



TOWN OF  
**BEEKMAN**  
New York

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## **TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, June 20, 2024**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, June 20, 2024 at 7:00 PM at the Beekman Town Hall.

The following members were present:

Chairman- John Frustace

Robert Lopane

Jayson Abbatantuono

Faye Garito

Peter Poltrack was absent.

Also present:

Town Engineer - Dan Koehler

CAC Chair – Cliff Schwark

Recording Secretary- Aletha Bourke

J. Frustace - Noted the emergency exits

Led the Pledge of Allegiance

### **PUBLIC HEARING**

- 1. Pozzuto Lot Line – Lot Line Adjustment- Continuation**  
110 Frog Hollow Rd.  
Grid # 6757-00-445645 & 563722  
Zone R-45

J. Frustace – Applicant is waiting on information from Department of Environmental Conservation and will be adjourned.

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

## DISCUSSION

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

J. Frustace – Indicates that the town attorney is not present but would like to share notes. Mr. Rieckermann is on for conditional site plan and special use.

D. Koehler – There is no special use permit. That is an error. It's a resolution of subdivision plat lot line realignment which in town code is defined as a subdivision so they have to go through the subdivision process. That is what the draft resolution is.

R. Lopane – Questions if this is for preliminary or final approval.

D. Koehler – Yes. Preliminary and conditional final approval.

R. Lopane – Asks for reminder of conditions.

D. Koehler – On the bottom of page three going into page four, there are 6 conditions that are part of the final approval. In essence, it's satisfying all the information that was in the May 16, 2024 review letter. Second is deeds that are subject to review by the town attorney and legal forms for filing of the deeds and real property transfer. Number three was formally closing a demolition permit which is now open for the accessory apartment that was there. That would be proof of abandonment of the accessory apartment that's on the site. Number four is payment of any outstanding application escrow fees to the planning board. Number five is providing final signed sealed plans and mylars and number six is a signature of the resolution acknowledging the conditions.

**F. Garito – Motion to accept resolution for preliminary and conditional final approval. Seconded by R. Lopane. All in favor. Motion carried.**

D. Koehler – Will get you a signed resolution within a few days and then you're on the clock.

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

Brian Stokosa, Day Stokosa Engineering – Last Planning Board meeting we were getting closer to pushing this toward advertising for a public hearing. The renderings are what we were focused on getting updated, the architectural style to be a more modern versus what was submitted a couple years ago. Went with the natural earth tones with some stone. Another major change is the landscaping plan. Went ahead and hired landscape architect to go through the site plan and town code. Pretty health plan that compliments the architectural style. There's also some pictures so you can see the color behind it. Specific to DOT, Colliers is the traffic engineer. They like what they see, just fine tuning the model. There's some updated programs DOT has for the light down at Beekman Rd. so will incorporate this new information. Looking for conceptual letter of approval from DOT. With the storm water report, from a conceptual standpoint, we are close. Will fine tune and add more details. Attorneys working together specific to access for neighbors along Bischoff Ln. Will add

documentation for justification to make sure no pesticides are used. From an overall conceptual standpoint, we're hitting everything Town Center code spoke to and hopefully at a point now where we can start to incorporate some public comment into the design.

J. Frustace – There was some confusion from the last meeting about Bischoff Ln and how it crossed over onto the back right corner of the project and it didn't come across clearly as to how to move forward. Town attorney notes that legal documents were submitted and if the applicant progresses to the public hearing stage, the board can vote to adjourn for that purpose so that issue is being resolved with the attorneys and has no bearing on our decision tonight.

D. Koehler – To summarize, they provided an abstract of title which had to do with the rights of the residents to obtain access from Bischoff Ln which is a private road. What this proposal does is prepares a town road with a connection through an easement to that to continue access. That was captured in a legal document received today. Craig was apparently satisfied and saw a lot of good progress on the legal side. A few other things in notes. With regard to the environmental assessment form, that should be updated based on changes. The Department of Water Waste Water Authority had some requested changes to the EAF as well from the circulation so be sure to incorporate that. Regarding overall grading and utility designs, the majority of the information is on there. It would be easier for review and construction purposes if we dedicated some sheet to grading, utilities and erosion sediment control. That would be helpful for the board to understand what all is proposed. Plat currently shows three lots: a lot with building and recreation area, a lot with a building and a third lot with storm water. Interested in knowing whether that needs to be three lots and if that is something the applicant/owner wants. The location of the town road as it's proposed kind of creates those three lots de facto. However, if you would apply land hoods and consider it one tax parcel and one parcel by deed, that is important to the extent that it's an over plan where the building that's on the backside still has the ability to use the recreation that's on the property on the front side. Storm water relies on both parcels is the reason why the stormwater's in place.

