



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD
Minutes of Thursday, March 16, 2023

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, March 16, 2023 at 7:00 PM at the Beekman Town Hall.

The following members were present:

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

Also present: Conservation Chair – Cliff Schwark
Town Engineer - Dan Koehler
Town Attorney - Craig Wallace
Conflict Counsel Attorneys Jonathan DeJoy and John Furst
Town Clerk - Laureen Abbatantuono

J. Frustace - Noted the emergency exits, Led the Pledge of Allegiance, Called for a moment of silence

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 there is a representative present for Cemco.

D. Koehler – They asked to be adjourned to the April meeting.

J. Frustace – Change to agenda, Cemco will be pushed.

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

Victoria Polidoro, Applicant's Attorney – On behalf of Barton Orchards, seeking a streamlined site plan approval for an agricultural use farm market at 64 Beekman-Poughquag Rd. Based on comments from the board and the public at the last hearing, we've submitted updated plans to include several items which Joe will cover in detail. To note a few: Additional screening and relocation of the dumpster so it's not visible from the roadway, it is now located more than 130 feet from neighboring the property line. It has been moved to almost behind the building which we think is an appropriate location for a dumpster. For frame of reference as we go through the plan, the code does provide some standards for commercial uses that about a residential use. This is agricultural, not commercial, but in a similar situation a commercial use could not have parking closer than 60 ft to a residential lot line. We are at 68 feet, exceeding the standard even for the agricultural use. The code does not have specific setbacks for dumpsters for commercial uses or from residential property lines but took a site visit to several town locations to analyze standards. Stop and Shop in Beekman is approximately 60 feet of a residential neighbor. No screening and within 30 feet of a well and seemingly no issues with smell, garbage or litter. Will submit photos for record. Cumberland Farms also abuts residential properties approximately 85 feet with some screening. Station Grille 40 feet from property line with some screening. Beekman Diner 130 feet no screening. Clove Valley Plaza no screening. There is no "standard" and what is being provided on this plan is more protective of the residential neighbors than probably any other commercial business in town. We think moving it that 20 feet will make a difference and hope you appreciate that change. The height of the fence near the EV parking has been raised.

J. Frustace – For frame of reference it's almost 70 yards from the closest neighbor's back door.

Victoria – In reference to EV parking, the fence has been increased by a foot in height by the addition of a berm. It will still be a 6-foot fence but higher due to berm. Light post removed. Add that EV's are more quiet than other vehicles and we put it there to minimize impact to neighbors. Turning over to Joe but would like to address board once again after public comment.

D. Koehler – The plan from before was 88 feet dumpster to property line so now is 134.

J. Frustace – Offering copies of plans for members of the public.

Chairs offered to standing members of the public.

Joe Berger, Project Engineer – Good Explanation by Victoria. Adds that the dumpster was turned 45 and further away. Also added concrete apron. It is surrounded by vinyl fence for screening. Raised the fence along the south line and added berm for leveling. In the general area, added combination of 3 Norway Spruce trees and 2 deciduous Sugar Maples between the neighbors and the hammerhead which is the T turn around area for the fire trucks. Change from the circle in previous submission called for alternative which would be driver coming in with a left turn into the south driveway with the hammerhead. Instead of having a circle, it reduces blacktop, allows area to be further from property lines and allows us to keep a few trees that were going to be cut down before. No parking in front of building. Parking is off the viewpoint. The asphalt walkway from the main entrance we decided to make concrete. Concludes proposed changes.

J. Frustace – Brief review of guidelines for public hearing. Comments limited to 3 minutes.

P. Poltrack – Motion to open public hearing. Seconded by F. Garito. All in favor. Motion carried.

Peter Barton, Applicant – Provide explanation of history and vision for farm and market. Comments that a lot of trees are being kept and there will be plenty of screening. Keeping building from 1840. Additions will add to character.

Dave Carl – Questions septic system as compared to football stadium.

J. Frustace – Points out details on map and provides overview of the property layout and explanation of septic and back up fields. Modern design allows for septic under parking.

Dave – Confirms he is looking at the same map. Questions whether septic is designed for additional business flow.

J. Frustace – Explains to applicant that he must address the board and a member will respond.

J. Frustace – It will be designed properly to accommodate occupancy.

Drew Balentone, 17 Green St. – Asks when most recent plans were submitted. Asks about EV stations. Does not look like any changes were made. Did not have adequate time to review revisions.

J. Frustace – Submission received today and copies distributed. Can answer any questions as the public is entitled to an explanation. EV station orientation has changed slightly. Provides explanation of location of EV stations and points out on drawing. Project engineer points out changes on drawing.

Drew – Does not believe it to be an improvement. Attempts to clear up misinformation regarding property lines. Comments that trees were removed without planning board approval. Board stated screening is the market's responsibility. Added trees do not fit the bill.

J. Frutace – There is a buffer from Barton property line toward applicant's house that was built into the plat. Over the years different owners have mowed down the buffer. The applicant is bringing a new use and we will talk more about trees. Will try to convince applicant to add more trees. The board has a lot of influence over the site plan.

Drew – Comments that the process has gone too long and it is the responsibility of the board to ensure the public concerns will be taken care of.

P. Poltrack – Ensures the public will have more time to comment even if the meeting is closed and that plans are not permanent but still in the discussion phase as the purpose of the open meetings is to gain input.

Drew – Asks about operating hours.

J. Frustace – Believes 6-6:30 Asks applicant for clarification.

Barton Attorney – Comments that the board cannot determine hours.

