



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD
Minutes of Thursday, September 15, 2022

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, September 15, 2022 at 7:00 PM at the Beekman Town Hall.

The following members were present:

Chairman, John Frustace
Peter Poltrack
Robert Lopane
Faye Garito
Jayson Abbatantuono was absent.

Also present:

Town Engineer, Dan Koehler
Town Attorney, Craig Wallace
CAC Chair, Clifford Schwark

J. Frustace - Led the Pledge of Allegiance, noted the emergency exits, and called for a moment of silence for First Responders.

J. Frustace – The Public Hearings are continuations. They were not adjourned as stated on agenda. Minutes are being prepared and videos are available online.

PUBLIC HEARING

- 1. Trust for Public Land - Grape Hollow Subdivision** – Subdivision - Adjourned
82 Depot Hill Rd
Grid# 6756-00-926766
Zone R-135

Adam Thyberg, Insight Engineering Surveying – Representing Trust for Public Land Subdivision of Depot Hill located along the North side of Grape Hollow Rd. Parcel is 137 acres proposed to be subdivided into two lots. Proposed Lot 1 will be 12 acres remaining with the same owner, same use. Proposed Lot 2, the larger, will encompass the remaining 125 some-odd acres which will be acquired by the Trust for Public Land, the applicant, ultimately to be conveyed by NYSDEC to be held as open space. We've gone before the Town of Pawling planning board since the last meeting as a small portion of the subject property falls in the Town of Pawling. They have issued a letter to the Town of Beekman planning

board indicating that they have no opposition to the subdivision or to your board carrying out SEQR. With regard to the engineer's comments, we believe the majority have been satisfied. There are a handful of outstanding comments mostly clerical cleanup...notes to be added to plat. We did request one additional waiver per Dan's memo §130-20a6 requiring further detail on the features of the site. We think we've shown most if not all existing features on the site and we're requesting a waiver as this is a large site with no proposed improvements. We're just looking to not have to show any further detail than what is already shown on the plat. Side note: public hearing was opened last month. There was one public comment. I met with a fairly large number of people in the parking lot after the meeting was adjourned. The response was overwhelming in support of the project.

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

J. Frustace – Review of public hearing rules. Notes that replies will not be provided unless a significant question needs to be asked.

Bill Crain – Reiterates strong support for project.

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

D. Koehler – Procedurally, it's an unlisted action, subdivision, really should be a type 2 but there's no classification in the SEQR regs to support a type 2 so it's unlisted action. They've provided a SEAF that was reviewed. There's no comments. If the board is so inclined, we could do a negative declaration at tonight's meeting.

R. Lopane – Motion for negative declaration. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – If you want to authorize the town's professionals to prepare a resolution for next month's meeting we can do that.

J. Frustace – Confirms that does not require a vote.

C. Wallace – You can get ahead with the legals on the proposed deeds on the subdivision

Adam – Will confer with applicant

2. Cemco Development Group – Lot 2 & 3 Boyd Re-subdivision - Adjourned
Pleasant Ridge Road
Grid # 6859-00-434759
Zone R-135

J. Frustace – Public Hearing originally took place in June. Applicant/Representative did not show in July so is being continued.

P. Poltrack – We have worked with Gillespie several years. The board has asked that the center line of the driveway on Pleasant Ridge Rd. be identified and that has not been done.

Roy Bargicciotti, Applicant - Indicates both sides of the driveway were flagged three months ago.

P. Poltrack – Did not see flags upon visiting the site. Suggests future standardized flagging. Asks applicant to remark the center line.

Roy – Confirms they will comply.

J. Frustace – Questions Mike Gillespie regarding last month’s public hearing.

M. Gillespie – Indicates that a submittal was not made. Surveyor was engaged due to tree issue. States he was unaware that the area where the houses and septic systems were proposed had already been removed prior to applicant owning the property.

J. Frustace – Was referring to why there was no representative present for the public hearing.

M. Gillespie – Had to get a hard line on trees with surveyor and missed submittal. Should have sent a letter requesting adjournment. Apologies for assuming it would not be on agenda.

J. Frustace – Telephone notification would have sufficed. Wanted to read for the public, your letter to the board for record. Bullet point number 20. At April 2022 meeting, member Lopane requested that Lot 2 be shifted for environmental reasons. Mr. Lopane is a licensed landscape architect for the record. Your response was the relocation of house on lot 2 will increase disturbance grading and the potential removal of precious trees contrary to board concerns. What did you mean?

M. Gillespie – The board that night had some real concern with regard to any of the trees being removed from the property. In fact, there was mention of a particular tree that was important and should not be taken out. Comment was a little over the top, but plan is provided in accordance with the comments.

J. Frustace – Comment came off as sarcastic. We are here to follow the law of our town, protecting the view shed. A number of people were concerned as was the board. Rubbed salt in the wound after the June meeting.

M. Gillespie – Once we had the site visit, an email was sent to town indicating what was seen. Many trees no longer there. I have offered a site visit. Hoping we can move on.

