



TOWN OF  
**BEEKMAN**  
New York

4 Main Street  
Poughquag, NY 12570  
[www.townofbeekman.com](http://www.townofbeekman.com)  
(845) 724-5300

## **TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, July 18, 2024**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, July 18, 2024 at 7:00 PM at the Beekman Town Hall.

The following members were present:

Chairman- John Frustace  
Robert Lopane  
Jayson Abbatantuono  
Faye Garito

Peter Poltrack was absent.

Also present:

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

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

J. Frustace – Minutes not prepared in time for review and approval will be pushed to next meeting.

### **PUBLIC HEARING**

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

J. Frustace – Asks Dan to speak to application.

D. Koehler – Email was sent to the board indicating that they are still in DEC review on Article 15 and Article 24 permit so they've asked to be adjourned.

**F. Garito – Motion to adjourn public hearing to August 15, 2024. Seconded by R. Lopane. All in favor. Motion carried.**

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

Mike Gillespie, Project Engineer – One existing parcel subdividing into two. Project was not on agenda last month but understand the board considered looking at wetland consultant to effectively verify results of our wetland delineation. Understand there have been two proposals requested and waiting on a third. Looking for feedback.

J. Frustace – The wetlands and stream, or watercourse, was not clearly delineated on original plans as understood. It is also going through a septic field delineated on plans. The board made recommendation to hire wetland specialist in which an initial quote was provided. It was high. The second quote was better. Understood no escrow balance currently to continue review. Been pushing public hearing for three years which is unfair to the public as some have showed interest and we haven't been able to provide them with a set of plans that are complete and reflect how this issue is going to be handled with the water course.

D. Koehler – Agrees

Roy Bargicciotti, Applicant – Indicates they did an original wetlands and Dan requested it be done a second time and put on the survey so the wetlands have been done twice and put on a survey and now you're asking for a third time for it to be done.

D. Koehler – That is not necessarily accurate. The wetlands were finally provided this year. It was never shown on any map before this year. The board then went through the permit standards. §155-52 provides a series of standards that have to be met. It was their opinion, because of the amount of time it has taken to show them, that something needs to be looked at by a third-party professional for the board. It's not a third delineation. They are going to verify what is out there, make sure it is accurately shown on the map and see that you met the standards for the permit decision. Board has the right and obligation to use their own consultant to verify the reports of your consultant.

R. Lopane – Asks if it was delineated one time.

Roy – Indicates it was flagged the first time and delineated second time.

D. Koehler – Reiterates wetlands have never been shown and standards in Section 155-52 will be looked at by consultant.

J. Frustace – Reminds applicant that resident presented video showing active water course and applicant should be concerned with buffer, etc.

Mike – Clarifies original consultant was looking at it relative to state and if it was federally regulated. Then issue with town which was flagged in accordance with.

Cliff – Interchanging wetlands with water course. The issue is the stream.

D. Koehler – It is the same §155-52 is wetlands and water courses.

Roy – Suggests site visit as there is currently no water.

D. Koehler – Reiterates the board wanted a consultant to check the veracity of the report particularly due to time and resident showing rushing stream. Indicates if applicant would like to continue the process, they must hire consultant.

J. Frustace – Asks why applicant is now taking current position. Indicates items are required by law not by the board.

Roy – Maintains not a water course. Has suggested walk throughs to engineers.

R. Lopane – Not confident with submission of what was shown on map and feel misled on existing conditions. Indicates integrity of survey was lost due to lapse of time between survey and delineation. There did not appear to be a stamp to indicate validity on survey. Other issues with trees. To a point confidence lost and want expert consultant to verify. Wetland delineations should match.

Roy – Questions what is next if they match.

R. Lopane – Design needs to be based on that. If there's wetlands, you have to be able to assemble these lots in a way that doesn't impact.

Roy – Meant minimum size. Looking for water course or both?

R. Lopane – Looking for all-natural feature requested by our ordinance shown accurately so we can make an accurate judgement; trees, steep slope analysis, wetlands, etc. all in one package.

Roy – If it's just runoff from the subdivision above, can water course be moved as originally designed?

R. Lopane – If in fact a wetland/water course, that proposed development poses an impact and you would have to demonstrate no impact.

J. Frustace – Currently shown going through septic field.

R. Lopane – Confirms he wants to realign it which of itself is an impact to that natural feature. Would have to demonstrate how you would mitigate that impact.

D. Koehler – Reiterates §155-52 is several pages of permit standards you have to meet as the applicant. Confirms was not in effect when originally subdivided. Original approval predates current zoning section.

Video of stream introduced by resident replayed.

Roy – Provides explanation of runoff and depth.

J. Frustace – Based on the survey not being stamped, stream flowing and still not clearly delineated after three years, the applicant is ultimately responsible.

R. Lopane – Last meeting the board directed the secretary to contact you regarding hiring an independent consultant and we wanted to give you the option to continue.

Roy – Inquires what would happen moving forward.