Brian – I think if we land hook them together, it's functioning as one right, so let's try to keep it as one. I think it was just how the roads kind of naturally separated it is why there is three but the intention was to have it as one because it is one development plan.

D. Koehler – Could think of reasons why someone might want it to be separate too but if it was separate, there needs to be pretty good legal documents allowing for these people to use property on that side of the road and sharing of utilities, costs for maintenance of plantings, landscaping, storm water, whatever ends up being. It makes it a little more difficult on that side if you have different lots and then you have to meet bulk requirements for each lot individually as well. Then we're kind of creating a parcel that's not buildable with the storm water pond on it and that would be frowned upon. Something to think about and let us know how you want to approach.

J. Frustace – Ran into Tony (highway superintendent) who asked if there was a town road going through it. Initially misinformed him but sent email to correct. He was told it was up in the air but clarified. I created some confusion but it has been cleared up and he has been sent the information.

D. Koehler – To be clear, it is a town road that is proposed.

Brian – Hit all the major items. Got some technical items to work through as we progress but have taken a pretty hard look. Since this is one of the first real projects where we're creating secondary access or a secondary road in Town Center, would like to hear some public comment.

D. Koehler – The board did declare to act as lead agency already so those notifications were circulated to the interested and involved agencies. DCWWA said we should include Dutchess County Legislature as there may be action in terms of drainage district formation or expansion. There was no objection to the Planning Board acting as lead agency so the board can declare.

**R. Lopane – Motion to declare Planning Board lead agency. Seconded by J. Abbatantuono. All in favor. Motion carried.**

D. Koehler – In agreement that they have really taken a hard look at the site and improvements are well done and plan has progressed. Satisfied with content and scheduling of public hearing for subdivision, site plan and special use permit.

R. Lopane – Expressed appreciation of applicant’s efforts, adherence to comments and detailed comprehensive landscape plan. Indicated it will be an attractive setting for our Town Center and is prepared to move forward with public hearing.

F. Garito – Well thought out renderings. Defer to landscape architect for plantings. Has developed into a very nice project that the town can be proud of.

**F. Garito – Motion to offer resolution to move to public hearing with respect to subdivision, site plan and special use permit for July 18, 2024. Seconded by R. Lopane. All in favor. Motion carried.**

**3. Hixon Apartment – Site Plan/Special Use**  
29 Indian Pass  
Grid # 6757-03-043066  
Zone R-135

Joe, Whalen Architecture – Property is at 29 Indian Pass, Stormville. Right now the existing apartment is approximately 470 sq. ft. consisting of one bedroom, one bath, small kitchen area and small living room. Apartment was built in approximately 1996. The current owner is looking to legalize it as an accessory apartment. Submitted plans to the building department along with application. Received letter from Hudson Land Design with attached comments and will be addressing the following: 2a-Will include the plans for the entire house to show the calculations of the livable floor space. 3a-Will provide a plan that shows total number of bedrooms for the entire house. 3b-Will show the 4 required parking spaces on the site plan. 3c, Item #1-We will add a note stating the letter of consent to permit periodic inspections by the town as required. 3c, Item #2-Will add a note on the plan stating that any violations will be satisfied prior to the issuance of the C of O. #4-Will provide bulk regulation and lot conformance table to the site plan. #5-Will provide the zoning district designation on the map and setback lines and dimensions. #6-Will note the parcels located in the aquifer overlay district and attach the written response to the site plan. #7-Will have the owner provide proof of ownership. #8-Will show the parcels along with names and addresses of the property owners within 500ft. #9-Will provide planning board block. #10-Will provide owner’s consent block. #11-Will remove the requested information from sheets 2 and 3. #12a-Will add note to plan stating dryer vent is to be cleaned twice annually.

D. Koehler – Was suggested by the Fire Advisory Board. Believe Craig has also verified, but per §617.5(c) of the environmental conservation law this would normally be deemed a Type 2 action so the Planning Board has the ability to do that and end the SEQRA process. Had mentioned the possibility of setting public hearing. A lot of it is relatively easy notes and clean up. Need to make sure we have a good feel on the adequacy of the water supply and septic system that’s out there. That would be an engineer’s certification or some sort of test to the adequacy for what is proposed. Would be helpful to have by the public hearing. That is a big piece. Deadline would be July 1 by which time an answer to a majority of these could be provided. The tough one might be the engineer’s cert.

Joe – Will get that underway and if we can submit by the 1<sup>st</sup>, will do that. If not, then we wait until August.

D. Koehler – Board does not like for special use permits for accessory apartments to drag on too long.

J. Frustace – When the cards go out, the public shows up. Time is needed to review submission. Suggests August is more appropriate for public hearing.

D. Koehler – If the majority is satisfied for the July submittal, the board could authorize preparation of draft resolution of approval in consideration of the fact that hopefully not a lot of people come out with public comment. That would help streamline the process so the public hearing could be closed and they could actually consider the application. Board could classify as Type 2 for SEQ. R.