J. Frustace – Asks for description of nature application for the public.

M. Gillespie – This is the Boyd subdivision that was subject to a previous approval and over time the lots were consolidated. The lots have since foreclosed and been purchased. Current applicant wishes to subdivide the property as it was. The issues other than modifications in personnel with the planning board, we also have a new set of regulations. Underlying zoning requirements are the same but a plethora of environmental type regulations to adhere to regarding drainage, visual impacts, etc. We’re on a road that requires a 100-foot buffer before any disturbance occurs. We went to ZBA and obtained a variance effectively to allow the grading of the septic systems in that buffer area. To try to minimize disturbance and with new health department regulations we tried to tighten those up to minimize that. The zoning board did not provide any specific requirement relative to plantings and was not restricted to a particular distance from Pleasant Ridge Rd. but we have done what we can to meet those requirements and maintain that buffer as best we can. Visiting the site, you will see that there’s a fairly significant buffer in the front. Prior to the owner applicant having the property tied up, there was a fair amount of tree removal that occurred. We’ve modified the plans to show the actual trees that are out there. We also do propose at the bottom of the septic areas between those areas and Pleasant Ridge Rd., additional planting to provide additional screening. We are coming off a county road. We had a letter of conceptual approval for the

original subdivision. Things have changed, so we have resubmitted a request for additional conceptual level approval. There was also a requirement to install two 30-inch pipes across Pleasant Ridge Rd. and with that, a discharge point. Currently, there exists one 30-inch pipe so the county is being petitioned as to the addition of 30-inch pipe. Awaiting DEC response, just hit 30-day mark from submission.

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

Bill Crain, 254 Gardner Hollow Rd. – Came last month, wasn't presented. Perhaps trees removed illegally and plans to remove more. Is it on a steep slope? The plan says we should be protecting steep slopes, scenic views. This seems to contradict the comprehensive plan in many respects. Has serious reservations about the project.

D. Koehler – Clarifies that the original subdivision was approved in 2005, so 2 building lots were ready to go at some point. It is likely that trees were cleared but construction did not continue. Does not believe they were removed illegally. There are some steep slopes on the site and planning board is making attempts to avoid steep slopes. It is in the comments and will be part of the process moving forward.

J. Frustace – Questions tree table.

D. Koehler – Confirms table is on sheet 1.

M. Gillespie – Confirms tree removal was not recent.

R. Lopane – Asks if an old survey was used.

M. Gillespie – Indicates they did the original Boyd subdivision survey which was a tree survey and used it for this purpose, had to modify to reflect actual.

R. Lopane – Asks for confirmation from town engineer that it is his contention that this is not recent activity.

D. Koehler – Confirms he has been to the site and it did not appear that trees were removed by current owner. Could check old photos. Falls in line with 07/08 housing collapse. Likely lots were prepped and then weren't worth much suddenly.

R. Lopane – That's when it was subdivided back into one lot.

D. Koehler – Yes at some point. The county has a rule if you have lots created by subdivision, you can't consolidate them for a period of 5 years from the date of the filed map. Clearly, it happened 2010 or after and someone reverted back to one lot. Comprehensive plan 2007. New zoning 2008, 2009, 2010 it was being prepared. They added scenic roads, scenic viewsheds, wetlands, water resource permits, steep slopes.

R. Lopane – To clarify for the public's sake, we need to review based on current regs in spite of the fact that it was once subdivided.

D. Koehler – Correct. Even stormwater has changed significantly over time, that's why I've asked for calculations on swales and pipes.

R. Lopane – Questions stream. Temporary, not perennial? Is it flowing.

M. Gillespie – Don't believe so but doesn't show on the mappings relative to DEC or Army Corps.

Roy – States not flowing, strictly drainage.

D. Koehler – There's an NWI reference to a wetland there so we have asked for wetland scientist to flag, delineate. It looks like an outlet. Seems to be originating in that wetland area on topo.

R. Lopane – One of the issues at the last meeting was being able to understand which trees were being removed. Comments on addition of tree removal table and indicates that it is hard to assess the level of environmental impact as it must be deciphered by omission, which trees were removed. I thought we asked for you to show exactly which trees you're removing so we could make our assessment. We have to sign off on an environmental assessment and need to be clear about whether there will be an impact. Wanted to see X's on the trees being removed or a removal plan. Concerned about stream corridor. Would the realignment of what you're calling the swale be subject to the disturbance?

D. Koehler – Would need a wetland scientist to flag the limits of the wetland. NWI is an indicator that there's a potential presence of wetlands in that area. The only way to know is if it is field delineated and survey located. Once you put that on the plan and see exactly what's happening, if there's any diversion that's within a federal wetland, it also would kick in a town wetland and water resource permit as well if there's any disturbance to a wetland so we need to know that to be able to understand all the permits that are required. May or may not require Army Corps.

R. Lopane – According to updated table, you're proposing to remove 22 oak trees, 54 maple trees, 3 hickories; and how many are you proposing to plant?

M. Gillespie – In the area of Lot #1 we show 3 evergreens and on the other we show 4.

P. Poltrack – The 3 proposed evergreens on lot 1 at the end of the septic system; what effect are they going to have because they are almost perpendicular to the roadway. Would it not be better to have the screening parallel with the road?

R. Lopane – From a visual standpoint, if we're worried about scenic roads like we are charged to be, you would want to provide a buffer along the road to try to mitigate the effect of the loss of the trees in front, if there are trees in the front.

P. Poltrack – You would want the placement of the trees to be parallel, not perpendicular, to the road as is indicated on the proposal. I would think that on the second lot, the same thought process may apply to those proposed trees.

R. Lopane – It looks like he's putting trees in front of the house so I think no, but I would put more of them if I was going to mitigate the loss. It's not just about the visual but also the environmental. There's been a loss of trees so you want to mitigate the effect of the loss by adding back the trees so we could have more habitat restoration.

P. Poltrack – You're suggesting that additional trees be planted on both lots other than the 3 that are proposed.

R. Lopane – I don't want to get too far into suggesting what to do. It's not my money. At a point where I can't vote for a SEQR that says there's not going to be an impact to trees, watercourses, scenic resources. I don't see enough being done to mitigate that effect and don't have enough information to make that decision.