J. Frustace – Suggests sitting through next public hearing to get an idea of what they need to present to the public.

R. Lopane – Engineer has to look at this and see how the lot can be reconfigured due to the limitations. We cannot tell you if we will definitely allow you to move the water course. You have to present a plan on how you could reconfigure the lot that limits the amount of disturbance to anything the ordinance tells us to watch out for.

C. Wallace – May want to instruct the applicant to look at Chapter 75.6 of the code regarding hiring experts. Once consultant is chosen, the board, as the permitting authority, has to pass a resolution instructing the applicant to deposit a certain sum of money from the applicant that is picked with the town supervisor and that account has to be established. Once that's done you can resume public hearing. Suggest adjourning to September meeting.

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

J. Frustace – Indicates anyone who wishes to speak may approach podium and state name and address.

Bill Crain, 254 Gardner Hollow – Compares water course in question to Gardner Hollow Brook which has flooded on several occasions. Very shocked heavy rain did not seem to influence. Provides explanation of how water flows and indicates the town at some time had established a way to deal with the potential problem. Don't know that you can just move a water course as it is delicate. Expresses concern for protection of the environment and congratulates board on diligence.

J. Frustace – Reminder to sign public comment sheet. Solicits additional comments. None.

**R. Lopane – Motion to adjourn public hearing to September 19, 2024. Seconded by F. Garito. All in favor. Motion carried.**

Roy – Asks if there will be a third bidder for the proposal.

J. Frustace – The current issue is that there is no balance in escrow account to compensate town professionals. Indicates the board will adjourn until the September meeting by which time the applicant is to resolve all of the unanswered comments in the engineer's letter. Need to replenish escrow to have review completed by submission deadline for September. Board will then make a decision on whether to keep the public hearing open and then vote on the application.

C. Wallace – There's a process. Once a consultant is chosen, this board has to adopt a resolution establishing the escrow at which point the expert needs time to prepare the report for the board to review. Would say two months.

Roy – Indicates escrow check will be dropped off Monday. Reiterates request for third bid.

R. Lopane – Typical to solicit three.

D. Koehler – Have reached out for a third, no response. Will try again. Theoretically could have resolution for August meeting to approve consultant.

Roy – Second bid seems fair. Will go ahead with second if no third by next week.

D. Koehler – Suggests applicant review §155-52 for information that has to be provided as that is what the decision will be based on.

Mike – Indicates the referenced code section was covered.

**3. Dutchess Contracting Corporation** – Subdivision/Site Plan/Special Use  
Bischoff Ln & Route 55  
Grid # 6759-00-494352 & 478317  
Zone TC

J. Frustace – This is a public hearing on the agenda for DCC project off Bischoff Ln. There was an administrative issue with the release of the public notice that went out for the hearing. Town Code requires that it be released 10-12 days ahead of the hearing. It went out too early and was not within the required time frame. Another notice will go out and an official public hearing next month. Because of the inconvenience and public appearance, will allow comments to be recorded in the minutes for next month.

Brian Stokosa, Day Stokosa Engineering – Project has been in front of the board for a couple of years with some history dating back to early 2000's when a couple of site plan concepts were in front of the board. It was a restaurant, office space at one point. There was some grading and Bischoff Ln there was a temporary cul-de-sac that was put in with a holding pond. Areas of the lot were cleared. Through that process, the applicant has been working with the Planning Board more recently. Developed a multi-family concept with two buildings proposed on the parcel. Configured this working with the Planning Board following the concepts that are identified in the master plan. The master plan developed 15-20 years ago had secondary streets. There's a street behind Route 55, on the west side, and through town code it allows us to create access to the pieces that are going south. In doing so, and in conformance with DOT and basic engineering practices, have to realign Bischoff Ln with Route 55. Will require a left turn lane into the site which was developed with Colliers Engineering, the traffic consultant. Analysis based on unit count. Project started out as a 90-unit apartment style development. Through working with the Planning Board, working through open space concepts, looking at drainage, the unit count was dialed down to 48 units on two buildings. The buildings are going to be on separate pieces because the road as it's configured will actually create two pieces. (Indicates turns and secondary road on plans). Buildings are pushed up as town code requires parking behind. Will be widening road and incorporating sidewalks which will service both buildings and come down new secondary road. Town code master plan concept has on-street parking. Project has been in front of the board for several years and has been fine tuned the concept, taking into account engineering comments and town code guidelines. Have done preliminary drainage report based on DEC guidelines. Have done on-site soil testing. Project designed with areas to support water quality treatment. Preliminary landscaping plan includes street trees and plantings to create visual buffer. Project will rely on water and sewer from DCWWA.

J. Frustace – DCWWA is a quasi public/private entity that runs many different water and waste systems throughout Dutchess County. Nothing to do with HOA or town except that the allocations are determined by them. Part of the delay was due to concerns with the allocation. More users should drive down cost. Upgrades are needed. Alaina Estates will be using the same system which will provide more money to keep the system running.

C. Wallace – Encourages Chairman to explain for the record that any indirect financial benefit will not impair the ability to be fair and impartial to the applicant.