**R. Lopane – Motion to classify as a Type 2 Action. Seconded by F. Garito. All in favor. Motion carried.**

**4. Jett Management** – Site Plan/Special Use  
2561 Route 55  
Grid # 6759-00-676251  
Zone TC

William B., Rayex Design – Representing applicant. Simple project. No construction proposed to alter site. One floor. Space is already divided on the inside. Work has been done outside of the building. Building has been cleaned up and maintained by Mr. Treanor. They tried to rent as office space with no success. Site plan submitted which returned comments, majority of them minor items we can address and comply with the code requirement. The building as it exists would proposed three apartments and complies with NYS building code. One of the units is existing legally and was always there. The front was to be used as offices and although it has been listed, is becoming a burden as it has not been rented out. The best solution is to get the special use and turn it into two rental apartments units. Always demand for single person, affordable apartment.

J. Frustace – Took a look. A lot going on in that area. Wondering about intentions for facade.

William - Would love to add 2<sup>nd</sup> floor and renovate entire building, creating second floor façade. Funding is currently an issue and money is tight which is the reason for going this route. They were hoping to rent to a retail store or an office but it didn't work but he's been paying taxes, maintenance and mortgage for quite a while and it has become a burden. Once the building is rented and there is positive income, he can refinance or whatever for a second floor. Hoping for that in the near future but can't really promise based on economy and income.

J. Frustace – The problem is this board really doesn't consider the financial return or condition of an applicant. The quality of the tenants are directly connected to the curb appeal in a lot of ways.

James – When I took the building over, it was in ill repair. Never met the previous owner. It's currently mixed use.

William – Would love to rent commercial but have tried for a year.

F. Garito – The point is that what we do now sets the tone for Town Center. Aesthetics is important and we have aesthetic review on any review within Town Center. If you could look at the possibility of addressing the appearance, that's really what we're looking for.

Lisa – We are continuing to beautify the property and looking at how we can do that.

William – Offers to come up with a future design to show the board how we envision the building to be more appealing and compatible with other buildings. There are no funds for that at this stage but can design and work with aesthetic committee.

J. Frustace – References Fire Advisory Board and asks about insulation.

William – The building is very well insulated and air tight. Mostly masonry walls so from a fire point of view it's very safe. From a structural point of view can accommodate a second floor.

J. Frustace – Was hoping it was not insulated because the idea was a stow product on the outside would accomplish both missions; what we wanted in the way of aesthetics and curb appeal and considering that you're going from commercial to residential, it would up the R value.

William – Will doodle with it a little as is.

J. Frustace – You seem like honorable people, no question. There's currently a sidewalk to nowhere at Dollar General and as a board we're here for the safety and welfare.

William – Probably can do the sidewalk extended little by little. Before you know it, will have all the buildings hopefully that they'll be in front of. No problem with extending the sidewalk in front of the building.

F. Garito – We're asking you to show us something that you can do for a reasonable cost to have that building have more street appeal.

William – Sounds fair.

James – Also thinking about false façade.

J. Frustace – If you look at Dollar General, those are all false peaks. Having heard that you plan is to put a second floor on it eventually, I'm sure a design can be made where you're not wasting funds improving the exterior, but at the same time, allowing yourself to add a second story without destroying what you've already invested in.

William – Will address that. One of the comments was that you want to see the front elevation of the building. We'll do the existing condition and a proposed condition we think will work where there's going to be a reasonable cost to accomplish.

C. Schwark – Comments on unattractiveness of building and that the board hears promises that never happen. Seems you should be doing something to make that look somewhat better.

William – It was really a disaster and the bank was so concerned they required an environmental study. That was done and there are no environmental issues. We will come up with some kind of aesthetic suggestion that is feasible to do. Could come back the next meeting and hopefully we address most of the comments. We appreciate being give the code sections for each comment. Have already addressed a few. Have located wetlands on GIS maps.

C. Schwark – It's at the very tip. You're well within the 100 ft.

D. Koehler – It's a state wetland which carries 100 ft adjacent area. Just wanted it shown. Not really doing work there but it brings attention to it for the future for recognition of regulatory. Septic looks like it is but not constructing anything new.

F. Garito – We've waited 20 years for Town Center to start developing and we're going to make every effort to protect your investment because the adjoining property is going to be held to the same standards.

William – Owners are residents, are concerned and have refused tenants in the past.

J. Frustace – May be a misunderstanding of board's function. Do not decide what businesses come and go but the zoning and what the applicant is proposing that we consider.

William – Point is owners are just as concerned and appreciative.

J. Abbatantuono – You may be able to accomplish some of the curb appeal with some trees.

William – Thick line of trees exists. Will work on it little by little.