J. Frustace – Agree. We're looking at removing 22 oak trees, 54 maple trees and 3 hickory trees, and proposing 7 replacement evergreens.

F. Garito – I have a problem with taking out these hardwoods and replacing them with evergreens. Would like to see some of the hardwoods replaced to mitigate the loss.

R. Lopane – Stresses value and importance of diversifying trees.

J. Frustace – Reiterates we have no idea what is being removed from where and what is remaining. Inquires as to whether the back up area to the septic is being clear cut.

M. Gillespie – Presumably at some point. Trees are shown at the bottom of the expansion.

J. Frustace – I clearly remember Rob asking for the location of the trees that were going to be remaining and ones that were going to be removed back in June. I don't want there to be any misunderstanding that we have delayed this in any way.

M. Gillespie – Having X's on the plans, maybe the house and septic light on the background would probably help you see what's going to happen. In terms of the trees parallel to the road, with the grading on lot 1 and stone wall, would be on county roadway.

R. Lopane – You can plant trees on steep slopes. In fact, its good to plant trees on steep slopes.

M. Gillespie – They would be in the sides of the septic area which is clay roam material and typically the health department doesn't want trees within 10 feet of the septic area.

R. Lopane – If there are any other setback limitations that need to be considered in that decision, you should show that on the drawings. If there's a setback from the septic, and you're absolutely right there is, you should show that to help us decide where the trees can and can't go.

D. Koehler – There's a retaining wall in that area also.

R. Lopane – There's all those trees against the wall that are going to go. Will removal of trees disturb the wall?

D. Koehler – What would help is if you put the trees to remain on a layer that's going to be a tree to remain then you could viewport freeze it and show that way which ones you're expecting that you can hopefully save and then that also shows how you're supplementing the ones that are to remain with the new ones.

R. Lopane – I want to see which trees are being removed even if it means having another plan that is tree removal.

D. Koehler – You can still have the removals with an X but it is also a helpful visual when you put it onto the ones that are to remain. If you continue to show them, you don't necessarily have to keep the ones that are to be removed on that one plan because then you've got too many lines. As long as you have the other plan that's shown then you can understand how you want to supplement landscaping for them.

P. Poltrack – Questions if septic are in the ground.

M. Gillespie – Confirms fill, above ground, which unfortunately makes them larger, requiring more vegetation.

P. Poltrack – Am I correct in understanding once the fill is put in it has to sit before we get health approval.

M. Gillespie – Not for these type systems. You can bring in the fill provided and lifts. There's another type of large fill that does require that.

R. Lopane – Inquires if stormwater plan is just an erosion control plan or does it require post-construction stormwater practices.

M. Gillespie – Based upon the disturbance, we're under the requirement so its basic SWPPP.

R. Lopane – Was an erosion control plan reviewed?

D. Koehler – Yes, we have been reviewing. This is the second iteration of the SWPPP that we've offered comments on.

M. Gillespie - Reviews slopes on SH1. Indicates there are a small amount of extremely excessive steep slopes, 30 percent and over. Grade pushes back. Suggests retaining wall on the back side as modification to reduce the impact of slopes.

F. Garito – Questions location of potential retaining wall.

M. Gillespie – Indicates location on plans

J. Frustace – Questions type of retaining wall.

M. Gillespie – Would have to be a retaining wall that does not need excavation in the back. Something along the lines of a core wall or gravity type, that's the idea.

R. Lopane – Those are things that we look at when assessing the steep slopes, that you've taken steps to avoid disturbing the slopes. If your suggesting a wall, that would limit the disturbance.

D. Koehler – Would be helpful to have first floor elevations as well to get a better feel for how the lots need to be graded.

P. Poltrack – Are we ok with the driveway split?

D. Koehler – Had fire advisory board and they seemed happier with the layout with the T that is extended out. There's still a concern with the grades at that portion. Not sure what can be done. That goes back to my comment about the DPW and whether or not they're going to let you come off positive grade from

their road as well for drainage issues. It's important to get that nailed down with DPW so we know this is a realistic profile and then find out what the grades can and can't be in that area. The fire advisory board talked about maybe widening those curves just a little bit more to give it more width. Not sure if it will be that helpful. It's a work in progress and will continue to come up as long as it is a planning item. It might end up being more retaining walls. Shared driveway was also mentioned in the comments. Right now, in the proposal, it's the first one that builds the driveway. It's over the property line so there's going to have to be a shared driveway maintenance and easement agreement. I think the limits of that easement actually have to be bigger based on the grading but the board should render an opinion on whether or not the common portion should be done by the developer and if so, when.

M. Gillespie – We had proposed that the first one in does the job. The intent is to build both. We've provided notation indicating whoever gets the first building permit is responsible for the whole deal. If there's some formal legality way to make that work beyond the note on the map.

P. Poltrack – It's deeper than that, isn't it? The reference of the maintenance of the shared driveway.

D. Koehler – They're going to have to have a legal document that discusses whose maintenance responsibilities, whose paying for what, how they're going to do it, that they have the rights to pass through to their properties, that they cannot put any obstructions to block it and things like that.

P. Poltrack – Questions whether there is a general standard for shared driveways in terms of easement language or the legal portion to cover both parties in relation to anything connected with the driveways.

C. Wallace – It should be noted on the subdivision map.

P. Poltrack – We've had issues before with shared driveways and are facing it on the Baker subdivision. Is there a standard or set of guidelines for this type of situation? If not, there should be. Talking about driveway maintenance, not construction. Who would be responsible for the maintenance of the driveway, snow removal, etc?