J. Frustace – To make sure there isn't a conflict of interest with the applicant because could be cost savings. No bias opinion. Decisions are based on fairness and ability to comply with regulations.

F. Garito – Serve as liaison for legislature for DCWWA and upgrades to the system are in the works. Don't have any numbers but it will be quite costly.

J. Frustace – Original project that was proposing almost 100 units did not have the allocation but they do for the number they are proposing today.

Brian – There was reference to 10,000 gallons allocation for water and sewer bringing water and sewer down to Route 55 at the applicant's expense. Pump station located along Route 55. Part of the process is developing plans to a point to introduce to the public, start to receive comments and mitigate concerns as part of the approval process. Preliminary analysis done with DOT, landscaping plan, storm water design showing project can work from DEC standpoint. Circulated to individual review agencies for comments to be addressed. Provides explanation of landscaping plan projected on screen. Provides explanation of elevations and architectural features projected on screen. Provides explanation of open space and recreation area and indicates areas on plan to include sport court area and playground. Incorporated EV chargers and long and short-term bike storage. These concepts were developed with DC planning in trying to modernize the site plan. Wanted to hear from local residents. Biggest thing is repositioning of Bischoff Ln. Provides explanation of alignment of roads and indicates attorneys are working together to ensure action can be created.

J. Frustace – Will not be opening public hearing this evening due to irregularity of publication. Will take public comment for record and will open official public hearing August 15, 2024. Reviews rules for public comment.

C. Wallace – Suggests there be a motion to proceed out of order.

J. Frustace – Asks for motion to operate irregularly to hear public comment.

**F. Garito – Motion to deviate from standard procedure to hear comments for record. Seconded by R. Lopane. All in favor. Motion carried.**

J. Frustace – Asks counsel if improper to circulate plans.

C. Wallace – Suggests next month for official public hearing.

Bill Crain, 254 Gardner Hollow – Distributes photos to board. Indicates this project is at the heart of what could be Town Center and it is important that it looks good. Project would be nice somewhere else. Project can be developed and applicant has been open and direct. Setting is beautiful with meadows and trees historic look to Bischoff Ln. Property is rich with trees, wildlife and pollinators. Would like to see rural preservation of this parcel.

Lauren O'Connell, 69 VanScoy Dalton Farms – Concerned with traffic. Was addressed. Still concerned with water. Difficulty at top of Dalton. Afraid tapping into system will cause loss of pressure. Residents on Roosevelt have woken up to no water. Systemic problem. Sharing cost would be better but want to see it is addressed prior to construction and there are safety nets in place. Brother (former Beekman Auto Body 234 Rec Rd) called town spring of last year regarding flooding on property due to water diverted from clearing on Bischoff. His property is next to Stop and Stop. Never issues, even with heavy rains, until clearing of that land started. He will speak to that on the 15th. Concerned there are surrounding properties and whether there are more wetland issues as when you take up green space, the water has to have somewhere to go. Want to make sure it doesn't go to someone else's property.

Leyden Keating, 12 Bischoff Ln. – How will this affect the road? Will this affect the houses on the road. Will they have traffic going through the road? What are they doing with it. How will it change? Blocked off on the bottom or come up and affect the three houses that are there. Will traffic go through there? Don't want it going through our property. We have cars parked there and don't want people going through our property.

J. Frustace – Indicates he is notating comments and will have engineer address directly.

Scott Borra, 25 VanScoy – Water system that feeds Dalton ageing and needs upgrades. Will upgrades be completed prior to development starting or are they absorbing some of the cost since they will be tapping into our water source. How do they plan to get to our water? Will they cut through yards, common area?

J. Frustace – Will address.

Manny Bogatis, 2470 Route 55 – Own two pieces of property that border holding pond. Since holding pond went in, has been affecting mother's septic. First certified letter received. Don't know history of meetings. When holding pond was done, they had the outlet at the bottom and water flooded out and goes down behind my mother's house. I have the land behind my mother and the front piece. They moved it up after complaints. I thought it should've been re-routed to go into the culvert at the end of Bischoff across the street. Concern now is culverts higher than grade and still getting water flowing out of that culvert, or holding pond, that comes down. We've had to have people come blow out septic lines due to mushy backyard. Was never like that until holding pond went in. Land was raised 6-8 feet compared to back in the day. Don't know how that was allowed. Used to be a pond but was filled in. The way the culverts were raised, floods other lands. Is more water going to go into culvert and come out and what is that going to do to the lands? What the other lady was saying about old Beekman Auto Body, that water goes down behind us and must go down to there because it's a common route I guess.

J. Frustace – Common concerns. To answer one of the questions, this application has not gotten to this point in the past. There are different stages, and the board has not permitted the applicant to open a public hearing because we didn't feel that it was complete enough to present and did not address all of the concerns. There are a lot of other interested agencies that have been circulated. This is a storm water prevention plan that the applicant had to prepare and it had to be approved. Will allow the engineer Brian to talk about storm water prevention after some other concerns are heard.

