



TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, September 21, 2023

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, September 21, 2023 at 7:00 PM at the Beekman Town Hall.

The following members were present: Chairman- John Frustace, Faye Garito, Robert Lopane and Jayson Abbatantuono. Peter Poltrack was absent.

Also present was Town Engineer - Dan Koehler, Town Attorney - Craig Wallace and Recording Secretary- Aletha Bourke

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

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 – Its understood that Cemco is pushing to November and skipping October.

**F. Garito – Motion to continue public hearing until November 16, 2023. Seconded by R. Lopane.
Roll call vote: Jayson-Aye, Faye-Aye, Rob-Aye, John-Aye. 4-0 Motion carried.**

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

Brian Hildebrand- Not much of an update just wanted to let everyone know we are working on things behind the scenes with DEC on impact and the health department. Wanted to see if there were questions. The plans were revised according to memo. Minor comments at this point. Surveyor was engaged to formalize lot line change.

C. Wallace – Seems to be Type 2 Action. We'll just be continuing the public hearing to the next meeting. Do you think you'll have the submission by then? Confirms October 19.

Brian – Yes

**R. Lopane – Motion to push the hearing to October 19, 2023. Seconded by F. Garito.
Roll call vote: Jayson-Aye, Faye-Aye, Rob-Aye, John-Aye. 4-0 Motion carried.**

D. Koehler – The applicant also did formally ask for a waiver request so if the board chooses to grant those waivers; one being for §130-12h regarding trees 12 inches and greater and §130-18a6 regarding trees 8 inches and greater.

J. Frustace – So the only work being done is the driveway.

D. Koehler – Yes and removal of trailer and construction of a house generally in place of where the trailer was, new septic system, new well and a farm trail to the back of the property which crosses wetlands and stream which is why DEC has to look through it. Article 15. Article 24. Awaiting feedback from DEC so continuing public hearing on subdivision in conjunction with water resource permit.

J. Frustace – Water resource permit is only for the driveway and you're only coming before us for the lot line realignment.

D. Koehler – It's removal of a trailer and construction of a house. We're making sure the lot they're creating has the proper elevations to place a house there.

C. Wallace – Comment to the applicant to note on the map that lot 3, which is the 80 acre parcel in the rear, is not a buildable lot.

D. Koehler – Clarification for the board, that rear lot is connected to the lot where the new house would be.

R. Lopane – How will that rear lot maintain access?

D. Koehler – Lot 3, the reason for the farm trail across from the stream, is so they can get back into that lot so lot 3 is going to have the new house and the rear lot. Explains to Rob for clarification, history of lot and alignment with regard to original filed map.

J. Frustace – Reviews waivers for consideration of granting §130-12h and §130-18a6.

R. Lopane – Adds that wetland is also of concern. Questions if access drive and culvert were existing.

Brian – All are new

D. Koehler – Waiver is to not have to show the trees outside the area

Public comment regarding opening of public hearing or comments. Board affirms opening public hearing for comments.

J. Frustace – Motion to open public hearing. Seconded by F. Garito. All in favor. Motion carried.

Bill Crain – Hard to hear. Just hear trees and waiver.

R. Lopane – Clarifies that the applicant is showing trees where work is being done and asking for a waiver to not have to show trees in areas where no land service is intended.

R. Lopane – Motion to adjourn public hearing to October 19, 2023. Seconded by F. Garito. All in favor. Motion carried.

F. Garito – Motion to grant waivers for §130-12h and §130-18a6 requiring marking of only trees in areas of disturbance to allow the of non-disturbance. Seconded by R. Lopane. All in favor. Motion carried.

DISCUSSION

1. Samana Estates Residential Subdivision – Subdivision
Beekman Rd (CR9) and Greenhaven Rd (CR8)
Grid # 6658-00-777635
Zone TC

Michael Gillespie – Received sketch plan endorsement prior. Understand there are no objectives to the planning board serving as lead agency so would like to move on that. Took care of a number of comments and received today, the comments moving forward. Key points: plan hasn't changed, working with health department. Letter was received from Department of Public Works. Was not picked up by surveyor, but there is a pipe coming across Beekman Rd. and also one on Greenhaven. Points out on plan. One is 12 inch and one 8 inch. Trying to get an idea of what's happening to the water as far as flow path. Have had a wetland specialist out there. There are no wetlands so it's not creating that kind of situation. Defined swale that runs from one side to the other. Questions if the town would be looking for some kind of easement.

D. Koehler – Whatever the county decides

Mike – Another point, if you've been out to the site to look at the pipe, on the high side, Beekman Rd, that pipe doesn't sit flush. It sits up. Would have to work out drainage. There were additional comments relative to revised SWPPP and turn around and fire apparatus areas.

D. Koehler – Not really about the turnarounds. It's their apparatus operating area per the code. Move out the 25 feet away.

Mike – Something you want paved?

D. Koehler – One of the comments about the turnaround if you had a 2-car parking area that pops off the end of each driveway, you might be able to use that as part of it as well. It's really supposed to be generally within 5 percent. The outriggers are 18 feet out to out on the ladder truck. They are looking for a stable spot for the outriggers.