D. Koehler – That is what the easement and maintenance agreement would secure. Code requires that an easement be filed for a shared driveway. The lawyers work out the language. We are correcting issues of the past by incorporating easements and maintenance agreements.

P. Poltrack – A lot of times, on the legal stuff, there is a standard form with item numbers. Do we have any item criteria that is followed?

C. Wallace - §155-56 of the code is standards for shared driveway.

R. Lopane – The problems we've had in the past are for those shared driveways that didn't have an easement and then we had to work retroactively to get these owners to agree on a plan. Anyone buying these two lots are coming into it knowing their responsibilities and obligations. It's in the deed.

P. Poltrack – I'll buy what you say but we are going to be facing the same thing again on Cottage Ln.

D. Koehler – Correction: Valley View, the private road. That is a case of an existing private road. The process that we are suggesting and what the code is talking about with the easement and maintenance agreement is in place to avoid that issue.

R. Lopane – That is why we are not going to have that problem, because we're telling them now that you have to formalize it.

D. Koehler – How long do you think it is going to take to get the wetlands delineated and surveyed and to continue discussions with DPW and DEC? The DEC kind of comes out of the picture if DPW says the 30-inch pipe that's there is sufficient.

M. Gillespie – Hoping to hear back from county. Give it until the next meeting and I should have that. I can get the consultant out relative to the delineation pretty quick. Then it becomes an issue of getting a survey.

C. Schwark – You have nothing on the wetland yet?

M. Gillespie – What we have done is detailed the location of the Army Corps wetland was taken off the parcel access.

C. Schwark – I have an obligation to report to the board environmental issues and I have nothing to work with at this point except for the word wetland on the map. I have to see where the wetland is, where the buffer is and make a decision.

D. Koehler – October 31st is the deadline so you have about a month and a half to tighten that up because without knowing all the permits and everything, it's not fair to the public either at that point. We'll be able to outline everything by then hopefully and be able to move the process forward. If you're inclined to adjourn the meeting, it would be to November 17, 2022 for a continued public hearing on that date.

F. Garito – Motion to adjourn the public hearing to November 17, 2022. Seconded by R. Lopane. All in favor. Motion carried.

DISCUSSION

- 1. Volta Charging LLC – Site Plan/Sign**
1328 Beekman Rd
Grid # 6759-00-408359
Zone R-45

Ali Fazier, Cuddy and Fader – Appearing on behalf of Volta charging in connection with sign application for two electric vehicle charging stations at the Stop and Shop located at 1328 Beekman Rd. Accompanied by Gabby and Peter who will take you through the recent landscape additions that were added to our revised plans and submitted to the board per your request at the last meeting.

J. Frustace – Provides update to board members regarding previous meeting. We had requested in previous meetings, because this falls under a sign where the advertisements fund the charging station for the individuals using it, and it went to the Zoning Board of Appeals. They approved the area variance and we had wanted it to conform to our code which was for it to look country and wood and keeping with the architecture of our town and comprehensive plan. Since then, they agreed and had a product and that product had been pulled and now they have cement panels that are on the bottom of the charging station itself. This picture gives a better idea of what it would look like. The idea was to use the plantings to mitigate the impact of the lack of material that used to exist.

Gabby – Clarifies that the wood base product can be provided.

J. Frustace – Are there samples? What does it look like? Is there documentation?

Peter – We have not provided documentation of the wooden sample but it has a very nice rustic flavor to it. It's just a wooden base that would be around the base of the charging station. Asks for a moment to pull up image to pass around.

Gabby – The stain on the base is very similar to the wood grain on the planks (points out ceiling), a little bit lighter in color.

R. Lopane – Inquires whether it is a synthetic product or actual wood. Affords opportunity for public to view image.

Gabby – Believes product is synthetic

J. Frustace – Unless there are other questions at this point, we could just authorize a resolution to be prepared.

D. Koehler – A resolution was drafted and is before you. Prepared chronological supporting documents that would have been given to the board. The only thing not filled out is the decision. It's the Therefore, Be It Resolved on page 2 that has a couple of options whether it's approved, approved with modifications or denied. I think it was a little bit of a surprise with the wood. Is that what the planning board wants? You need to give them that guidance. We could incorporate it into a resolution or, as I had mentioned, we had approved with modifications so we can hand write something in and finalize it. They also gave a planting plan within the bigger plan set and then a planting palette rendering from both angles on the curbed islands. The intent of that was to soften the look of it. I had placed some of that information in the resolution as well.

R. Lopane – Just one island?

Gabby – Confirms two units on two islands.

R. Lopane – In concurrence with the wood appearance. Gives it an earthy tone and tones down visual impact of the unit which is in the spirit of our law to sort of downplay these. As far as the plantings go, some confusion because what is showing on the image is different than what is on the plan.

Ali – Confirms Rob is referring to the holly bush.

R. Lopane – More for code enforcement but the intent is to try to get that greenery around the base of the unit to try to buffer its hard edges. This is more of a general landscape plan but if our code enforcement officer inspects this, it needs to meet the spirit of ensuring plantings soften the bottom of the pedestal.

F. Garito – Questions who will be responsible for maintaining the shrubbery.

Gabby – Confirms Stop and Shop responsible for shrubbery maintenance.

J. Frustace – Holly is what is on the plan.

R. Lopane – Inkberry. It is a broad leaf evergreen which was suggested to provide year-round buffer. Less deciduous more evergreen.

D. Koehler – If they're amendable to more broadleaf evergreen and other things proposed, we could mention that in the resolution as a comment. It's not a document that we've reviewed but one you would expect would be constructed.

Peter – The intent was to have those hollies around the station to provide more coverage and the perennials to add a little color and life and fill out the landscape island throughout. Regardless of what plantings you want to see we'll absolutely be amendable to those specific kinds for the entire landscape island of both islands.

