Lopane – Questions amount of disturbance.

Brian – Just under .9 acres. May fluctuate as we go through board of health and other regulatory agencies but determined to keep under an acre. Prepost should work out. Trying to avoid having to do any large-scale water quality treatments with the soils being relatively inhospitable towards infiltration similar to a couple other properties. Its hard to meet some of those water quality volumes but will do what we can. Don't believe well has been drilled. Proposing in the southeast corner. Believe there's a well further away but more than 250 feet. Will be public water supply so we're going up to the mechanical room in the corner. That's where we're going to have any kind of treatment. Can expect stonework or anything on that to complement the building. Will have a lot of sheet float coming straight off into this now open flat area to try to keep all the water on site as much as possible without having to dig.

J. Abbatantuono – Regarding septic, questions ability to utilize existing although not perking as it should.

Brian – It's a larger system. Believe it's already been sized as showing to work. If we were to have subdivided it, not going to get two of those systems on here and meet all the setback requirements and storm water in the ground for that size. Confirms can use what's there and not having to build a pump-up system or extra fill.

D. Koehler – Showing fill right now. Common for Dutchess county to have fill pad.

R. Lopane – Questions tree removals.

Brian – There are going to be just in the vicinity of disturbance. No significant trees between the well and the building. Obviously going to lose the trees where we put in the septic system.

J. Frustace – Asks for trees to be located on plans.

D. Koehler – Confirms they are, with sizes. Suggests showing removals on existing conditions so the board can understand how many trees above 8 inches are showing as being removed.

C. Wallace – For clarification, want to make sure the applicant knows this is a 4-family, considered multi-family under our code but has a special provision in §155-36(2) for multi-families in the TC district requiring special use permit and site plan. Also, it is an unlisted action.

P. Poltrack – Asks how far off the road.

D. Koehler – It is 14.9 feet from the right of way line so maybe another 12-15 to the edge of pavement.

P. Poltrack – Wondering about setback because of the road traffic to the soccer fields and wondering if setback enough or should be a little further as it is a residential property.

D. Koehler – The setback is 0-15 feet and 15 is supposed to be the max. County Planning came back during the 239 referral and lead agency circulation with a number of comments having to do with town center design principles and setbacks; sidewalks, walkability, buildings up front, parking to the rear of the building, all different from previous plan.

J. Frustace – Asks about sidewalk in front of Sparrow’s Nest.

D. Koehler – Was set up so that if property on either side had sidewalks, they would end up building theirs as well within a certain time. They’re bringing a sidewalk right to the common property line with this application.

Board members discuss crosswalk, stop sign and agreements for contiguous sidewalk.

R. Lopane – Based on aerial photograph, looks like the lot is completely wooded so looks like a lot of trees to be taken down but seem to be minimizing disturbance as much as possible. Should be some level of mitigation within the area that’s developed in the parking area and around the building of new trees, large deciduous or evergreen trees that’ll help buffer the building and mitigate the effect of the loss.

D. Koehler – Landscaping plan proposed, meeting the town center design principle for street trees every 25 ft along the whole frontage. Proposing Eastern White Pine that is not necessarily a street tree that the town normally wants to see as a street tree. Part of the design principles with the Town Center is lots of shrubbery and street trees. They’ve already shown quite a bit of that on their plan and the Planning Board needs to provide some guidance on that.

P. Poltrack – Heavy soils should play into chosen landscape plants.

D. Koehler – Currently 17 Eastern White Pines proposed, 6 Winterberries and 6 Silky Dogwoods shown. Those are more interior to the site.

F. Garito – Suggests consistency with Sparrow’s Nest.

R. Lopane – Don’t want monoculture. Suggests landscape architect.

Board members discuss varieties of trees and landscaping.

D. Koehler – There was already a lead agency circulation on this when it was a site plan and special use permit that had double the amount of units, much more impervious coverage, more impacts to storm water, water supply, sewage generated, etc. Felt that recirculation was not necessary as there’s a reduction in environmental impact. Planning Board declared itself lead agency at the October 2023 meeting. Thought it would be cleaner for the record, now that the subdivision component is no longer a part of it, to rescind sketch subdivision approval that was granted at that time.

F. Garito – Motion to rescind October 2023 sketch subdivision approval. Seconded by R. Lopane. All in favor. Motion carried.