Steve Crandell, 214 Recreation Rd. – Reiterating what others have said. Like the rural. Lighting and water concerns and flooding concerns as well. Floods barn during heavy rain and horses have to move.

J. Frustace – Encourages public to voice concerns so the board can make decisions with the applicant about how to mitigate.

Pat Beckley, 17 VanScoy – Lived in Poughquag 38 years. Beautiful building but doesn't quite capture what we are. As far as the scope of the project and how it's moving forward, what level are they at in the process at this time?

J. Frustace – Asks town engineer to explain steps in the process.

D. Koehler – Indicates applicant has been working with the town for a long time and provided substantial information to meet code requirements to allow for public hearing phase where we are currently. Sometime after that there're environmental determinations, preliminary site plan, preliminary subdivision and then ultimately at the end, conditional final subdivision, site plan, special use permit approvals from the board. Confirms there are still a number of steps and quite a bit to do in order to finalize.

J. Frustace – Clarifies the applicant has the right to develop the land and it is permitted under code. Board has done what they feel is appropriate to bring it to this point. Concerns are anticipated and waiting to hear more comments.

Chris Reinhart, Resident – Inquires if existing trees will remain. Indicates there must be a wet spot as every time it rains, water goes down the road and he has to go out and regrade Bischoff Ln.

Resident – Questions whether residences will be purchased or rented and terms, if so.

J. Frustace – Indicates there will be another opportunity for the public to speak and will allow engineer to answer questions brought up this evening. Information will be in the minutes and meetings are videotaped. Official public hearing will take place August 15 for any other questions. Additional questions or comments can also be emailed to the planning department to be entered into the record.

Brian – Encourages public if they have additional questions or comments to email to planning department to be entered into record. DEC standard, when you have a predevelopment condition, you can't increase the runoff coming off of our site in a post-development condition and impact your property from a velocity runoff standpoint. We have to mitigate that so we hold the water back and it has to meet DEC guidelines. Regarding concerns about drainage along the Route 55 corridor. Corridor is lacking and soils not the best so when it rains, the water does run. Hearing comments of downstream neighbors, we anticipate working with DOT. There may be a corridor improvement that goes along with the left turn lane. There may be some drainage improvements along Route 55 to try to get that water coming back behind the properties but more to Route 55 and maybe down the corridor. Will explore further and part of DOT application permit and analyzed by DOT and the town engineer but feeling that we're looking at some kind of help in conveyance of those runoff issues.

J. Frustace – One of the board members would like an explanation of how water will be handled on the applicant's property. Had spoken about maybe county or state dealing with water on 55. Don't have any control of that so you could talk about how you're getting the water into the rain garden or the retention pond and steps taken regarding density, pervious and impervious surfaces, etc.

Brian – DEC guidelines require that you treat the water that comes off any impervious surface that we create so there's methods to do that by grass filtering, disconnected roof runoff, etc. There's things to try to get the water into the ground from a treatment standpoint. Larger design storms we pick up via culverts and convey that to a storm water pond that is sized appropriately. Where we tie this into the DOT review and corridor improvement is that we may take some of that runoff that runs behind these properties, pick that up and somehow get it to the DOT corridor system, looking at it from both standpoints. Any water that comes off our property now we're going to have to reduce how fast it comes off in our developed condition and there are state guidelines that we follow and they're reviewed by the town engineer.

R. Lopane – One concern for some members is the pre-construction condition. We know the plan for your post construction condition storm water controls, but experiencing a problem with the current basin so will that be addressed. Will that be investigated, any seepage from that basin that might be getting into their yards, will that be rectified as part of this process?

Brian – When that storm water pond was created, or modified, before my time, there may have been things that were missed during construction like clay liner etc. that prevent hydrostatic push into neighboring septic or influencing it. As part of our design will look at pre-existing conditions to improve as part of this development to relieve some of the impacts in those properties; septic, runoff etc. Conditions have changed over the last 25 years will take that into account. Probably at step 2 out of 10, very early on, no approvals being sought right now just gathering information and addressing concerns. Understand we have to work with DCWWA as part of how we tie in. They look our demand then we look at the systems which are modeled in a program and they have peak hours and pressures and they see how our project would impact your pressures, your systems and your source capacity. There's an overall improvement being looked at. We're part of that improvement. In the past, when the analysis has been reviewed by DCWWA, sometimes improvements paid by us or are put in a fund and used for a future improvement. Different avenues to ensure no impact but have to analyze. Same analysis and concept with sewer. Project will either fund something or make an improvement to join into that system.



J. Frustace – Questions were asked by residents about the order of improvements versus construction. Concern is improvements DCWWA is going to make not directly related to your system but need to be done because it's antiquated but about pumps etc. that fall under your purview. Could you talk about the order.

Brian – This development will be phased like Alaina Estates. We were allowed to do X amount and then allowed to Y. Tie in for a certain amount of units and then can move into next phase and both funded however the analysis is looked at. Series of checks and balances. We can only go as far as the analysis takes us. Will have more info on that at a later time.