R. Lopane – Good combination, good variety. Would just go a little more extensive on the broad leaf evergreen.

D. Koehler – You can just have me add that language in, we'll circulate it for your review and then Chairperson, Applicant and Owner will have to sign it.

F. Garito – Motion to pass resolution as discussed. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – Two other quick things just to satisfy some of Fay's earlier comments about PSAs. There was a little bit of a discussion last month that she missed so can you speak to the PSA's (Public Service Announcements) that Faye was requesting.

Gabby - We like to offer municipalities the opportunity to work with us out of the PSAS or if they have bulletins for township events, usually we'll provide you guys with a year of free space on our stations. There's a certain number of flips up to a year.

F. Garito – What happens after the year?

Gabby – Cannot provide definitive answer. Depends on the municipality and how many flips were signed up for initially.

F. Garito – So after the first year there would be a fee.

P. Poltrack – If there's a fee, it should fall on Stop and Shop.

F. Garito – I'm thinking about a fire, if there's a warming station or a cooling, the fire department's doing that it could be posted on there. That is what I'm looking for. Clove Valley Road is closed. Find another way.

Gabby – We can provide you with a full pamphlet of what we usually provide townships and explain the whole process.

F. Garito – My question still remains. After the year, there is a fee involved?

Gabby - Would need to confer with team.

F. Garito – I don't see us once a week, just if something happens and we want to get the most amount of people aware of it, that would be a good thing to have that available to us. We wouldn't be using it for the Boy Scouts are meeting on Tuesday. It would be for public awareness and emergencies.

P. Poltrack – So the program has the ability to alternate.

Gabby – Yes

P. Poltrack – If that's the case, shouldn't we put something in place to decide general criteria but also who is going to be responsible for seeing that this public information is displayed on the boards.

C. Wallace – Anything that goes to content, the board should stay away from, even if it is for public service, if it leads to a contract down the road between the town and the vendor then that would be a matter for the town board, not within the purview of this particular board.

D. Koehler – What I am also hearing though is if we had a situation we could reach out and they may consider just putting it on there.

F. Garito – I would envision maybe the fire department and the town board contacting the vendor to say we have a situation. I don't see it being used a lot but available if necessary.

P. Poltrack – Should be noted someplace so that when there is the need, someone can be responsible for getting that message out there.

J. Frustace – The draft resolution will be circulated to the board and I will sign it.

D. Koehler – One more thing to add and I emailed Ali about this today. Fire advisory had a meeting this morning. On the front left side of the Stop and Shop where the conduit goes, coming along the side of the building and goes underground from there. They had asked if there was an opportunity to put a shutoff there in case there was a fire or something going on there so they could run over and shut it off there as opposed to running into the Stop and Shop, all the way to the back left, finding and turning off the breaker, and then running out and fighting the fire.

Asks representative to explain response.

Pete – Per code requirements, disconnect switches are not required to be on the face of the building for equipment 250 volts and lower, whereas our stations are pulling from 240-volt power similar to common appliances like electric drying machines, water heaters, etc. Being that we're within code compliance with our design, we have not specified a physical switch on the exterior of the building. It could be made, it is just atypical for level 2 chargers.

F. Garito – Questions accessibility to switch.

Peter – If there was a switch, it would be designed in such a way that it has to have intent to be turned off. The purpose of a disconnect switch was that if there was a problem, anyone could access it so ideally, it would not be locked, in my opinion. However, it would not be in a place where young kids could just come up and turn it off for example.

P. Poltrack – Could do Knox lock of some sort to restrict to emergency services.

J. Frustace – Is this something you're willing to do. Is there a need? Curious if there is history of delayed responses to shutting it off.

Peter - Ideally, in the event of a problem, the breaker would trip, resulting in power shutoff to stations. For level 2 chargers, 240-volt power, we typically do not see many. Have not seen any in personal experience. Emergencies do happen sometimes, but don't foresee any issues with level 2 chargers. The

level 3 chargers are 480 volts and those all have disconnect switches. This is a step down, level 2 charger with 240 and these panels are already in Stop and Shop supplying power to appliances. It is very common to not have disconnect switches for those appliances.

J. Frustace – My compressor. I have a duct heat pump and there is a cutoff switch there in addition to the breaker box. I think that was the fire department's concern.

D. Koehler – That was the concern. They have heard of fires. They looked at the plans for Stop and Shop they realized they had to go all the way to the back left through the building to be able to turn it off. They're not going to spray any water until they know that electric is off.

J. Frustace – Asks if Volta is ok with us being the first in the event of an emergency.

Peter – We do not want an emergency so we can absolutely put a switch there. Asks if there is a preference on where the fire department would want the physical switch.

D. Koehler – It would make sense to do it where it's not creating any more length so right where it's going down into the ground on the left-hand side as you're facing the building.

Peter – Would be in line with the current conduit run so not out of the way but obvious to where that emergency access.

D. Koehler – Just might be that there's a locking mechanism on it that the fire department has a key for or a Knox box. Stop and Shop probably already has a Knox box so I would think it's just a matter of putting the extra key in there. Wouldn't see a reason to have another Knox box.