D. Koehler – Also appropriate to rescind sketch site plan as it is quite different.

F. Garito – Motion to rescind sketch site plan granted October 2023. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – Already discussed Town Center requirements on landscaping and buffering. Driveway and parking surfaces currently proposed as Item 4. Worthwhile for planning board to discuss, particularly in terms of storm water. Still looked at as impervious surface as it ends up getting pretty compacted down and you don’t get a whole lot of infiltration but you do get more than asphalt. Also maintenance issues. If the board felt

Item 4 made sense, since it's a site plan and special use permit, we could also ask for some conditions on making sure there's maintenance and upkeep of the Item 4 driveway.

J. Frustace – The driving reason that highway department wanted asphalt apron.

D. Koehler – Asphalt apron no matter what as it protects town roads.

Board members discuss asphalt versus gravel or Item 4 in terms of soils, runoff, sub base preparation, maintenance of spaces, etc.

D. Koehler – ADA regulations require firm, stable, even surface with slope requirements. Confirms there is curb and sidewalk. Confirms 40ft from structure to pavement. Non-negotiable, regardless of surfacing, it must support emergency vehicle weights and loads in the code. Board should give guidance on surfacing.

Board members further discuss asphalt, gravel, item 4 and millings.

R. Lopane – Not comfortable imposing financial responsibility on applicant without a safety concern.

J. Abbatantuono – Prefer asphalt.

F. Garito – Fine with gravel.

P. Poltrack – Don't care as long as it's constructed well. More concerned with subbase.

R. Lopane – Either way.

J. Frustace – Indicates either way as well. Item 4 ok if that is what the applicant is looking for.

D. Koehler – Suggests having a good section, running some counts to ensure can support heavy vehicles, come up with ways to delineate the parking spaces and come up with maintenance plan.

F. Garito – Base is most important.

R. Lopane – Comment with regard to limit of disturbance, tree edge that you're maintaining, be sure to show construction fencing to protect the street area. Trees remaining on site to be protected with tree protection fencing, something our inspector can ensure compliance with.

D. Koehler – States that the planning board should look at the mechanical building. Asks applicant to speak to mechanical building shown and to provide some concept such as matching architecturally, purpose, etc.

Brian – It's for the water components for any treatment, storage or anything we have to provide for that will be in there. Pumps for the whole building. Don't have architectural specifically settled but once we have this direction, it's going to match if you want it to match.

F. Garito – Questions other buildings on property such as sheds.

Brian – Showing long-term bike storage. Not proposing any other storage. Confirms bottom left is for garbage.

J. Frustace – Suggests stone on larger building also be used on smaller pumphouse all the way up as well as enclosure for garbage.

P. Poltrack – Questions need for sprinkler.

D. Koehler – Spoke with building inspector. Due to orientation of 2 units by 2 units side by side and then on top and not a 3-story building, you can have 2-hour fire rated walls in between and doors that might negate the need for a sprinkler. Three floors is non-negotiable for sprinklers.

J. Frustace – Not sure what materials are being proposed for block, whether it be the block on the building at the bottom, the pump house or the garbage enclosure. We were talking about Cambridge products, the common ones, which the board is not really a fan of. Rob spoke about segmental mosaic pattern block.

R. Lopane – Prefer more genuine materials, actual stone, but if it had to be block, there are many options. Can do segmental blocks in a mosaic pattern.

Brian – Will have to go back to the applicant and see what fits with the budget and makes sense financially.

D. Koehler – ARB is going to review building, signage, refuse enclosure, lighting fixtures, etc. so it should all be a package so they can see the whole picture. Definitely need to advance the elevations to provide materials and colors. Samples are always helpful.

J. Frustace – All of this is very important to have completed and in a format that would allow the public for the hearing to see.

D. Koehler – If the Planning Board is in favor of the layout, you could also consider now granting a new sketch site plan approval.

F. Garito – Motion to grant sketch site plan approval. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – They've met most of the requirements of §155-59D and §155-59E which are sketch and preliminary site plan approval so they've provided a number of items that would be necessary and allow them to go towards public hearing. It would be important for the public to be able to see materials and colors. Could consider setting public hearing on site plan and special use permit but don't want to speak for applicant and say they can get that done by the next submittal.