Peter Barton – The Lagrange store opens at 7am, not sure if it will be that early. Typically close 6:30 could be later some nights.

J. Frustace – The concern was a later time on a document.

F. Garito – Questions jurisdiction to determine business hours.

D. Koehler – It's been past practice to ask the applicants to put the hours of operation on the plans and the intention is to make sure there's not adverse hours towards adjacent property owners.

John Furst, Conflict Counsel – There are site plan criteria that talk about impacts to the surrounding neighbors so I think you could use that to kind of control the hours of operation in general terms. There is something there if it's going to impact the neighbors but something that is running until 7-8 o'clock obviously wouldn't be as much of an impact due to noise and those types of issues that are still site plan issues under your code. You do have the ability, if you want to in extenuating circumstances, with the hours.

R. Lopane – Comments on time limit and additional items on agenda.

J. Frustace – One of the issues is that some courtesy was granted. A deadline was missed and these were submitted this afternoon.

J. Furst – One of the things the board could do is close the public hearing for any oral comments and then provide seven days for people to submit written comments. Just to go through the outline, you had a public hearing last month, the applicant did make a supplemental submission in late February within the deadline, and another submission tonight. I think the only change was moving the dumpster 20 or 30 feet, including the berm and the lighting fixtures. Those were the only 3 changes that were made since the February deadline to tonight but it's a good idea to allow a week for written comments.

Bill Crain, 254 Gardner Hollow – Expressed concern with preservation of trees. Questions permeable surfaces.

J. Frustace – Will make a note to address.

Sal Selaturo, Resident – Questions if there is a legal or zoning reason why a septic must be used versus tapping into existing sewer. Comments about trees in buffer zones that have died and have been cut down.

J. Frustace – Clarifies that in some HOA's the town is responsible for the buffer areas and individual property owners are not to interfere with vegetation, fallen or not.

R. Lopane – The owner has the right to choose how he wants to do a sewage system. It's an option he is picking to do a septic. I'm sure he's evaluating the cost effectiveness of trying to connect to the existing sewer system or to use a septic and what goes into those factors are how many houses or how many people are going to be using the system, but we can't dictate to him. It's the land owners right to determine the best course of action as long as it's within the health and safety of the community.

R. Lopane – We try to leave that up to the engineers because they're the professionals who are licensed to ensure that safety and guide in that decision.

Wayne Wellington, Baker Rd. – Been here for 40 years. Is there anything that is illegal? Anything at all that doesn't meet code, setbacks, state law?

J. Furst – I believe it's zoning compliant.

J. Frustace – It absolutely is a legal submission. We're merely here to discuss site plan. We're not here to dispute whether this can take place or not.

J. Furst – There was no indication of a need for any variances so it's zoning compliant, permitted use, and, as the chairman said, this is a site plan review so there are 5 or 6 criteria that the Planning Board looks at when they analyze a site plan review and a lot of it is just figuring out the layout, where things go, how things work.

J. Frustace – It was an R-45 zone residence. Mr. Barton had districted it into his farm. It's agricultural use permitted in R-45 zone. There's also a state agency called Agra markets that protects farmer's right to market and sell what they produce on their farms and it can come in from other farms as well. There's a lot of peaks and valleys in what they produce depending on the season.

Wayne – Is there anything being done to remediate this? (points out on drawing)

J. Frustace – Indicates that is what he was talking about. That should not have been landscaped. It should've been left.

Wayne – He has to plant trees to bring it back to where it should be.

J. Furst – That is a compliance issue that the building inspector is working on. I am working with her as conflict counsel. We've investigated and looked at it and she's responding.

Wayne – Inquires about outcome.

J. Furst – Have to talk to the building inspector about the specifics but she will be reaching out to the neighbors and educating them.

P. Poltrack – I don't think the proposed trees are going to be planted in that buffer.

Wayne – Asking what is being done to fix what has already been damaged.

J. Furst – That's the jurisdiction of the building inspector and she's on it. Confirms it is strictly in house and does not fall under DEC. There's a conservation easement and the town has the ability to enforce it.

Doug McConnell, 23 Green St – Asks if there will be another public meeting.

J. Frustace – Will be up to the board to decide via vote. If closed, you will have a week to submit comments.

Doug – Regarding the EV station, appreciate the dumpster being moved. In a different position than last resident. Elevation is probably 15-20 feet higher and second floor window is another 15 feet. There could be a tree there 30-40 years and I am still looking over onto the cars parked at the EV stations and the dumpster and in the buildings. Expresses concern with bright lights and other visual impacts. Inquires about changes from last meeting.

J. Frustace – Clarifies where rain garden will be placed for rain garden and indicates trees would have had to come down. Indicates there was a change in lighting and efforts being made to shield glare. Blacktop walk changed to concrete, parking taken from front of building and put over septic towards throat of entrance, dumpster moved from 82 ft to 132 ft from property line, added berm plus fence, some trees moved blocking dumpster. Suggests putting additional concerns in writing to building department.

Tom Mullins, Resident – Offers comparison of lighting in Dalton and comments that septic is likely the only option. No encroachment on natural barrier. States the site plan is not intrusive and offers comparison to Eastchester and Scarsdale markets, less intrusive than Dunkin or Cumberland Farms, sporadic traffic not an issue.

Beth, Poughquag Resident – Expresses frustration with last minute receipt of information for review. Asks about fence, height of trees and stresses it is at the discretion of the board to make sure things are done right, at minimal destruction to the residents.

Amy Moore, 56 Reynolds Rd. – Questions quantity of EV stations. Why so many stations for farm market?