J. Frustace – Mr. Keating asked about the road. Elaborate on the town road and entrance.

Brian – Clarifies they're proposing an entrance into the new town road. Facilitate into new town road and make a right into Bischoff Ln. so won't have cars down Bischoff Ln in front of those houses. Points out locations on plans.

J. Frustace – Indicates to Mr. Keating that Bischoff Ln, a private road, it hitting the back right-hand corner of Mr. Sala's property so he is going to prepare an easement to himself to allow you to use his property and your existing road. Asks for clarification.

Brian – Points out on drawing locations of the resident's home, proposed new town road, cul-de-sac and separate entrance and indicates to resident it will be posted.

J. Frustace – Covered retention pond.

Brian – We're taking drainage concerns into account.

J. Frustace – Any comments about who will be renting or buying what is the intention as far as tenants?

Brian – Thinking yearly rentals if not longer. 48 units. Combination of one and two bedrooms.

Resident – Asks if holding pond will be reconfigured.

J. Frustace – Indicates it will be completely redesigned and show resident where details can be found.

F. Garito – Understanding is that as a result of this project, some of the problems with drainage are going to be resolved and hopefully they won't have these water problems on their property.

Brian – Frustration is that corridor has poor soils. It's a corridor desperately seeking water and sewer services to develop it. Heavy layers of clay ride the shelf and it goes down. Anything we do will try to develop a drainage system along that corridor that will help relieve any water coming down. If we can pick up the water on our site and get it to go down that corridor, it will dry up those downhill properties over time.

**J. Frustace – Asks for motion for 5 minute break. So Moved by R. Lopane. Seconded by F. Garito. All in favor. Motion carried.**

## **DISCUSSION**

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

Brian Stokosa, Engineer – Last time in front of the board we were asked to provide some color renderings and additional details on the site plan. We provided majority of those updated details. Showed some additional grading. Got rid of mechanical building and doing crawl space. Access off of south side via bilco door down in and will have utilities down there. Provided some additional site notes and details referring to Dan’s comment letter. Hoping to get to a point where the board is comfortable opening it up for any comment from surrounding neighbors. Did not show coordination with the site toward north which is recently constructed. Did get it to the planning secretary so it will be incorporated into the next submission to make sure improvements line up with site plan but pretty close to what is shown.

J. Frustace – Asks if there are comments.

D. Koehler – Indicates applicant has moved forward very well. One concern is getting close to the one acre changes the whole schematic of the property if it has to go into full SWPPP and storm water management so keep an eye on that. If ends up being more, can do some things to make sure there’s no accidental encroachment beyond the limit of disturbance that would require violation and subsequent remediation. Moving forward well with lighting and landscaping. Planning board should discuss some of the landscaping which was comment #19. Buffers, screening and landscaping that are there. They did swap out white pines that were previously proposed along Town Center Blvd for Red Maples which grow more vertical. There were a number of shrubs placed around the building the planning board should be commenting on. Just a couple other little things with drainage and grades, some spot elevations along the sidewalks to show ADA compliance to the front. The plan almost looks like it indicates steps there. You can make it up with ramps and then maintain ADA compliance. The elevation at the driveway entrance will drive that but looks like there is enough run of sidewalk to be able to get to the elevation you have shown as the finished floor elevation for the building. Board could consider setting public hearing on the site plan and special use permit.

J. Frustace – Asks if members are prepared to discuss landscaping. Secretary will show on projector.

Brian – Preliminary layout showing some concept plantings.

R. Lopane – No comment on plantings. Interested in storm water plan. Using underground infiltration Cultec units.

Brian – We’re under the acre of disturbance with the small footprint. The previous iteration had the expanded design with a subdivision and the two buildings. From a storm water and septic stand point and the way the site is configured, trying to meet other agency approvals besides the planning board wasn’t possible. For this we keep development limited and work within the DEC regulation which is under an are disturbance, and won’t require that level of storm water protection. The intent is low spots on the driveway, drop curves where water can run off the existing vegetated part of the parcel as natural filter strip. Line the mouth of that with riffraff so there wouldn’t be any corrosive velocity and could sheet flow across. Trying to keep development and impervious limited.

R. Lopane – So why Cultec?

Brian – No Cultec. May have been an old detail.

R. Lopane – Plan is limiting disturbance. Have no problem. Smaller impact than last application. Confirms 4 units and using asphalt pavement.

F. Garito – Questions color.

Brian – Exaggerated due to plotter. PDF is more representative.

**F. Garito – Motion to set public hearing for August 15, 2024. Seconded by R. Lopane. All in favor. Motion carried.**

D. Koehler – For the record, there was a 239 referral. DC Planning responded back with comments. Planning department will send latest plans which addressed a number of those comments, back and hope to have comments back.

