



## **TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, October 17, 2024**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, October 17, 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

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

### **PUBLIC HEARING**

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

J. Frustace – Asks applicant to provide background on the application.

Roy Bargicciotti/Mike Demore, Applicants – Awaiting report from wetland engineer that was met with a week ago and available to discuss any issues that need to be addressed.

D. Koehler – Hopefully will get biologist report soon and you can incorporate into package hopefully by Nov. 4 submission deadline. Use requirements of §155-52H as a checklist and come back with your plan.

Mike – Information received on site was positive but don't know what it is going to cost to get it finalized. May need to maneuver a few things around possibly.

J. Frustace – Most of the trees are dead and don't have to be put on the plans. The ones that are substantial, you want to indicate what you plan on replanting.

Mike – According to biologist, the stream can be moved as long as it's open channel.

D. Koehler – Important to provide supporting documentation. §155-52 still regulates it for the town so you have to prove to them you meet all those standards.

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

Bill Crain, 254 Gardner Hollow – Applicant is upset because it is taking so long but didn't show up on time for 2 years. Disagree about the dead trees. Dead trees are part of nature's cycle. Nature has worked out the stream and elements should not be disturbed.

**J. Frustace – Asks if there are additional comments and, seeing none, for motion to adjourn to November 21, 2024.**

**P. Poltrack – So Moved. Seconded by F. Garito. All in favor. Motion carried.**

J. Frustace – To address Mr. Crain's concern regarding the trees, the code requirement is to show the trees that are going to remain and viable on the plans and not the dead trees. A lot of the trees had died and fell but we're just talking about what's going to appear on the plans.

D. Koehler – The plans have not been updated so it makes it look like they're removing a lot more trees than they actually are. We're asking them to update things and make the record clear.

P. Poltrack – Confirms report from the biologist will be part of the updated site plan.

**F. Garito – Motion to alter agenda and move out of turn to discussion. Seconded by P. Poltrack. All in favor. Motion carried.**

## **DISCUSSION**

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

Brian Watts, Day Stokosa Engineering – Close to the end of the road. Last submission was mostly addressing some plan issues, drafting artifacts that have to be removed and some clean up items. Performed some soil testing earlier this month. Results will go on plan set but assumptions confirmed for storm water drainage sizing for cultech areas in the back. Still have a couple more grading corrections, additional spot elevations and maybe additional details for those elevations on the storm water design. Planning board seems to be happy with landscaping and lighting so hoping they will consider negative declaration for SEQRA so we can pursue Board of Health as the next major outstanding item for septic.

D. Koehler – Prepared Parts 2 and 3 of short EAF. Unlisted action. Looked at Part 2 impact and believe all 11 categories are no or small impact may occur. As a result of some of the mitigation to include bat tree clearing restrictions, storm water runoff impacts by the installation of underground storm systems and mitigating potential groundwater impacts by constructing onsite sewage disposal system in accordance with the DEC and health department regulations, would endorse the board's decision to make negative declaration based on SEAF Parts 2 and 3.

**R. Lopane – Motion to declare Negative Declaration. Seconded by F. Garito. All in favor. Motion carried.**

D. Koehler – A few housekeeping things need to be put on the map but wanted them to be able to get to the health department for the review of the septic to ensure it doesn't significantly change the limits of disturbance. Currently at .88 acres. If area of disturbance gets larger due to outside agency review and goes over an acre, will have to go back and get full SWPPP. We want them to get before the outside agencies so they can work with them and then come back to us to work on final details. Planning board is also architectural review board so will be looking at signage, building elevations, lighting and a few other items between preliminary and final.

F. Garito – Asks if Planning Board has jurisdiction for architectural review outside of Town Center.

D. Koehler – Code as written is architectural review for everything in town center and any commercial zone. Also suggested the board could consider preliminary site plan approval.

P. Poltrack – Don't want to move forward if not in a good position. All issues should be addressed.

D. Koehler – Public hearing was closed. Most comments have been satisfied as long as no massive changes as a result of sewage disposal system design. That is why we want them to be able to get to the outside agencies as they have some work to do with them as well. All of the important stuff is shown with some minor tweaks that will be necessary based on comments but nothing significant. If not comfortable granting preliminary, would probably have to ask the applicant to waive the 62-day requirement from the public hearing. They can still work with the health department with the Neg. Dec. that was granted.

P. Poltrack – Questions what would happen if there were an issue with outside agency.

D. Koehler – If something major were to come out of the health department review and it becomes over an acre of disturbance needing SWPPP, we could always rescind the Neg. Dec., have it based on updated project, redo determination of environmental significance based on new project, then go back to preliminary and final again.

C. Wallace – You can always reopen SEQRA.

D. Koehler – Code requires the board consider preliminary within 62 days of closing the public hearing which was in August.

C. Wallace – Confirms it's state law that if applicant does not waive the requirement and 62 days hits, it defaults to an approval as-is.

J. Frustace – Asks for confirmation that elevations were already prepared.

Brian – Architectural, yes. Applicant is anxious to move this along. Large financial commitment. Going through the board of health, this is a force pump system easily moved because I'm already dedicated to pumping and don't have to worry about gravity. Board of health may have some specific concerns but don't see them having a great deal of comments that would significantly alter what's been presented. Could add little things here and there and it wouldn't change the area of disturbance. Discussion regarding timing of approvals with health department.