J. Frustace – Asks if there's a way to cause the applicant to complete the application. Want to make sure they are ready if public hearing is scheduled. Don't have to make a decision tonight. Prefer you air on the side of caution.

D. Koehler – The deadline for the June meeting is June 3.

Brian – Indicates they won't be ready for public hearing in June.

2. Dutchess Contracting Corporation – Subdivision/Site Plan/Special Use
Bischoff Ln & Route 55
Grid # 6759-00-500438
Zone TC

Brian Watts, Day Stokosa Engineering – The board had trouble following prior submissions. Were told to add color to break up lines for better visualization, submitted preliminary draft SWPPP with some actuals, received comments back from DOT just some minor additional items they want. No deal breaking comments on traffic study. Will have left turn lane. Front building did move up slightly closer to the road to meet setbacks. Building longer and closer to road. Finalized path with adjacent parcel for access. Pickleball courts. Bioretention between parking areas. Upper sections draining come down through catch basins before discharging through pond. Anything that goes into the pond will be treated. Storm planters against the building and all the roof leaders will discharge off that for treatment.

J. Frustace – Legal raised issue of potential need for access or easement.

C. Wallace – After conversations with applicant’s attorney and title examiner abstractor, it was determined that the private road in the back that connects the two rear lots meanders into the subject site and applicant will have to give declaration of easement.

Board members discuss details regarding private road, easement, right of way and encroachment.

D. Koehler – When the board is provided with a plat, they’re going to see where the town proposed right of way is and then see where the private road comes off of it and if there’s a little elbow that needs an easement there’s going to be an easement there and if there’s encroachment on the back side, there’s going to need to be an easement there too.

C. Wallace – Existing agreement would have to be restated. Would be nice if owners would come to public hearing and it could be addressed but outside bounds of current site plan otherwise.

P. Poltrack – Inquires about the possibility of including purchase of fire apparatus as part of application.

C. Wallace – Outside purview of this board and could be construed as an impact fee.

R. Lopane – Inquires about landscape plan.

Brian – Was in prior submission. Submission prior to last. This submission was limited just to colorize some of the items.

J. Frustace – Comments on building aesthetics and ways to soften and scale down.

R. Lopane – Reiterates importance of landscaping and buffering.

D. Koehler – Realized late that full plan was resubmitted. Difficult to distinguish what has been addressed. Suggests comprehensive package resubmittal that would include responses to the July 2023 review letter. Things have changed a little based on decrease from 54 to 48 units partly due to storm water issues. Look to §155-59D and §155-59E and use as a checklist. That is how the submittal is reviewed. Will provide preliminary comments on SWPPP. Will need to be updated based on what’s there now. Traffic study may be off due to unit count change. Submit all as a full concise package.

C. Wallace – The enlargement of the private road on the applicant’s property should be defined by a meets and bounds description. Up to the Y and the meandering area. Not a large area but needs to be identified and easement given to them.

D. Koehler – Asks for plat. Needs for public hearing and for board to understand where proposed property lines are versus improvements. Reiterates robust landscaping. Will have comments on SWPPP. Also comments regarding aquatic or safety benches and fences.

Brian – Will work on items.

D. Koehler – Looked at SWPPP without knowing plans were there and trying to compare.

R. Lopane – Comments on positive progress.

P. Poltrack – Reiterates board would like to see complete package prior to scheduling public hearing.

D. Koehler – Code for site plan asks applicant send us correspondence with outside agencies for planning board files.

J. Frustace – Indicates there are no actions for the board.

EXTENSIONS

- 1. Grape Hollow East - Subdivision**
233 Grape Hollow Road
Grid # 6756-00-731467
Zone R-135

John Kalin, DC Engineering – Update on stormwater. Received comments and incorporated into lot 2. Did not want to submit lot 3 separately so still in the process of finishing up lot 3 and should have within a week. Had issues with electronics and locating documents. Still working toward June deadline.

J. Frustace – Asks for motion.

D. Koehler – Indicates there are pending legal matter and applicant has asked for a 90-day extension bringing them to August 13, 2024.

F. Garito – Motion to extend to August 13, 2024. Seconded by R. Lopane. All in favor. Motion carried.

F. Garito – Motion to adjourn meeting. Seconded by J. Abbatantuono. All in favor. Motion carried.

Meeting adjourned 9:03pm.

Respectfully submitted.
Aletha Bourke