**2. Samana Estates - Subdivision**  
Beekman Rd. & Greenhaven Rd.  
Grid # 6658-00-777635  
Zone R-45

Aime Patane, LRC Group – Representing the applicant LMDH Property Holdings. Project has been before the board. Taking over as project engineer. To refresh, property is R-45, 6.3 acres located on the corner of Beekman Rd. and Greenhaven Rd. Applicant is seeking five lot subdivision, each lot containing single-family residence with proposed septic and well and proposed driveways. Lots 1 and 2 from Greenhaven Rd and lots 3, 4 and 5 would come from Beekman Rd. Met with town engineer and developer opposite Greenhaven on drainage concerns brought up by the board. Looking for guidance on next steps in SEQR process and to answer questions.

J. Frustace – Questions location.

D. Koehler – Confirms property is adjacent to property owned by fire department on southeast corner and water has been an issue. Has 8-inch culvert that crosses Greenhaven Rd. The applicant's engineer can speak to some of the improvements they're proposing.

Shawn Curran, LRC Group – Upsized piping from 8 inch to 18 inch to help capacity, added catch basin and storm water conveyance piping on both sides to channel water.

J. Abbatantuono – Asks where the water is coming going.

Shawn Curran, LRC Group – Coming from basically the bottom, north side of Beekman, and comes across Beekman Rd. and there's a low spot so it's only catch basins along and downward towards the center of Greenhaven which will capture water and bring it out to the other side of Greenhaven.

R. Lopane – Will there be an increase in runoff to the other side of the road post-construction?

Shawn Curran, LRC Group – No, would be existing runoff.

D. Koehler – That is part of the reason it was suggested that they speak to the Sharbell folks doing the development across Greenhaven Rd. There's some 20x20 county drainage easement on their property that allows for this 8-inch pipe. In theory, going from 8 inch to 18 inch, the runoff rate can certainly happen faster so that's why it was suggested to work with them because once it gets through the Sharbell development, then it's in the Fishkill Creek, so it's getting to its ultimate discharge location before getting to the Hudson.

R. Lopane – Presumably, some of it sits in the corner of this lot.

J. Abbatantuono – Are you grading any of this up? What about the homes?

Shawn Curran, LRC Group – Raising the driveways to get them up. Believe we have adjusted for the elevations.

J. Frustace – Confirms the representative has seen the pictures that were taken when it was underwater.

R. Lopane – Presumably, current pre-construction condition, it's sitting in the corner of that lot and if I'm the owner I'd love to dry up my lot, but not at the expense of my neighbor. The water might chronically sit there and then infiltrate at that point. Now you're facilitating movement off site to the adjoining lot as far as I can tell from your description. Wont that be altering the hydrology in a way that it's increasing runoff off the site?

Shawn Curran, LRC Group – Yes and no. The problem is the undersized piping that runs under there so it's not allowing the amount of water in and around the site to get through properly. Upsizing the pipe will tremendously help remediate water to that area.

R. Lopane – No doubt it will. If you ask the guy across the street whether it's proper that the culvert gets increased to allow the water to get to his lot, don't know they would think that is proper.

J. Frustace – Indicates he took the photos of the collection of water and the water stayed on the lot for several days before it drained into the Earth. To Rob's point, rather than the water stay on that property and drain into the ground, you're going to be increasing the flow to the neighbors downhill.

J. Abbatantuono – Indicates the confidence level of the board is going to be questioned if we're bringing up these things and you don't have definitive answers to address the water, how it's going to be mitigated, what's going to go across and a definitive plan, otherwise it's going to be the same scenario we had in the beginning where we're going to need third parties potentially and validate what's being said so it needs to be very clearly laid out how this is going to be dealt with. Every one of us has seen this property be wet and stay wet, not just because of the pipe but just the way the water sits there.

J. Frustace – Are you recommending a wetland specialist?

J. Abbatantuono – Not yet, just cautioning them that we haven't heard anything that's instilling anything confidence.

R. Lopane – We're going to be asked to sign off on a SEQR that indicates there will be no impact to wetlands and no alteration to hydrology. Not sure how we're going to be able to sign off on that. If you indicated the pipe was clogged underneath Greenhaven and you just unclogged the pipe you fixed, but you're increasing the pipe so downstream flow may increase. You're here for discussion. That is my concern.

Shawn Curran, LRC Group – Also for the SWPPP we have to meet pre-opposed conditions so we can't introduce an extraordinary amount of water off-site. You have to maintain it and treat it and using the catch basins are conveyance and also a best management practice so it's working in ways to alleviate the drainage on these corners of the property.

R. Lopane – Catch basins aren't a treatment measure, they're a containment measure. Pipes and catch basins, like you say, are collecting, conveying and getting it off. A treatment measure would be like what was talked about on the previous application: underground, Cultec units, stormwater pond, stormwater wetland, are in the DEC best management practice. Want to avoid any issues at public hearing where the neighbors come and ask if anyone reviewed this and why are we increasing runoff onto the property and how would I be able to answer that question.