**R. Lopane – Motion to grant preliminary site plan approval. Seconded by F. Garito.**

**P. Poltrack – Aye**

**J. Frustace – Aye**

**F. Garito – Aye**

**R. Lopane – Aye**

**J. Abbatantuono – Nay**

**4-1 Motion carried.**

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

C. Wallace – Applicant had to obtain area variance from ZBA with positive recommendation from planning board. Now coming back after variance granted for minimum square footage in town center.

D. Koehler – May be appropriate to direct secretary to notify applicant via email to address last comment letter and other discussion items from the last planning meeting that was attended and come back when ready.

C. Wallace – Indicates Type 2 action.

D. Koehler – Important to note as the lead agency had to have a determination of environmental significance before the ZBA could make their determination. No action for the board to take at the moment. This was more of an update that they got the variances. Secretary should reach out and have them come back in with as many of the comments addressed as they can.

P. Poltrack – Concerned. When we ask for clarification on items, don't want to move forward until those items are answered and addressed.

C. Wallace – Best way to handle is to make a motion to direct the applicant to address the town engineer's letter dated July 18<sup>th</sup>, 2024 Numbers 1-42, or whatever it is. That will make a better record so the applicant has to abide by it.

Board members discuss outstanding items to include sidewalks, architectural features and signage.

D. Koehler – Maybe have a workshop in the new year to talk about procedures and if you're concerned with the level of submittal, particularly after comments, there could maybe be a screening process that could be used as a policy in a way.

Board members discuss possibility of submittal checklists and revision of applications, requesting waivers, public hearing shot clock.

C. Wallace – There are 29 conditions in subsection E that need to be met for submission to be considered complete. Indicates different applications will need different checklists. Board can workshop but must be published as subject to open meetings law. Should not be emailing.

J. Frustace – Indicates committee for comprehensive plan has been formed and is to update existing comprehensive plan but will further discuss at a later date.

## **EXTENSION**

**1. Grape Hollow East** – Subdivision  
233 Grape Hollow Rd.  
Grid # 6756-00-731467  
Zone R-135

J. Frustace – Reads aloud extension request letter sent by applicant.

D. Koehler – Expresses frustration with applicant regarding timing. There was discussion of trying to segregate the three lots to be their own. They need to be considered as a whole despite the fact that there's not common infrastructure. It would've reduced the amount of things they have to do. It's a requirement that they have storm water controls as part of their process because it is in the East of Hudson watershed.

J. Frustace – There was some confusion by the applicant in the interpretation by DEC.

C. Wallace – The best option is to invite the applicant for a personal meeting with the board. They should be here to address any concerns and then you can make any decisions off of your options.

D. Koehler – The issue is following through with the work once the extension is granted.

C. Wallace – Other options are to grant with conditions or deny in totality. Any denial of extension would be without prejudice. You can make a motion to direct the applicant to come back personally to address the board's concerns about the extension. You can give a 30-day extension.

**R. Lopane – Motion to grant 30-day extension and direct planning board secretary to notify the applicant to attend the November 21, 2024 meeting. Seconded by F. Garito. All in favor. Motion carried.**

## **PUBLIC HEARING**

### **2. Pozzuto Lot Line – Lot Line Adjustment- Continuation**

110 Frog Hollow Rd.

Grid # 6757-00-445645 & 563722

Zone R-45

Brian Hildenbrand, Engineer – Last meeting we were informally discussing how we're moving forward with the project by removing the wetland crossing. Since the last meeting, we've revised the plans to show that we're no longer proposing a new wetland crossing but still want to move forward creating the building lot. That takes DEC permitting off the table with any wetland impacts and allows us to move forward with both the planning board and the health department to formalize the lot. The plan once the house is established, is to use the existing stream crossing temporarily until we move forward with the formal proper DEC crossing on the lot. There're some outstanding comments from a memo last year regarding notes and minor tweaks to the plat. Hoping they're minor enough that the board is comfortable enough to close the public hearing.

D. Koehler – Sent email earlier mentioning the possibility of considering that as water resource permit is no longer needed. Up to the board. Often times will piggyback off of DEC's recommendations but removal of the driveway takes that off the table. Need to have an understanding of who is using what parts of the land and how they will get there. There should be some easement agreements.

Brian – Currently there is common ownership between the two but need to formalize.

C. Wallace – One is a trust and one individual names, though presumably part of the trust. Need to be common ownership.

J. Frustace – Questions small sliver property.

D. Koehler – At the end of the day it's two lots. Plan shows existing. There was a filed map that created these two parcels and it showed that as an easement. For some reason, the county filed it and assigned it a tax ID as if it were a separate parcel although they're under one common deed. There's no net increase in lots. Provides explanation to P. Poltrack regarding history of property and alignment. Advises board they could have the applicant return with comments addressed from September 2023 letter and incorporate §130-20. No one has been attending public hearing and now that water resource permit part is out, you could consider closing the public hearing. That would start the shot clock and they'd have the two months to get to the point where we are satisfied with the requirements of §130-20, which are pretty marginal for a project of this scope.

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

No public comment

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

**J. Frustace – Motion to adjourn meeting. Seconded by P. Poltrack. All in favor. Motion carried.**

Meeting adjourned 8:10pm.

Respectfully submitted.

Aletha Bourke