Mike – Contradicts the fact that we're trying to remove as little trees as we can because you have to remove trees to put this thing in but whatever you want.

D. Koehler – Was there mention of a conceptual approval letter?

Mike – Yes, and the driveway locations were okay.

D. Koehler – There's a driveway off Beekman Road that's probably on a pole too. Might have to be moved.

Mike – Points out location on plans. We can make that work. Can be extended. The county owns the triangle. Will show what we need. Will grade elevations.

J. Frustace – Regarding the 2 spots Dan was talking about off the driveway so they could set up to fight the fires, where was that?

D. Koehler – The fire advisory board said that the code states within 25 feet. Just move the rectangles so they are 25 feet or more.

J. Frustace - Just move the rectangles but they don't necessarily require them to do blacktop.

D. Koehler – No, only if the driveway has to be expanded for width. It will be close to grade. The plot planning process is technically supposed to be reviewed by FAB also.

R. Lopane – Questions intended location for fire apparatus.

M. Gillespie – Points out on plans.

J. Frustace – Inquires whether applicant is required to build anything in that area or just clear and clean it.

M. Gillespie – States he is just going to use a grass area.

J. Frustace – As long as it is stable. Cannot be over a leach field or anything.

D. Koehler – Should be part of the driveway.

J. Frustace – How is the fire department supposed to know where the fire fighting area is?

D. Koehler – There is technology that can alert the fire department based on the address of certain features about the property, difficult driveway for example.

R. Lopane – May not be stating this is your designated area but rather, there is a designated area. May be subdivisions that do not have room for this apparatus and the code here is enforcing that there must be a place shown on the drawing.

M. Gillespie – Can use driveway for apparatus. Will tighten up.

D. Koehler – We have already circulated. The period is over. No responses assumes no objections so the Board can declare itself lead agency for coordinated SEQRA review.

F. Garito – Motion to declare Planning Board lead agency for coordinated SEQRA review for this unlisted action. Seconded by R. Lopane. All in favor. Motion carried.

M. Gillespie – Would like to move forward with sketch. Petitions Board for public hearing.

J. Frustace – Confirms the Board still has questions regarding culvert pipes.

D. Koehler – County GIS mapping shows stream going through. Water was sitting. Drainage getting trapped in waterways.

Board members discuss drainage.

R. Lopane – Sounds like the way the pipe is in it's not doing its job as a culvert. It's sitting high. It's actually acting like an overflow.

M. Gillespie – It's a little elevated on the far side. Describes pipe.

R. Lopane – Can it be lowered on the residential side.

D. Koehler – Would be more useful if they lowered the one on Greenhaven Rd. to allow it to flow out.

R. Lopane – The county may someday work on that road and they rebuild or remove the pipe, that may create a potential negative outcome.

M. Gillespie – Indicates that would be a county issue, not the town.

D. Koehler – If you can get something conceptual on the driveway locations.

J. Frustace – He did provide the ecological solutions survey. You indicated comment number 3 was partially satisfied. Was that before or after ecological solutions study because they are saying there is no wetland on the property.

D. Koehler – I was just pointing out that I wanted to keep that open until I knew what was going on because there was a stream showing on the GIS. There's culverts in a location that shows that there's a stream that runs through the property but not really a defined channel.

R. Lopane – I would guess that at some point there was a stream there and when they built the road, they disrupted the hydrology. Could almost call it an abandoned culvert.

M. Gillespie – Parcel Access shows there is nothing on the site. Can hire a consultant to take a look at it.

D. Koehler – Get a letter from them about what they want to do, if anything, about the drainage. The other thing is just bringing everything up to §130-20 so that when the planning board is ready to close the public hearing, it sets the shot clock off and they have a certain amount of time.

M. Gillespie – Confirms §130-18 is sketch and §130-20 is preliminary. Sketch plan incorporates much of the preliminary plat requirements. Nothing unreasonable. 60 day deadline for the board to make a decision. Would like to move on scheduling public hearing. Does not see need for shot clock. Can waive.

D. Koehler – This board is tired of repeated adjournment of public hearings.

M. Gillespie – Will pretty much be in final form.

J. Frustace – If we schedule public hearing, waive the shot clock, and then if you don't have the comments satisfied, we push the public hearing to Nov. Questions whether comments have been satisfied.

D. Koehler – The reason why the public hearing was pushed off is because there needs to be a determination within 62 days by our code. That means there also needs to be a SEQR determination. If it is shown that there are no environmental impacts then SEQR determination can be made.

C. Wallace – Clarifies that the time clock does not start until there is a final submission and you make a SEQR determination.

R. Lopane – Motion to open public hearing for next month. October 19, 2023. Seconded by J. Abbatantuono. All in favor. Motion carried.

C. Wallace – We should be having public hearing on the final plat, not the preliminary. He should be able to get this in final format and you can move forward.