John Kuroda, Applicant – Appreciates the board taking the responsibility seriously. If someone's subdivision application funneled water onto his property and the planning board didn't take the time to

understand that, it would be very upsetting and frustrating. To clarify a couple of things, did our best to understand the concerns of the planning board and saw that the prior consultant wasn't addressing the concerns as far as drainage. Didn't see the application going forward until those concerns were address, so we transitioned consultants in order to make sure that happened. Property has frontage on Beekman to the north and frontage on Greenhaven to the west so the water. Our property is really serving as a retention pond. Greenhaven road is holding back water. On the west side is part of the Sharbell property. It is understood that there was a call with the consultants and Sharbell that the water would get piped from our property underneath Greenhaven through an 18 in pipe and the property owner Sharbell understands and is comfortable with that. Appreciate Mr. Koehler suggested that. We can't make them responsible for our problem. They understand they will have to work with it at some point so my understanding is that they're open to the upsizing of the pipe and don't see it as putting our problem on them but something they need to work through.

Aime – Yes, we spoke with the developer on the other side of the road and they understand the issue and are willing to work with us to resolve it.

J. Frustace – So they're going to receive the water off your property and help you contain it on their property? If I understand how things could develop, that water on their property could make its way down to the neighbors further towards the Taconic. Recall from past meetings that there are a couple neighbors that are highly concerned about the amount of water that exists already and the undersized conduit kept the water on your property and a slower velocity.

C. Wallace – If there are property rights that are affected across the street, the Sharbell property, then this board is going to need to see easements between property owners.

R. Lopane – Even if they have some allocation or agreement with the neighbor, the old way of doing things was to facilitate the movement of water off your property. Now we have all these new storm water laws that say you can't alter hydrology. At one time there was a stream that had come through this area, it's on one of the maps, and worked its way through to the other side of Greenhaven. What this proposal is doing is conveying it underground through a conveyance system of piping. If stormwater regs permit that then the only question is if the neighbor is okay with it and should there be a formalized agreement. Is there a wetland there or a water course there and how do you know? There is a flag on the site. Was any wetland delineation done?

Aime – Michael Nowicki did a wetland delineation which was included in the submission as part of the EAF.

R. Lopane – Biggest problems occur downstream. Upstream is where the solutions are. At some point there needs to be some sort of hydraulic analysis that demonstrates that it's negligible and we're moving water off the site but there will be no downstream destruction. Get nervous when culvert sizes are increased as that increases runoff which is a big concern.

J. Abbatantuono – Surrounding neighbors that had come to speak when they had Gillespie had equal issues with existing water on their property as well.

D. Koehler – To refresh, there was a public hearing that has been closed. Provides elaboration on how water travels through the property and flow of drainage. Understands concerns and have talked about getting some numbers. On board with making agreements with neighbors to facilitate movement of water.

R. Lopane – Sensitive issue as someone has to receive the water and it gets moved to the next parcel and so on which is the reason for new storm water laws. It's unfortunate that this parcel had to be subject to all the developments above it. Hoping plan will not change much in the way of leaving trees by concentrating driveways, etc. Drainage was really the only issue.

Aime – Indicates Mike Nowicki provided habitat assessment report and not delineation.

D. Koehler – Clarifies he did.

Aime – He confirmed that there's no wetland.

D. Koehler – Don't think soils here support wetland.

R. Lopane – So it floods and infiltrates because it's sandy soils.

D. Koehler – That's what happens because it is a sandy soil and not hydric soil indicative of wetland so it really does infiltrate. Walked the property to the north and there's running water further upstream and once you get to the bottom it went into the ground. It's finding ways through subsurface and a lot of that is due to sandy nature of soils. We recognized with some of the storms after that, when we have a saturated condition and have fall type runoff, it's happening faster and a little more of a condition that allows for the runoff to happen, this property was getting very wet. A lot of our initial worries about water entering the property were verified by that. Trying to make it so that the property still has value in terms of development while trying to be sensitive to the neighbors. That's why we spoke about reaching out to your downstream neighbors to try and secure ways of going through their properties safely, conveying it in such a manner that there's not erosion etc. that will affect the Fishkill Creek which is the next water body and through about 4 existing lots not built on yet. Same thing through the fire department part through the middle of the south of the property. Looks like it builds up and spills onto the fire department property. There's a large valley that runs down toward the Fishkill Creek as well.

John Kuroda, Applicant – Take board's concerns seriously. Also met with county because of county roads on both sides. Bill Trefolo met us onsite, identified that the water was coming from multiple angles, and was sympathetic to what the property was being responsible for. Have not gone back to county with current proposal but wouldn't be surprised if they were open to it, realizing the water is pushing up against the road and wants to get through. Agree that if we're increasing impervious we should not be directing any of that water off site. Seems the bulk of water is coming from other properties. Want to work with the town to find a solution.

D. Koehler – Will be a balance. Currently is less than 5-acres of disturbance so not subject to post construction storm water controls. Could balance the fact that there's a lot of drainage here and try to have them deal with some of their own impervious on the site because we have that authority in terms of drainage requirements in the code. Also have to balance how they're going to do that; ie: provide a series of Cultec chambers that allow for your rooftop runoff and a portion of driveway to try to infiltrate into the ground, that could be a good thing. The detriment would be more disturbance and more tree removal because the footprints are trying to be sensitive to the trees. That was an early comment from CAC about referencing some of the tree code. Need to give guidance on whether that's a concept you can support, talking to neighbors and trying to work out easements and take care of their own drainage. A lot of this is intended to pass through, no engineer would ever design an 8-inch pipe to cross a county road. For whatever reason, it's there but grossly undersized.