J. Frutace – Confirms eight. Currently, only conduit and panels installed. There's transformers and a pole. Purpose is to attract and accommodate customers. Compares with Stop & Shop.

Amy – Was originally presented as farm market and bar?

J. Frustace – Confirms cider. Applicant can speak to alcohol.

Amy - Afraid of approving something without all of the information. Disappointed.

Victoria – Applicant trying to be responsive. Do not object to closing public hearing and allowing seven days for written public comment. Addressing for the public and record that no work was done without permits. Regarding scope of site plan approval, planning board is not within its jurisdiction to arbitrarily choose hours of operation for a business. Can require operation within noise periods or not past 10 or 11 perhaps, but unreasonable to require stopping operation at 6:30-7pm and not within board's scope of review for a site plan. It's not a special permit but site plan. Private sewer addressed. No right to hook up to it as it is private. Planning board is to review site plan for compliance with zoning, not about neighbors' view. Heights of trees are on the plans. Sugar maples, 6-7 feet tall and Norway Spruce 6-8 feet tall. Asking to consider costs in requesting of specific plants. Adds many communities are adopting laws for EV parking. Believe project should be supported.

D. Koehler – Adds that previous iteration of plans discussed hours. §155-59 E1BB provides for miscellaneous information that's required on the site plan application. Planning Board may deem necessary hours of operation next to a residential property. It has been common practice in the past to put the hours of operation on the plans and also in the resolutions of approval.

Victoria – If we're going to do that, would choose broader hours. Don't want to be trapped into something that's not going to work for the business.

J. Furst – One of the site plan criteria talks about protection of adjacent or neighboring properties against noise, glare, unsightliness or other objectional features. Would probably give board authority to control late night stuff.

Victoria – A lot of the other businesses stay open past 6:30.

J. Frustace – Not talking about restricting him to the point where it's going to impede his ability to operate. Will discuss hours of operation after hearing and in future meetings.

J. Furst – Clarifying closing public hearing for oral comments and keeping it open with respect to written comments until Monday, March 27, 2023 to Building Clerk.

D. Koehler – Confirms address to send written comments.

P. Poltrack – Motion to close public hearing for oral comments and allow written comments until March 27, 2023. Seconded by F. Garito. All in favor. Motion carried.

Board members view plans and continue discussion for Barton Farm Market.

P. Poltrack – Suggests curve area (points out on plans) be taken out and run in a straight line to the corner. If the six parking spaces are eliminated, could take EV charging station and loading dock and shift 12ft closer to building. Easier to access loading area. If EV charging stations move 12ft closer to the building due to eliminating the six parking spaces then it's 12ft further away from the property line.

Peter – Agree with straightening that out because of the curve. The suggested parking spots would be employee parking spots because other than that the employees are going to be parking way out. Parking spot have already been taken off the site plan from previous renditions. Don't see where we could lose any more spots.

P. Poltrack – Suggests eliminating where they are currently and moving them on the south side adjacent to the EV parking.

Peter – Suggesting a whole line of parking?

P. Poltrack – That's what it would be in eliminating that curve.

J. Frustace – Asks for clarification if he means moving those with the EV charging station 12ft in and then adding a few more.

Joe Berger – The problem with moving those six forward, is the headlights would head towards the neighbors, which was something that was changed. It meets the curve.

J. Frustace – Would have been a nice point of mention during the public hearing that the orientation was changed so that the headlights were not heading toward their homes.

P. Poltrack – If you took them out and put a fence up, you would kill the headlights. You just extend. You were already talking about putting the fence in.

J. Frustace – Asks for clarification from P. Poltrack what is the benefit of moving the six spots by the loading zone.

P. Poltrack – Access to the loading area for a truck. Driver must be cognizant of what is in parking area. Could shift to another location and be 12ft closer to the building and off the property line.

D. Koehler – Could also probably gain more parking up near the throat if needed.

Joe – Indicates need to lose trees to accommodate.

Board members discuss driveway configurations and tree loss. Applicant's engineer indicates on map what accommodations were made.

P. Poltrack – Questions water garden with excavation and drainage.

J. Frustace – Clarifies the purpose for pointing it out is to help with access.

P. Poltrack – Yes. Access to the loading dock, dumpsters and to move the EV charging stations further away from the property line closer to the building.

J. Frustace – Indicates that would be a community issue.

Victoria – Questions objection to placement of EV charging stations. You won't see them with the fence.

J. Frustace – Part of the issue, and why the public was upset, is that everything is in place. Pushing it to the other side of the building may have been more pleasing to the public. He is trying to help on the traffic part. What does the board think?

J. Furst – Those six spots are going to be moved closer to the neighbors and would cause more disturbance, potentially remove trees.

F. Garito – The EV stations are sedentary and don't move or make noise.

P. Poltrack – Putting the parking adjacent to where the charging stations are now, I don't think that will have any impact on the adjoining neighbors.

J. Frustace – Presents photos to applicant and indicates locations where Evergreens would be recommended.

Peter – Indicates there are a multitude of properties with no buffering trees.

J. Frustace – Reminds applicant to stay on topic of project. Indicates the building department informed him there was a permit issued and then revoked. We are asking for a few Evergreens behind the EV charging stations.

R. Lopane – Confirms staggered Evergreens. Natural looking buffer. Asks Joe to point out on plans where trees are being proposed.

Joe – Indicates area on plans.

Board members discuss appropriate type and number of trees for area.

Victoria – Would like board to weigh in on parking for guidance on particular layout.