J. Frustace – The fire department will have a unique key that opens all of them.

2. Greenhaven Road Solar Community – Site Plan Special Use Permit; Water Resource Permit
97 S. Greenhaven Rd
Grid # 6757-00-082660
Zone C-3

Applicant/Rep – Since the last time we were here we talked about closing out some of the lingering comments. We set up a meeting with Dan to discuss the comments to confirm the path forward. We made a preliminary submission to Dan's team before we submitted to the town for a comment. Marked out all of the trees on the entire site over 15 inches for potential removal for the planning board to go out and look at. We did change our tree clearing plan to avoid cutting trees along the property (points out on drawing), so we're going to leave that existing vegetation. Took some photos. It's pretty thick. There's also topography on both sides of ridgeline. We are leaving proposed landscaping lower, 12-foot high shrub type landscaping but did remove the taller trees from our landscaping plan. They're not going to grow well with the trees that are already there and we'd have to set them back if we're going to leave all the trees there, and they'd grow up and shade the solar panels. Our panels are set back far enough not to be shaded by existing vegetation. Thinking we should leave that vegetation as we do have enough distance and it's already a very full vegetative buffer so we did reduce the tree clearing in that location. Notes were added to the plans to specify the 12-foot trees, notes for the contractor to walk the post fence line with the fire advisory board to decide where the supplemental stone for emergency vehicles should go, and responded to all engineering comments. Additional comments sent, a few of which were

responded to via email. Believe we have met most if not all requirements for outstanding SEQR items that the town would be concerned about. Goal is to talk through any remaining SEQR concerns and hopefully get a vote on SEQR to keep things moving.

J. Frustace – Questions if additional mowing was discussed.

D. Koehler – Kudos to the applicant for taking control of the plan because it had been previously dragging through and wasn't getting addressed. Progress is appreciated. Generally agree that the SEQRA process can move forward based on the documents that have been provided to us to date. Draft part two and part three have been provided and are before you for your consideration. We identified some of the areas that could've been potentially large impacts, focusing on three areas; Impacts on Surface Water- Item 3d - the proposed action may involve construction within adjoining fresh water or tidal wetland or in the better banks of any other water body. As you know, we've got Frog Hollow brook, DEC stream, and a number of other channels through the property that are federally and town regulated. The applicant, in my opinion, sufficiently avoided impacts to those areas as much as possible. Item 3h is another impact on surface water - the proposed action may cause soil erosion or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies. In all these iterations they've gone through the SWPPP and we weren't satisfied until Greg took charge and started showing the details we needed to say that it does work. It was a partial design and we were worried that after the full design, they would be encroaching on the water bodies. They have gotten to a point where we're satisfied and feel that was a mitigation to a potentially large impact to those areas. It's a stormwater pollution prevention plan that's designed in accordance with state regulations to deal with stormwater quality and quantity and also to deal with soil erosion sediment control. The third item we identified was an impact on plants and animals, Item 7b-The proposed action may result in a reduction or degradation of any habitat used by any rare threatened or endangered species. The hits on this property were Indiana Bat and Bog Turtle. They've self-implemented a tree clearing restriction for when the bats are in the hibernacula so that's a great way to avoid impact to the bats during their foraging. They're out normally during the spring, summer and fall. In winter they go away, so there's a tree clearing period November to April on the plans that they've implemented. The other was Bog Turtle. The DEC has noted that they are in the area potentially or are pretty sure they are. The applicant has provided through part of the SWPPP, a silt fence on the low side of the stream side and DEC has looked at it and said that's one great deterrent for the bog turtle entering the construction area. The other thing is that there's a bog turtle education encounter plan which will be provided to contractors, subcontractors, and anyone else on the site. It's written in the plan that there's a potential for it. The encounter plan shows color pictures, what you're supposed to do, how to react if you find that turtle on site so we feel sufficiently satisfied that they're doing all they can to mitigate the potential impact to that endangered species.

J. Frustace – Have read the deficiency letter and read through your assessment so I'm satisfied at this point.

R. Lopane – Questions whether public hearing is still open.

D. Koehler – Confirms public hearing has been closed. At some point we needed them to give us the information as lead agency on a coordinated review of a Type 1 action. We needed to be able to be in that position to make that environmental determination and that allows them to go to the zoning board of appeals. The ZBA, on a coordinated review shouldn't be doing their own determination until the SEQRA determination was made by this board.

R. Lopane – Inquires about preliminary approval set.

D. Koehler – There has not been preliminary approval. The public hearing was closed. They waived the 62-day period to have to make a decision based on the fact that they knew they were going to the ZBA and still tinkering with environmental determination. At this point, it's a matter of environmental determination that allow them to go to the ZBA. If they secure their variances, they come back to planning and we start working on preliminary site plan approval and conditional final site plan and special use permit approvals.

R. Lopane – Item 9, Impact on aesthetic resources, is that correct because they're all small or no impact but it's marked yes at the top.

D. Koehler – I thought there was some potential for aesthetic resources to be impacted but didn't think it was going to be a tremendous impact. Generally, the site is about 1.4 miles from the Appalachian trail as the crow flies so that was kind of where that came from. It's recognition that there's an aesthetic resource but also recognition that this probably will not create much of a visual impact to that aesthetic resource so I went with no or small impact. You guys fill this out, I just try to assist.

R. Lopane – Concurs with environmental assessment. Motion for negative declaration or determination of non-significance.

Member of public would like to comment. It is reiterated that the public hearing is closed. Resident states that at the last meeting the town attorney said the public hearing could be reopened at any time.

J. Frustace – If you would like to make a comment, I am not opposed.

Bill Crain, 254 Gardner Hollow – What they've done to mitigate the threat to endangered species is during construction. They do not talk about the ongoing habitat loss for the species. You cannot cut down 300 trees without affecting the environment. I think it is preposterous. During construction, you're not bothering them by keeping construction to a certain area, but this is where they live. It is a threat to the endangered species.