2. Dutchess Contracting Corp. – Site Plan

State Route 55

Grid # 6759-00-494353 & 478317

Zone TC

Brian Watts, Day Stokosa Engineering – Last submission we tried to nail down final plan. Added some additional information with lighting, tentative left turn lane anticipated by DOT. The traffic study indicated we would need to do that. Points out location of turn lane on plans. Attorneys still working on existing access to residential houses. Hoping to circulate for lead agency. Trying to coordinate soil testing for stormwater but been difficult with weather. Want to make sure initial assumptions are correct. Hopeful that once we get comments back from county planning, DOT, Board of Health and other parties, then we can make a submission for public hearing at that point.

J. Frustace – Understand there is a road ownership issue there.

Brian – Generally following existing alignment so maybe legal issue.

C. Wallace – Had conference call with attorneys and this particular color-coded area was identified because of the lot line on the applicant’s property resides between contiguous project, other lots and the subject applicant’s lot. Significant as it is a proposed roadway that goes to the rear of the property for snow removal, emergency vehicles, etc. Obviously, there’s no jurisdiction to make determinations on a property that does not belong to the applicant. Will have to sort that out. Asked their attorney for an abstract, or legal opinion, from an abstract company as to the ownership. No expressed road maintenance agreement. It’s a private roadway that was just created. Couldn’t find anything in the deeds. They have ingress and egress rights to Route 55.

D. Koehler – It’s a town road so they wouldn’t be prevented access.

R. Lopane - They currently have right of way access to their parcel per their deed so they are protected. So, this development has to negotiate a new agreement or dissolve this part that goes through the property and they get access to town road.

C. Wallace – Depending on what happens with the surveyor and the abstract opinion comes back with, we will find out the scope of ownership. If under ownership of applicant, he controls the property and can do what he wants with it. Right now, the contiguous property owners have easement language in their deeds. They just have a right of access to Route 55. The question is who owns the colored area. That is what we need to find out before I can advise the board on how to handle that aspect of the plan. The applicant may need to make some type of road maintenance agreement.

J. Frustace – Confirms applicant is requesting for planning board to serve as lead agency.

D. Koehler – Draft lead agency circulation has been prepared. There were a few comments on full EAF in which revisions can be done in no time. It is asked that be completed before the circulation. Nine potential

interested/involved agencies identified: DEC, DOT, Dept. of Behavioral and Community Health, County Water and Wastewater Authority, County Department of Planning and Development, ZBA, CAC, Highway Department and Fire Advisory Board.

R. Lopane – Motion to declare intent to serve as lead agency. Seconded by F. Garito. All in favor. Motion carried.

D. Koehler – Instructs applicant to provide documents to secretary to circulate for lead agency.

R. Lopane – Questions traffic impact at intersection of Beekman Rd. and Route 55.

D. Koehler – Indicates that there is a table in the traffic study. Provides brief review of traffic impact via level of service table provided in traffic study. Indicates traffic study provided by reputable company and DOT will also look at it. If the planning board wishes, a traffic specialist could also be obtained to review it as well.

Board members discuss potential traffic impacts, accident statistics, turn lanes, etc.

D. Koehler – Part of the approval process for DOT is review of traffic study.

J. Frustace – There’s really no reason to do anything further until there is a legal decision.

C. Wallace – They can proceed with their plan but it may need to be changed depending on the answer they get. They are proceeding at their own risk at this point.

D. Koehler – Circulation takes 30 days so this board cannot declare itself lead agency until the next meeting.

Brian – Will have complete package prior to public hearing.

EXTENSIONS

1. Alaina Estates Residential Subdivision – Subdivision
Beekman-Poughquag Road
Grid # 6758-00-642721
Zone R-45

D. Koehler – Project is being sold to another developer. They had everything ready to go and the developer came back with something different than they had agreed to related to the purchase price. They had to work through everything.

R. Lopane – Inquires as to what the board is waiting for.

C. Wallace – Indicates that it is irrelevant to this board but once the closing takes place the board will resume.

R. Lopane – Needs clarification on why the planning board is subject to real estate transaction and involved in market conditions.

D. Koehler – Suggests granting the extension. They’ve done a lot of work recently. There was period where there was a lull. They are at conditional final approval. The conditions are basically down to rec

fees, performance bond and some other things. They will be doing everything at the closing table. It is an extension request and doesn't come back before you. The mylars will be signed by the chairman as soon as all of the conditions are satisfied.

C. Wallace – This is a ministerial extension request that they are entitled to. The applicant is within their right to ask for the extension and entitled to it by code and town law. There is a good faith reason for the extension in this situation that is not the fault of the developer and they are actively trying to close and start the project.

D. Koehler – The extensions, if both are granted, would bring it to March 20, 2024.

Board discusses whether to consider one or two 90-day extensions.

J. Frustace – Motion to grant one 90-day extension to December 21, 2023. Seconded by F. Garito. All in favor. Motion carried.

D. Koehler – Review of board members present to vote on past meeting minutes. Currently cannot vote on July or August minutes.

J. Frustace – Motion to approve May 2023 minutes. Seconded by R. Lopane. All in favor. Motion carried.

J. Frustace – Motion to close the meeting. Seconded by R. Lopane. All in favor. Meeting adjourned 8:23pm.

Respectfully submitted.
Aletha Bourke