J. Frustace – Reason for transitioning over to trees was to resolve some of the issue with the location of the EV charging stations.

J. Furst – Confirms the additional trees will alleviate the need to push the EV parking closer.

J. Frustace - Yes. You have the fence and berm to resolve that.

Joe – All the board members are aware that the six spaces will go linear closer to the neighbor's property so that won't be a comment.

Victoria – Like to hear what other board members have to say.

J. Abbatantuono – Questions the tension with the EV charging station. Indicates concerns about lights, headlights, cars parking overnight, loitering, all of that is out the window if normal business hours.

Joe – Confirms normal business hours.

Peter – Suggests timers and signage for operating hours.

J. Frustace – Asks if applicant would consider pushing the dumpster to the knoll in the back using liberty block and back fill (illustrates on drawing).

Board members discuss options for dumpster to include being partially buried.

R. Lopane – Determines gross net gain is not really there and may be just extra cost without an extra gain.

P. Poltrack – Concern with viewshed planting. Under the impression that to meet the viewshed criteria, he would have to plant plantings between Beekman-Poughquag Rd and existing old road that's there.

Victoria – To address §155-11C(1) Scenic Road Buffer which states must have a continuous vegetative buffer, agricultural use or open field at least 100ft deep. Since this is an agricultural use, there's no further requirement.

J. Furst – Confirms none of the parking lot or improvements fall within the buffer.

P. Poltrack – Asks the board to consider as don't think plantings can go there.

Victoria – We're going to add 4-6 Red Cedars six feet high behind the fence in the gap area. Note lights and EV charging stations turned off at night. Those are the changes understood being requested for next submission.

J. Abbatantuono – Confirms handicapped spots will be paved.

J. Frustace – Asks if ballards are required for propane, UV or electrical panel.

D. Koehler – May want to consider ballard on back side of dumpster so as not to push through the fencing.

Victoria – Last request was for a waiver for the rendering. Provided renderings with the materials list of the existing structure and that the addition is going to match it. Party board material.

D. Koehler – Confirms meeting is the third Thursday, April 20, 2023 and the due date is 17 days prior, so April 3.

DISCUSSION

- 1. Station Grille** – Amend Site Plan
2578 Route 55
Grid # 6759-04-685204
Zone TC

F. Garito – Husband and I own Key Bank property which Station Grille uses for parking so feel I should recuse in the interest of transparency.

Pete Setaro, CPL Engineer – Represented Kevin a few years ago for original approval. Here last month for pre-app just to float the idea of having some outdoor seating. We made a site plan application for an amendment to our approved site plan to erect a 30ft x 50ft tent in the area of the sewage disposal system to the back of the parking area off to the right of the building. It would be for approximately 50 seats. It was proposed that, should it be approved by the Planning Board, any outdoor dining would end at 9pm. There would be lighting hung inside the tent, maybe some soft music or occasional acoustic guitar but would end no later than 9pm. Would have to provide ADA access. There's an existing exterior ramp from the parking spaces, so will be easy to provide. Was in contact with Department of Health go over seating and was approved for 101 seats based on prior establishment and within limits of septic. Total number of seats could not exceed 101 so we can take 50 of the seats inside, and allocate them outside, leaving 51 seats inside. DOH took no issue with tent being over septic area. On the original site plan, note number 10 specifically prohibited outdoor dining. I think that was as a result of some issues the town had with the prior establishment. As part of the application, we amended note number 10 to include the five items in the cover letter. Here to discuss application further and hope board is amendable to scheduling a public hearing for next month. Believe it also has to be referred to county planning under 239m.

D. Koehler – The town attorney has also taken a look at some of the things in the letter. He suggests it is going to be a Type 2 action so we could do that if the board deems appropriate and end the SEQR process.

R. Lopane – How do you arrive at Type 2? Less than 4,000 sq ft of disturbance?

D. Koehler – 4,000 sq ft of floor area for commercial activity. Confirms this does not meet that threshold and no other disturbance.

Peter – Adds that since the number of seats is not changing, meet parking for code. No other changes except tent. Can bring pictures.

P. Poltrack – Motion to classify as Type 2 for SEQR. Seconded by J. Abbatantuono. All in favor. Motion carried.

D. Koehler – Cornhole was mentioned so that note 10 refers to entertainment which should be incorporated into site plan. Recollection was that Key Bank parking would not be needed. Should have any agreements on file.

C. Wallace – Can get agreement from someone with signing capability such as a branch manager.

D. Koehler – Any kind of lighting you could show them.

Peter – Tent company has pictures.

Kevin – Deman for outdoor seating has been substantial. Need to accommodate for business. Good water efficiency. Septic corrected.

R. Lopane – Is the tent permanent?

Kevin – Seasonal. Will have dates.

R. Lopane – Is there a fence?

Kevin – 50% is fence and the rest is wood line and heavy trees. The north and east side are fenced in.

R. Lopane – Do you anticipate any controversy with any neighbors?

Kevin – Would hope not. There's nobody right there and the noise is not substantial or anything outside of noise ordinance.

J. Frustace – Asks what action needs to be taken.

D. Koehler – Could set public hearing.

R. Lopane – Motion to set public hearing for April 20, 2023. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – Confirms will circulate to County Planning.

Peter – In advance of the hearing, can submit catalog cuts of tent, lights and update note number 10 to list season tent, dates and other updates.

D. Koehler – Several comments had to do with the fact that it still said proposed and is already there.

Peter – Will submit whole plan.