J. Frustace – I can't say no but would like to make a comment that this has been a long process. The applicant has met our laws. We all have opinions but we're here to follow the law. The applicant has worked considerably hard to meet the law and the public hearing was open for some time. We are at a point now where we have to vote according to what they've submitted and the way our law is written regardless of opinions. Asks if anyone else would like to speak?

R. Lopane – Suggests formally opening up the public hearing.

D. Koehler – It's not advertised.

C. Wallace – Indicates if that is what the board would like to do, public hearing can be reopened.

Carolyn Dixon, 97 South Green Haven Rd. – To address that, we farmed the area and there was no habitat. We utilized all the acres that they're using. We hayed it and knocked down everything. There were less trees and now the farm is rendered useless. To put in a solar farm and benefit the town and bring up more tax revenue, I don't see what is wrong with it.

C. Wallace – The motion would be for determination of non-significance.

J. Frustace – Motion for determination of non-significance. Seconded by P. Poltrack. All in favor. Motion carried.

D. Koehler – Applicant can go to Zoning Board of Appeals. There is another public hearing there so people will have plenty of opportunity to continue to speak. Confirms the ZBA meetings are the first Thursday of the month. Instructs applicant to contact building department.

3. Sparrow's Nest – Site Plan-Special Use
Clove Valley Rd & Town Center Boulevard
Grid # 6759-00-465462
Zone TC

Steve Whalen, Whalen Architecture with Krista Jones, Applicant – We last presented in July so we've had a lot of development since then. Our engineer has been working diligently on designing well and septic. We've also provided drawings of those designs which are still in progress. We have received the list of engineer comments. I think we have answers for all of them. We do have a copy of the deed. It's forthcoming. Krista is in the process right now of buying this land so once she's got that deed formalized, we will submit it to the board. We do have that note on there regarding events and will take that off. Additional topo info will be added. Right now, it's in progress. We just want to get everything formalized with the septic design and the layout. There're a couple other items that I want to go over. That's why we haven't formalized the topography just yet. We'll add the planning board block. The limited disturbance, I spoke to our engineer this week. We're right on the cusp of about an acre. I know there's one of the other comments about parking and I know I kind of over designed it. We have too many parking spaces so we're going to bring it down to what the code allows. It may be one or two over so we have overflow but if we eliminate like 5 parking spaces, that's 1,000 square feet which is going to put us under the one acre of disturbance. I'm 95% confident that we will be under one-acre of disturbance in talking to the engineer, so that we wouldn't need a SWPPP, but we'll confirm all that. Landscaping is in development. Krista's in the process of retaining a landscape engineer, same with the lighting. I'm working with the engineer, working with the lighting to get all the photometrics put on there. Parking, we're going to add all the information like dimensions, layout. We'll just continue to add more and more information to the drawings. The aquifer overlay information is also forthcoming. We'll add the spot elevations, the dimensions of the building, the delivery path, which we'll touch on again, for the trucks that are going to be delivering food. Of course, invert elevations, location of refuse container. The parking lot location, I know there was a comment on there about possibly putting the parking lot in the back of the building. The reason that we put it in the front, that kind of goes back to the limited disturbance. We didn't want to have this long access drive and also just to kind of free up the backyard. They're going to have plantings or gardens in the back just to try to keep the back of the building green. We will note that all utilities will be underground. The agricultural data statement is forthcoming. We talked about area of disturbance. We will coordinate the well location with the property that is to the east. Those are the major comments.

D. Koehler – If you notice, what I do with the review letter is I always put in a section of the code if there is one, so just refer to that because I use it as a checklist. If it's not there, I put it in my letter, particularly lighting and landscaping. There's some specific stuff, particularly because you're in the town center district here so have them go off of that for their design and I can check it. The question about the parking in the rear of the building, it's a town center code section and it says "should" so I don't think it requires a variance but I will defer to legal.

C. Wallace – "Should" means that this board could exercise some discretion.

D. Koehler – Part of the reason it was like that was because in some of the earlier discussion it was also talked about it being angled, similar to the Beekman Library across the street. It's almost a streetscape feel that was being proposed there. That's part of the reason why they have parking in the front.

F. Garito – The code was written because they wanted a streetscape effect and not see parking from the road, but not every piece of property lends itself to that.

Steve – We haven't determined the species of everything that we're going to be planting there but right now there's not a lot of trees on the lot. When we're done, there's going to be more trees on the lot than there are right now. We plan on hiding the parking by running a row of trees, deciduous and coniferous, all the way around the perimeter so during the summer and spring, you're really not going to be able to see it. A little bit more in the winter but that's up to the board, we could just do coniferous trees all the way around.

J. Frustace – There's also islands as well.

Steve – We've got room. We can landscape it.

D. Koehler – One thing I noticed was that the building was moved from the last submittal.

Steve – We didn't move it on our plans. Will have to check with the engineer.

D. Koehler - The rear yard setback.

Steve – We can adjust that so we're in compliance.

D. Koehler – Yes. Because of those supplemental regulations, it has that different front yard which we've talked about, but the side and the rear yards are also altered for charitable foundation facility so that will need to meet code or you would have to get a variance on that as well. It's giving us enough so we can do SEQR determination, and you can go and deal with that variance issue which is almost more of an interpretation. It's 0-15 feet in the town center as we've talked about in the front, but the supplemental regulations say 100-foot front yard setback is required for this type of use. I think they are meeting the spirit of the code but would be zoning board determination or building inspector interpretation. Underlying zoning is 0-15 feet but for this particular use, which is a specially permitted use in the town center zoning district, it has a separate front yard requirement of 100 feet. Normally they would want 0-15 but for a charitable foundation facility, they want 100. Is it interpretation or variance?