D. Koehler – A few things to go over. The biggest curve ball is that during thorough code review, the minimum livable space for each unit is 800 sq. ft. Spoke with the Building Inspector and the process would be, since you don't have 800 sq. ft. on the two proposed, (the one in the back is existing which we consider pre-existing non-conforming) but neither of the front two meet the 800 sq. ft so you would have to go to the zoning board for an area variance for that. This is a Type 2 action so it's not a coordinated review. You don't have to wait for SEQR, you can go to them right now. That's a big thing because if you can't secure that variance for the minimum livable space for the residential unit then the project doesn't go anywhere.

William – Asks if that is a state code.

D. Koehler – It's a town code so it's not discretionary to this board. They can't just say it's ok. Come up with some compelling reasons, building is existing. Mentioned in letter. The building inspector agrees it is an issue that needs to be resolved through an issuance of an area variance. The Planning Board could refer it to the ZBA with a positive or negative referral. Not required but an option. Regarding Town Center, two or three story is the requirement whether it's the appearance of a façade or second floor. No flat roofs in Town Center. Flood lights on top of the building are non-compliant. Because it's an application within 500 ft of a state road, it has to be sent out to county planning as well. They will care about lighting and landscaping. It is important to them. This is an opportunity to move the sidewalk and continue that forward.

J. Frustace – In the past we've offered the option for the applicant to delay the sidewalk installation. You will not have that option since there is a sidewalk next door.

D. Koehler – The critical path method is ZBA issue.

William – Confident ZBA will approve as no hardship is created. Will start paperwork immediately. If issue with ZBA, still have CO and can rent as commercial space.

J. Frustace – To satisfy the Planning Board based on the discussion, prior to scheduling a public hearing would need to see elevations with improvements within the limits of your financial ability, we won't be oppressive, as well as landscaping improvements and satisfaction of engineer's comments. The public will be at the public hearing, and we will need all of that to present so they can comment accordingly.

F. Garito – Asks if a recommendation would be helpful.

D. Koehler – Certainly wouldn't hurt.

F. Garito – Motion to refer applicant to ZBA with a positive recommendation.

R. Lopane – Indicates he has a question for the town engineer and asks to view site plan for reference. Asks if there are any issues with vehicular circulation with regard to lining existing paved space.

D. Koehler – Agree to be able to come right off the throat to the entrance of the state road and then having to turn quickly into the spots on the right not ideal but probably trying to work with what they had.

R. Lopane – Is there sufficient parking for three units?

D. Koehler – Per code, yes.

R. Lopane – Worried about visitors parking in the middle causing conflict with someone trying to park on the end.

Discussion regarding potential configurations of parking spaces and material.

D. Koehler – Confirms Town Center code requires paved parking. Code requires two parking spaces per residential unit and one visitor space per two units which accounts to 7.5 and that is how they came up with 8.

R. Lopane – Wanted to ask the questions. Also concerned with aesthetics which goes along with the discussion.

D. Koehler – Reminds board member there is a motion on the table.

**F. Garito – Motion for a favorable referral to the ZBA. Seconded by J. Abbatantuono. All in favor. Motion carried.**

**F. Garito – Motion to deem as Type 2 Action for SEQR. Seconded by R. Lopane. All in favor. Motion carried.**

**J. Frustace – Asks for motion to approve May 2024 minutes. So moved by F. Garito. Seconded by R. Lopane. All in favor. Motion carried.**

D. Koehler – Brief discussion on Boyd wetland for the record. During the May meeting, the board discussed the option of an independent wetland consultant to assist the subdivision application. Local wetland scientist was contacted and they provided a proposal with approximate escrow. Asking if the board has reviewed and still wants to go in that direction.

F. Garito – Has the applicant been informed of the cost? Does he have to approve going forward?

D. Koehler – Overall estimated cost just came through today. It's his application and the board has the ability per code to hire the consultant it need in order to review applications, particularly when it comes to something specific like the wetlands in this case where there's a diversion and there's a number of standards that have to be met.

F. Garito – Does he have enough escrow? What if the applicant decides it's not worth the investment?

D. Koehler – The escrow on a two-lot subdivision is \$2,000. Usually that gets replenished as invoices come in. He can certainly pull his application, yes. Technically he's got a single lot there. It's their request for the second building.

J. Frustace – Adds there were also issues with having it correctly surveyed

R. Lopane – Still not confident in wetland delineation but the applicant may want an alternate option knowing the cost.



D. Koehler – Suggests secretary inform applicant of suggested escrow and allow applicant to make the decision to proceed and consultant can start immediately.

R. Lopane – More of a notification that we are proceeding forward and letting you know in case you want to make a decision whether you want to continue with the application.

D. Koehler – Agree it is an appropriate thought process.

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

Meeting adjourned 8:20pm.

Respectfully submitted.  
Aletha Bourke