2. Dutchess Contracting Corp. – Site Plan
State Route 55
Grid # 6759-00-494353 & 478317
Zone TC

Brian Stokosa, Day Stokosa Engineering – Couple of years ago came in with a multi-family concept in a phased development plan, phase one was 54 units mixed between one and two bedrooms and then phase two was the balance, which brought us up to around 90 units. Several projects in front of the Planning Board had a petition to Dalton Farms for access to water and sewer dispatch. A couple projects were given allocations based on the use that was permitted at the time of that application. At that time, the application was mixed use, retail and a restaurant. Economy and housing have changed and a couple years ago we went with the multi-family concept. Phase one allocates 10,000 gallons so phase two was eliminated and just going with 54-unit layout. Would like board's reaction on building layout. TC zoning forces buildings forward to Route 55. Realignment of Bischoff Lane coming in with TC standard 90 degree and then side street concept illustrated in master plan with access off the new proposed street and any future development.

J. Frustace – Questions location of Bischoff Ln.

Brian – It's going to be our realigned road, but Bischoff Lane comes across like a skew. Still have to go through the iterations. Dan provided a comprehensive outline of what we need to submit to the board. Looking at freshening elevations, storm water pollution prevention plan, detail drainage and addressing runoff and groundwater. From a site plan standpoint, this is a basic concept of building position and parking layout. Will adjust as input is received from the board to ensure setbacks are met.

F. Garito – Questions 10,000-gallon allocation and sewage coverage. Questions if mains or access for other projects will be provided

Brian – Confirms yes. If Dalton ever decides to improve their system, may give town more capacity on the water and sewer side. Utility access points and layouts still remain. There would be stubs. Confirms 3 floor buildings.

P. Poltrack – Questions if still buying into Dalton.

Brian – That is what the concept and the allocation is for that was part of a study done in 2007 incorporating a few subdivisions.

F. Garito – Will need more capacity when they upgrade.

Brian – Understands through brief interactions on the future planning side they may be coming up with some recommendations. Don't know if additional studies have been done. Think there is an agreement. They do need additional capacity. Any major expansion such as that requires funding which is why we are proceeding with the 54 units, what the allocation is for. Have been working with HOA.

J. Frustace – Will be coming through VanScoy cutting through the open space?

Brian – Confirms yes.

P. Poltrack – Asks what is being done at Bischoff Ln.

Brian – Going to realign that whole section. Following what the town code dictates with that layout. The town center has pretty specific guidelines with how to set up these roadways so you have secondary access that almost parallels with 55 so that design is incorporated into the master plan.

P. Poltrack – Major concerns with traffic on Route 55. Needs to be addressed with the state before getting too far. With traffic and buildings pushed up against the road, believe it is an error in the code and would be against it. Should speak with state about traffic.

D. Koehler – Was pushed back a bit.

Brian – Took that into account. Draft format prepared and that report looked at with DOT. Will need SEQR. Will have to circulate that because the plan has changed.

P. Poltrack – Should be a totally new start.

Brian – That is the way we're pitching. Going to amend the application with new EAF, updated traffic study that focuses on the 54 units that are now proposed.

J. Abbatantuono – Asks about square footage.

Brian – Meets the minimum of 800 sq ft per unit.

F. Garito – Asks about acreage.

Brian – Just over 5 acres. 12 units per acre.

R. Lopane – You would get 60 units in here.

Brian – A couple of things. If you look at it from an acreage standpoint we're allowed 60 but if you back into a water allocation on a per bedroom basis, our two bedroom and one-bedroom thresholds we have, you can only get 54 units based upon the configuration. You're constrained by the gallons per day per bedroom so that's why we don't have the 60.

R. Lopane – Because you're basing it on design using public water supply. That's exclusive of roads and storm water features and everything. That's just you taking the acreage and dividing it by 12 units per acre.

P. Poltrack – Inquires about variance that had been received earlier in the process that enabled an increase in the number of units per acre.

Brian – It was increased to 18 units per acre in 2019 but no longer relevant as we're not doing 18 units per acre.

P. Poltrack – Don't want you to come back in 5 years and request the 18 units per acre.

Brian – That's not on the table. What has and will always control Town Center is the availability of water and sewer. It's a great plan if you have central services. If you don't, you scratch your head and just pay taxes so if Dalton has access capacity for water and sewer, I guarantee there will be a line of applicants coming in with development plans for you to review.

R. Lopane – We were contemplating the higher density as the potential for getting a water line and possibly a sewer line down to state Route 55 and that seems very tenuous.

Brian – Did not anticipate the struggle with DCWWA.

R. Lopane – Think we need to go back to a more conventional look. Always had a problem with 3 stories and anticipate public will also.

F. Garito – They're trying to create a Millbrook look, village. It allows for 3 stories.

R. Lopane – Could only get on board with this plan if not increasing density and maybe putting easement over remainder of site and keeping it open space.

J. Frustace – Would be agreeable. Asks what they're trying to accomplish with the HOA. Confirms water and sewer, not road.

Brian – Indicates the entire corridor has development possibilities hinging on whether town or Dalton water and sewer. Putting an easement across a piece of property, you're basically shutting down potential development rights if the ability for water and sewer comes through. Continues to discuss efforts with county.

J. Frustace – Indicates that he heard at a public hearing that upgrades to pump station are forthcoming. On board with the parcel behind remaining open.

R. Lopane – You're pretty much maxing out the density. There would still be potential to develop the back. Concerned with density. Like the idea of concentrating density in one part of the lot while preserving open space in the other part of the lot. Would be willing to consider.