John – Have dug some test holes along Beekman Rd. If the town would like to see drywells or something to try to get some of the water to infiltrate or a small basin. Would need to clear there to get the pipe in anyway but if beneficial to retain some water due to soils, would be open to the board's preference.

D. Koehler – That would probably affect your Lot 1 because of separation, stormwater practices to the proposed septic. Maybe there's a way to move septic around and try to preserve that lot. That corner is something where if you grab it with piping like this, we're going to lose some of that opportunity for groundwater recharge. There's validity in what you're saying and would probably be helpful to your overall analysis.

R. Lopane – Highway is not charged with controlling runoff. We have to assess the impact. Suggests bioretention basin with plants in that corner to embrace the water. Conservative principle to deal with own water. Need to see hydraulic analysis demonstrating there won't be any impact of downstream flooding.

J. Frustace – Corner lot might be an answer for mitigating downstream flooding. Try to treat on property. Agree with hydrology report.

## **PRE-APPLICATION**

### **1. Cedar Developers LLC – Subdivision**

Beekman Rd.

Grid # 6658-00-697710

Zone R-45

Brian Stokosa, Day Stokosa Engineering, Representative – Property across the street from Greenhaven and Beekman Rd. 72 acres, 26 lots, in R-45 zone. Standard conventional layout, post town road, individual wells and septics. Ridge runs through center of property, used to be a farm. Historical maps show there used to be frontage with a house. Over time the forest has reclaimed the area. Parcel access shows a ravine across the center of the parcel. Was out there doing preliminary as part of the feasibility with the client. That ditch line does not exist. Watershed is east to west. Road follows the ridge running through the property. The shaded areas (shown on map) are slopes greater than 15%. Tried to lay out home sites that can support a septic and grading for a house. Showing home sites away from those areas. Septic systems away from those 15% slopes so it forces the development in toward the road. Like any other subdivision, subject to NYSDEC storm water regulations. Did full survey and habitat assessment. Looking for input from the board on closed layout, being sensitive to proposed project across the street and working with the board if the project moves toward a more formal application. Very busy intersection with Beekman Springs to the west. Not constructed yet but speaking preliminarily to DPW, it's understood that they had intersection approved for that development and once built, there will be signalization. That analysis did not incorporate any development on this side of the road so would have to look into how to align our intersection with that latest approval. Understood that they're masked signals which are arms with a traffic light on them so would have to position driveways accordingly. Without running the traffic analysis and just talking engineer to engineer, if this subdivision came first, it wouldn't warrant the traffic signal but if Beekman Springs came in we would have to be a player with that signalization. As part of our approval we would have to upgrade that analysis to incorporate ourselves and then put money aside that if and when it does get built, our portion is paid for or bonded somehow. Looking at the overall picture of where the subdivision could end up going and obviously traffic engineering would be part of that analysis so wanted to introduce to the board. Did preliminary soil testing on site. We're part of that gravel corridor along Beekman Rd. Lower is beautiful sandy gravel and as you work up hillside gets more clay and silty. Surprisingly good soils. Fair amount of runoff above and if project moves forward will incorporate that runoff.

J. Frustace – Questions stream on frontage.

D. Koheler – Shows as Class C that runs through that ravine.

Brian – Indicates location of Sharbell and culdesac on plan. Referred to ditch line. More exploration needed.

R. Lopane – Asks if site is completely wooded. Any open areas?

Brian – Wooded. Has been logged. A couple of trails going through. There is open areas below where the cul-de-sac is shown. More growth toward front. Pushed development toward road to preserve natural areas.

R. Lopane – Asks about lot size.

Brian – About an acre and a quarter being the smallest and going up from there.

J. Frustace – A lot to look at. Need a lot more information.

Brian – Wanted to get a feel from the board for pre-application. Will get with client and see how they want to move forward.

J. Abbatantuono – Confirms idea is still not to completely clear.

Brian – Confirms not anticipating any variances.

R. Lopane - General comment. Seems like a lot of houses on a steep area. Area reserved for storm water seems small in comparison. Allocating very little space.

Brian – Provides description of potential integration with Sharbell and DEC.

J. Abbatantuono – Asks about average home size.

Brian – 2400-2600 sq. ft.

J. Frustace – Asks if some of the concerns with Samana across the street could be mitigated.

Brian – Possibly, due to elevation.

R. Lopane – Need to be sure not to increase runoff downstream. Appears to be a lot of tree removals. Will need to mitigate.

**F. Garito – Motion to close meeting. Seconded by R. Lopane. All in favor. Motion carried.**

Meeting adjourned 9:51pm.

Respectfully submitted.

Aletha Bourke  
Planning/Zoning Secretary