C. Wallace – ZBA. Area variance.

D. Koehler – If that's the case, then we'll have to get to that point where we do the SEQR determination here again. It's typical we do the coordinated reviews here. Before you get too crazy with landscaping and lighting, you want to make sure that the layout is set as good as you can in terms of meeting the setbacks, but also providing sewage disposal. The engineer is very competent. Will likely work with DOH to come up with a flow confirmation so he can size that.

Steve – Confirms that was already done.

D. Koehler – So it's really just a matter of tightening up that area in cast storm water controls are needed. May consider, if it's just going to run down towards Clove Valley, is having a preliminary conversation with them. Did lead agency circulation and did not hear back with any objections to planning board acting as lead agency so they could make that determination if they choose.

F. Garito – Asks for clarification if this will require a determination or a variance.

D. Koehler – Craig believes a variance because it's written two ways.

J. Frustace – Questions why there is a difference setback for not-for-profit organization.

D. Koehler – Because it is a supplemental regulation which is associated with a special use permit. Different level of criteria the code requires.

F. Garito – Motion to declare lead agency. Seconded by P. Poltrack. All in favor. Motion carried.

C. Wallace – Did make a comment about the setbacks on this project. Have to take another look. The spirit and intent of this particular designation was for possible accessory residential use ie: caretakers and that is obviously not the case in the particular application. Rather than going back and forth to ZBA, if there is discretion, I will advise the Planning Board.

Board members discuss whether the applicant has provided enough information to schedule public hearing. Board decides to set public hearing for the following month and adjourn if issues arise.

F. Garito – Motion to set public hearing for October 20, 2022. Seconded by J. Frustace. All in favor. Motion carried.

4. Town Center Grove – Subdivision & Site Plan & Special Use Permit
Town Center Blvd
Grid # 6759-00-500438
Zone TC

Mike Gillespie, Engineer Representing Applicant – Presents site plan to board consisting of 2 multi-family buildings of which Town Center setbacks encourage buildings toward the front of the property. Proposing shared driveways in accordance with TC guidelines, 2 parking areas in the rear.

F. Garito – How many parking spots? Are they delineated?

Mike – No. It's four dwellings. Proposing individual wells, common easement. Using Dan's letter as a checklist and moving forward on that. As the Planning Board also serves as Architectural Review Board, we're in the process of developing an elevation plan.

J. Frustace – How many stories?

Mike - Two

P. Poltrack – Sparrow's Nest and the library are set back. I think current requirement for the proximity to the road is too close to the road. Would like to see buildings set back further from the road. Would be aesthetically better.

F. Garito – That's the town center streetscape.

P. Poltrack – That’s the town center streetscape, and so far we haven’t done it.

Board members discuss whether applicant would need area variance for setback.

D. Koehler – Confirms variance would be needed over 15 ft.

P. Poltrack questions sidewalk. Should add sidewalk of some sort due to the proximity of the library and rec area.

F. Garito – Questions deed restriction.

D. Koehler – Have asked for deeds so will take a look.

P. Poltrack – Reiterates there should be a sidewalk and set back further.

Board members discuss deed restriction, sidewalk and area variance.

D. Koehler – Confirms there is a deed restriction on the third lot and only a single-family home can be built. Indicates Town Center does not allow single-family residential so if there’s a deed restriction on that third lot that says you can only have a single-family and town code doesn’t allow single family in the Town Center they’d have to get a use variance or change to a spot zone.

P. Poltrack – Asks for input from owner.

Mike – Indicates there is an area that goes along with a sidewalk but does not know how to sell to ZBA without hardship.

Additional discussion sidewalks and distance to the road, and whether it is appropriate to send applicant to ZBA for setback variance.

D. Koehler – Indicates ZBA must review 5 balancing criteria to ensure detriment does not outweigh benefit. There isn’t really an area variance that is not a self-created hardship so it carries less weight in the balancing test. Would be more consistent with streetscape.

J. Frustace – Questions how Dollar General was able to meet balancing criteria.

D. Koehler – They had a state wetland in the back, and they proved it would be more buffer disturbance, so parking was allowed in the front for truck movement. Also showed buildings staggered on 55.

J. Frustace – Suggests it is not aesthetically appealing and would be nice if applicant could meet 5 criteria for ZBA to obtain area variance for setback.

Mike – Asks Planning Board for positive referral to ZBA.

J. Frustace – Unfortunately, we are creating the hardship for you.

D. Koehler – This would be a coordinated review of unlisted. That’s how this board works. There’s a risk in terms of having to bring it to a certain point where the environmental determination can be made and then go to ZBA.

R. Lopane – Indicates that if applicant is willing to do that, although under no obligation, the board would be supportive.

Board discussion regarding positive referral/recommendation to ZBA.

R. Lopane – It's a referral. It's just a resolution we are making for the record making a recommendation for the applicant to take to the ZBA.

Mike – Agrees with recommendation. Makes mention of less than favorable soils and tests needing additional design work and parking in front of the building.

R. Lopane – In light of the fact that we are allowing it for Sparrow's Nest. We're trying to be consistent with the character, so I don't think it's off the table. Just give flexibility and latitude.

R. Lopane – Motion to make recommendation to discuss with ZBA in support of setback variance, allowing for flexibility in design to include parking, as placement in accordance with Town Center plan would not be consistent with the character of the neighborhood. Seconded by P. Poltrack. All in favor. Motion carried.

J. Frustace – Asks for motion to close meeting. P. Poltrack – So moved. Seconded by F. Garito. All in favor. Motion carried.

Meeting Adjourned 9:46pm

Respectfully submitted.

Aletha Bourke
Secretary