F. Garito – Suggests, in keeping with streetscape concept, spreading out units to make nicer for families, common use and to take it off the highway. Not in concept for what is being pushed for Town Center but the property could be utilized much better for the inhabitants.

R. Lopane – Spreading it out and keeping the same density as what’s being proposed.

F. Garito – Suggests gazebo or park.

R. Lopane – Confirms applicant will propose how they will get water and sewer to the development. This meeting is for discussion purposes.

D. Koehler – Suggest also have 10% lot coverage by impervious that he still has the ability to use on the site. He is using 40% and code allows 50%. In terms of density, it doesn’t mean he wouldn’t be able to do some small commercial in the back or something of that effect. It’s a Town Center and supposed to be a mixture of residential, commercial so not sure if you want to necessarily restrict that. That would be an amended site plan too but you certainly want to make sure you’re happy with the layout of the residential right now because that’s what’s on the table. Make sure it has some of those concepts of amenities.

Board members briefly discuss Town Center concept.

3. Town Center Square – Site Plan & Special Use Permit

Town Center Blvd.

Grid # 6759-00-525438

Zone TC

Brian Stokosa – Existing parcel. The library is at the intersection of Town Center and Clove Valley. This is on the same road two or three parcels down from the library toward the ball field almost diagonal from the recreation field. The third lot.

J. Frustace – The parcel with the deed restriction.

Brian – Yes. Will talk about that after initial rundown. Applicant purchased the parcel and would like to do four units, same Town Center concept pushing the building forward, putting sidewalks along Town Center, parking in the rear. (Indicates on map) Will have a garage at the back. Two stories, between two and three bedrooms depending on septic. We’ve done some preliminary testing. Not the best, not the worst, but that will define our bedroom count. Tried to shoot for four units with two bedrooms each and one or two units with three. Still working on that but overall four units total within that footprint with parking in the back and some visitor parking or accessory parking. Did a small side bump out on the dwelling for water treatment. It’s going to be an individual well from central water. Showed some lighting. Some disturbance limits were under an acre. Tried to keep the development tight just from a financial standpoint while trying to meet Town Center standards. Regarding the deed restriction, in speaking with the applicant I believe we have the method of dealing with that.

Jeryes Freih, Applicant – Deed restriction on the property goes back to 1900, obviously obscure, not in alignment with Town Center. Attorneys came to an understanding and lawsuit will progress. Seemed to be more of a paperwork issue and there are really no beneficiaries.

F. Garito – Indicates she must recuse as she is in contract with the applicant on the sale of another piece of property.

C. Wallace – In contact with applicant’s attorney and asked for abstract. It was agreed that the application could proceed while a court order is pursued to extinguish the deed restriction. Would keep both matters running parallel. If this matter concludes before that one, the lawsuit, you could always consider a conditional approval if that is what you’re so inclined to do at the end of the application. The whole idea would be by extinguishing the deed restriction, the applicant could proceed as of right and achieve the density that this application calls for; multi-family structures is the subject of the application.

D. Koehler – Confirms deed restriction is for one or two-family.

R. Lopane – Asks for clarification on deed restriction.

Jeryes – Some things like you can’t not finish a building or put an oddly shaped garage. The main concern is that it’s limiting us to supposedly only being able to build a single family or two-family building strictly which you’re not allowed to do per Town Center zoning.

C. Wallace – The restriction was put in there prior to zoning.

D. Koehler – Worst case, Town Center does allow by Special Use, two-family as well depending on how the proceedings go for you.

Brian – We’re pretty much proceeding at our own risk but think we can get that deed restriction extinguished. Would like to take this to the next level, formalize review.

D. Koehler – Did not do a technical review for the fact that if it was determined that you couldn’t do anything legally, we’re wasting our time and money. The code sections placed in the last paragraph of the DCC site plan are all applicable, Town Center, multi-family, parking, landscaping buffer, etc. As long as you are starting to take a look at those things, that is what I will be looking at.

Brian – Confirms there will be revisions submitted.

J. Frustace – Questions setbacks in relation to library and Sparrow’s Nest.

D. Koehler – Town Center Grove was the proposal that was on the second parcel between Sparrow’s Nest and this one and they’ve appeared before the Planning Board one time. Don’t know if it’s coming back. They may have gone to ZBA for a general opinion, not for a decision, but I thought the concept was that they were going to split some of the difference with the setback with Sparrow’s Nest and start bringing some of it back up towards the front. There should be some sort of coordination between the locations on that second parcel, if it’s actually an application that’s moving forward, and also septic and wells, the public water supply and separation.

J. Frustace – Questions what was done with sidewalk for Sparrow’s Nest.

D. Koehler – Sparrow’s Nest is reserved to build in the future due to sidewalk to nowhere. If multiple plans, will start building sidewalk.

C. Wallace – Confirms Town Center Grove was for information purposes only and came for the January meeting, and have not made any additional submissions.

D. Koehler – Asks if the ZBA was in favor of pushing it back.

C. Wallace – They asked the board to move forward with scheduling a public hearing at the ZBA for the March meeting but it didn't happen.

D. Koehler – Thought that was a coordinated review that SEQR had to be done prior to variance.

C. Wallace – Correct. Confirms they have not been back to the Planning Board.

J. Frustace – Deed restriction, building position and sidewalk.

Brian – Asks for the board's take on positioning.

J. Frustace – Don't know what's going to happen next door.

R. Lopane – Would like to see elevations but don't have a problem trying to maintain Town Center standards. Asks if it will require a variance.

J. Frustace – If we were to cause him to push the building back he would.

R. Lopane – How many units can you get per the zoning.

Brian – Could get 24 units if you had water and sewer per one aspect of code.

P. Poltrack – On top on aquifer.

D. Koehler – Confirms on aquifer overlay.

R. Lopane – What would you do with the rest of the property? You're maxed out on the physical limitations.

Brian – Unless water and sewer comes around in the same position as all the other lots. We're maxed out because of the public water supply.

Brief recess.

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

Brian Hildenbrand, Engineer – The owners, the Pozzuto family, own 3 lots at the end of Frog Hollow Rd. Lot 1 is 83+ acres with a single-family house and existing trailer home. Lot 2 is 2.25 acres. We call that the access parcel. It's a narrow strip that runs along the northeast property line that helps gain access to Lot 3 which is on the other side of the Metro North property. Here to propose lot line change to Lots 1 and 2. In the area where the existing trailer is, remove the trailer and construct a code compliant building site for a single-family house. There is a DEC wetland and stream that traverse the property. The new house and septic will be outside the 100 ft buffer. We have a submission into the county health department now for

the well and septic approvals. The other part of this is to formalize farm access. Although it is the access parcel, it is undeveloped so we'd like to create a farm access to traverse the access parcel and gain contiguous access to that Lot 3. The final product we're proposing is a legal house site to clean up the lower area to meet the intent of the access parcel with a dirt drive up the 2.25 acre strip. Were here for preliminary discussion. Scaled back proposal based on comments from the board.

R. Lopane – What agreement is there over the dirt drive to ensure access to that lot?

Brian – Don't understand.

R. Lopane – To get to Lot 3 you have to go through Lot 2 correct. What stops the guy who owns Lot 2 from preventing access to Lot 3? Is there going to be an easement over the road?

Brian - If there's nothing in the deed, it would have to be an easement.

R. Lopane – Indicates he does not anyone in the future to say the board has to find them access because it was lost. Wants to ensure future owner of Lot 3 is ensured some type of access to the main right of way.

F. Garito – Questions current access.

Brian – There's nothing. There's access through Lot 1 which isn't the proper way to access Lot 3. The intent of this is to clean up what is happening now and provide the formal access through the access strip to Lot 3, independent of anything happening on Lot 1.

R. Lopane – Seems like a good solution, just wonder what legal instrument is going to protect Lot 3.

D. Koehler – These lots were created by a subdivision of Doc Sanford's property and there was 300 some odd acres they cut into three. The parcel on the east side of the railroad tracks is what's referred to as Lot 3. When the filed map was reviewed this parcel that was for access was actually supposed to be an easement. It was never supposed to be a parcel of its own. The fact that the county, as that map was filed, made it into a parcel as opposed to an easement has muddied the waters. There's no way that little L-shaped parcel, regardless of it being 2.3 acres, was intended for a building lot. It was clearly written on the map for ingress and egress and I believe incorrectly said ingress and egress to Lot 2 where it should've been Lot 3. Lot 3 is across the railroad tracks. There's some muddy things with the legality. I think there's actually only two parcels in existence, which was from the original filed map 11679. Clearly on that map that was an easement.

C. Wallace – Yes and it actually showed as a right of way. The original filed map had two lots.

D. Koehler – It was three. It was the deer farm and these two big parcels.

C. Wallace - Historically, a tax grid number was created for the backwards L-shaped lot shown on the proposed lot line realignment. What's interesting, and something that needs to be pointed out, is the subdivider is actually the 80-acre parcel owned by the trust. There's only two properties here that we're dealing with that are owned in common by Donato Pozzuto. The trust is actually the subdivider because they are the ones giving the property through a lot line realignment to Donato so they should actually be the applicant she should be signing off.

D. Koehler – If you look at the way the filed map was set up, it provided 100 ft of frontage, which is the requirement of road frontage for two lots. Technically there's only enough road frontage for two lots to ever be built off of that portion of Frog Holl Rd. That's another one of the issues. It was pretty clear that

where it says easement, it was intended just for access to the back lot. In order for this to move forward we were suggesting that one of the ways you could do it is tie the 80+ acres that's across the way to one of these two and you still end up with two at the end of the day but you can still build up front with the new house.

P. Poltrack – You would still want to have access to the other side of the tracks.

D. Koehler – Only for farming or recreation or whatever you might use it for but not necessarily a building lot.

Brian – Questions how to dispute with county.

D. Koehler – You would override it with your filed map.

C. Wallace – And you could merge those two lots. That's the proper way to do it because they're under common ownership. 11679

Brian – The fact that they're not physically touching, we have that straightened out.

D. Koehler – You can do a land hook.

C. Wallace – Dan commented about this in the discussion notes that the applicant really should change the notation of the lot numbers to match the prior filed map.

D. Koehler – It would probably make things easier, particularly when you go to the county to try to file something because it would be a revision of Lot 2 and 3 of filed map. You would be getting assigned a new map number. There's already been two other revisions but those have been on Lot 1 so this would be 11679D or something to that effect, but it would have to incorporate both at that point. They're entitled to at grade access across the tracks. There's also a cattle underpass. (Points out on plans)

J. Frustace – States he read through comments and asks what the board's action is. Suggests SEQRA.

C. Wallace – It's a subdivision. Would have the board direct the applicant to comply with those comments regarding chapter 130 keeping consistent with the lot numbers so the map amendment is consistent with the prior filed map.

J. Frustace – Deem action Type 2?

D. Koehler – If they're going to come back and say they want to do more than two building lots here then it would be a subdivision and an unlisted action. If they're going with the lot line realignment, then SEQRA allows that to be a Type 2 action. Our code still calls it a subdivision but if you're adding lots, that's the difference. This would be a swap of land to create that buildable house area close to Frog Hollow Rd.

C. Wallace – If you're not adding buildable lots it would be Type 2. Right now we're dealing with vacant land with the exception of the parent parcel which is 80 acres, owned by the trust, that has an improved home.

P. Poltrack – If you wanted to do anything on the other side of the railroad tracks you would have to get a variance because of the access off Frog Hollow Rd.?

D. Koehler – Certainly have to provide provisions for it now which is why I'm bringing it up. Don't want to create something that can't be used in the future.

R. Lopane – Are you saying Lot 2 has an easement over it.

D. Koehler – (Indicates on drawing) For whatever reason, the county gave it a tax ID number when it was supposed to be an easement. The filed map still rules to that extent that it's an easement.

R. Lopane – Asks about easement document.

D. Koehler – Did not find one.

C. Wallace – It's incorporated by reference on the map as an easement.

D. Koehler – In the deed it references the map, which says it's an easement.

R. Lopane – Don't know how we are able to approve a building on it if it's an easement.

C. Wallace – That's why it is encouraged for the applicant to merge the two properties into one so they can make it a buildable lot.

D. Koehler – If they use the land hook route to incorporate the 80+ acres across from the railroad into one of those lots then, in theory, if they still wanted to build up there, they could give some of that land to extinguish that easement in that filed map and build that lot they want to build.

C. Wallace – And now they have the necessary frontage to do so and you avoid a rear lot situation and a possible land locked parcel.

P. Poltrack – How do you avoid the land lock?

D. Koehler – You'd have the land hook through, and it would be included in one of the lots as the frontage to Frog Hollow. Either one.

P. Poltrack – Will still have an access problem due to wetlands.

D. Koehler – Indicates they are working with the DEC on proposing a road.

C. Wallace – They can use the rear of the property however they see fit, it's just not going to be able to be approved with the house.

R. Lopane – Combining the lots doesn't worsen the chances of getting access. What we're saying is we can't approve the lots as you're showing them because you have a map that says one lot is an easement.

Brian – Will have that discussion with the owner to clarify confusion.

D. Koehler – Don't think they would have to go through lot line consolidation now. If they're going to file a map they can show all the amendments they need to on that map now.

C. Wallace – And then deal with real property services as they file the map, combining it into one tax grid number.

D. Koehler – Being the fact they have a tax ID number on the easement, it could be that that’s three parent parcels that become two once it’s filed, which is what it was intended to be. That would extinguish the easement. The parcel on the east side of the railroad is its own. It’s a land locked parcel on the opposite side of the railroad. The filed map 11679 shows it as a separate parcel. You could put the land hook and incorporate that in so that it’s part of one of the two parcels on the west side of the railroad.

Brian – Asks for opportunity for informal meeting prior to next full submission.

D. Koehler – Yes and to also have legal involved.

C. Wallace – Suggests the two properties should be combined.

P. Poltrack – They are two different parcels. Suggests looking at drawings.

Board members, together with applicant’s representative and applicant, view and discuss lots on drawings.

C. Wallace – The question is does the applicant meet the bulk area requirements if they combine the rear lot to the 80+ acre property will the stand-alone parcel, which is about 3.5 acres, meet the minimum acreage for a lot?

D. Koehler – For the house, yes. I had mentioned something about a couple of setbacks that you’d have to just check in the review letter. That side is R-45 so you only need a little over an acre as long as you can put in well and septic and separation. In terms of area, yes. I think you can make it work with the yards as well. That might end up its own building lot off Frog Hollow and then the big parcel contains the east side of the railroad. You would have to cut the tail off so you can get to the cow crossing or the at grade crossing.

EXTENSION

- 1. Camp Ludington – Lot Line Revision**
165 Paine Rd.
Grid # 6756-00-464707
Zone R-135

D. Koehler – We circulated a draft resolution. This is trust for public land. They are taking care of a few things before they can file the map and working on other deals that they need to get up to that 500-acre threshold.

J. Frustace – I would give them the maximum.

D. Koehler – In the past have gone as far as three but they don’t think they need that much. We suggested one 90-day. This one already goes through June 11, 2023. They’re here early.

J. Frustace – Asks for motion to grant one 90-day extension through September 9, 2023. So moved by P. Poltrack. Seconded by F. Garito. All in favor. Motion carried.

2. Grape Hollow Subdivision - Subdivision

82 Depot Hill Rd
Grid # 6756-00-926766
Zone R-135

D. Koehler – It's the same situation, same applicant, but since in this case it is about to expire, it would be two 90-days. That would bring it from April 18, 2023 granting through October 15, 2023.

J. Frustace – Asks for motion to grant two 90-day extensions through October 15, 2023. So moved by P. Poltrack. Seconded by F. Garito. All in favor. Motion carried.

3. Alaina Estates Residential Subdivision

Beekman-Poughquag Road
Grid # 6758-00-642721
Zone R-45

D. Koehler – Craig can attest to this, they've been working with all the parties. They're knocking at the doorstep. They've settled out all the issues with DCWWA. We had one additional, bringing them to June 24, 2023.

J. Frustace – Asks for motion to grant on 90-day extension through June 24, 2023. So moved by R. Lopane. Seconded by P. Poltrack. All in favor. Motion carried.

Meeting Adjourned 10:36pm.

Respectfully submitted.
Aletha Bourke