



TOWN OF
BEEKMAN *New York*

4 Main Street
Poughquag, NY 12570
www.townofbeekman.com
(845) 724-5300

TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, November 21, 2024

The following members were present:

Chairman - John Frustace

Robert Lopane

Peter Poltrack

Faye Garito

Also present:

Town Engineer - Dan Koehler

Town Attorney – Craig Wallace

President of CAC – Cliff Schwark

Recording Secretary – Aletha Bourke

J. Frustace – noted the emergency exits and led Pledge of Allegiance

J. Frustace – Motion to approve minutes for July and September of 2024. Seconded by F. Garito. All in favor. Motion carried.

PUBLIC HEARING

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

Jim Bates – Ecological analyst, hired by board to review wetlands on Boyd subdivision. Confirms the wetland flagged is there and leads into at least an ephemeral but probably intermittent stream that goes into class B stream, making is 95% regulated by US Army Corps of Engineers (USACE). Would have to be truly ephemeral and need to go through water regime to verify. The USACE will verify that it's ephemeral and not intermittent. Wetland is small enough under town regs that it doesn't have buffer but stream out does have town buffer on it. Looked if this area would be regulated by DEC starting January 1 but new regs have not been released yet. As of last draft the whole area will be regulated by DEC, including small pocket wetland, starting January 1st.

C. Schwark – States town law doesn't specify any particular size to wetlands is protected. Protection is a buffer. 1100 feet only applies to feds, doesn't have anything to do with size per town.

Jim – Code can be interpreted both ways if that's your intent. It should be cleared up. Submitted to board that wetland is mapped by Fish & Wildlife Service, those maps are 30 plus years old.

R. Lopane – Asks did you delineate wetlands on site, flag them, is location confirmed?

Jim – No, Mike & Wiki, the applicant's consultant, flagged them, flags are still there, yes on location.

R. Lopane – Asked about accuracy and did it expand beyond or was it less than what the flag showed?

Jim - Spot on.

D. Koehler – To Cliff confirming it's 11,000 not 1100 mentioned in code 155-4, mentions 11,000 sq. ft.

C. Schwark – Only if it goes to the feds, 11,000 doesn't apply to his local law. The 11,000 doesn't apply so wetland would have buffer even if it's small, which apparently it is. Pools are small and can dry up. Many different kinds of wetlands. he didn't purposely put a size on it because it couldn't come to one, couldn't conclude what would be minimum because there are all kinds of sizes.

D. Koehler – Explains code section when talking about vernal pool says 75ft buffer. Definition in same section of the town code does have a size limit of 11,000.

Jim – States that part of code is ambiguous.

C. Schwark – Agrees code is ambiguous, not even sure why he put it in there.

J. Frustace – Asks applicant for direction.

Roy – It's his understanding that w/ the application to the USACE, they can move it and moving it means there is no more splash creating a wetland. Questioning code 155-4 that there is no buffer on that small size or does board have discretion to make a buffer? Looking to move forward with this and asking for clarification on how this wetland size goes. Does he go through USACE, moving of the dry stream or runoff, is it based on code? Is there a buffer on this or is it your discretion? Is he correct that if they move the stream there is no more wetland?

D. Koehler – Town defines wetlands and water courses, so that's a water course, shown as intermittent stream on the map.

Roy – Asks if he gets USACE approval, can they move it?

D. Koehler – That's 1 agency, still needs approval of this board to move it.

J. Frustace – It was determined that the wetland was active during storms. Trying to determine which side the water comes down, states 2 on the plans, asking about the right side.

Roy – Right side is where they want to move it to, the projected change. Grab it up top, before the rock wall, bring it down the side, bring down through, which we have all county approvals. This eliminates stream in the middle, splash, erosion because they are going to build riprap and make it wide instead of deep, wide and substantial. County told us what they do and don't want. County said it will take care of swell in road.

J. Frustace – They gave you 50ft buffer?

Roy – Pretty much, doesn't know exact number off top of head.

J. Frustace – Plans needed that meet all of Dan's comments, 155-52 and also 155-53 steep slopes.

Roy – Thought that was addressed already on plans.

D. Koehler – You have to read the code, in-depth list of documentation that is needed, onus on you to prove to the board why you should be able to disturb the steep slopes and there are disturbances to steep slopes. 155-52 application process, with all sub sections. Series of docs needed – show development in comparison to water course and wetland, calculate disturbances, other alternatives where wetlands and water course do not get disturbed. Your team needs to put all this information together, that is what's lacking.

Roy – Unaware Gillespie even looked at alternate site for house.

J. Frustace – Confirms what he saw, intermittent stream that comes off wetland, didn't see any bio mass there, no standing water or pools. Just scour, erosion from storm water. Thinks if they don't do bric brac work or conduits, it's going to affect the road. It's a hazard due to volume coming out and can see it breaching the gully and hitting top of road, then freezing in winter. Assuming stream can be redirected, asks applicant if it's his intention to build on the wetlands?

Roy – No, states it would be close like corner of driveway, garage from plans. Roy references Jim about suggestion to put pipe under driveway or to put it where stream is moved to. Best option under driveway, run it down rip rap side of driveway to bottom of hill.

J. Frustace – That wouldn't affect the septic fields?

Roy – No.

J. Frustace – Read on file was to fill in wetlands, house was right on top of wetlands.

Roy – No, both house sceptics are in front yard, houses are setback, at the corner of the house and driveway where the wetlands is going to lay out.

J. Frustace – Requested submitting complete set of plans addressing Engineers comment letter.

Roy – Biggest problem is with Gilepsie, not the board.

F. Garito – Has no problem, says you've rectified the situation and it's clear.

J. Frustace – Again references not having plans.

D. Koehler – House, septic has to be shown in relation to where.

R. Lopane – Provision in our regulations that allows for mitigation, up to board discretion, have to demonstrate that it's unavoidable, that buffer is necessary.

Roy – Clarifying, comes down to the fact if stream gets moved, there is no wetland. Only way water gets there is by splash hitting wall, eroding, that is where water is coming over. If stream is moved, there is no more leakage.

R. Lopane – Expects mitigation plan to mitigate loss of that wetland; states you're going to create a wetland somewhere else on the site.

J. Frustace – Asks Jim for clarification on water from wetlands coming from underneath the ground.

Jim – Currently can't tell if it's getting seepage or not from side of slope. Don't know if it's coming up or not. Doesn't know right now if it's coming through that stream because it hits the wall. If stream is moved, he can't say yes or no whether that wetland will be there or not because it's the flat spot on the slope. It may or may not get ground water, it was dry when we were there and there isn't much soil because of the gravel. Explaining how stream was going under and up through hill, when came down it had scour and back flooding, gravel in front of wall. Can't say water is still not coming off side of slope, at least during the summer month, getting back flooded.

R. Lopane – Requests plans from applicant.

Jim – If water continues to go through there at the velocity it's coming through, that what is left of the stone wall is going to let loose and literally will eat back into wetland, after stone wall is 6ft drop.

R. Lopane – We can't make decisions based on the future; our decision has to be based on existing conditions today.

D. Koehler – States concerns on water issues. Needs to be addressed seriously.

P. Poltrack – Questioning why board is debating without new plans.

R. Lopane – Questions applicant if wants to proceed.

R. Lopane motion to open public hearing. Seconded by P. Poltrack. All in favor. Motion carried.

Mr. Crane – Resident, talks about how dead trees are not worthless.

F. Garito motion to adjourn public hearing to February 20, 2025. Seconded by R. Lopane. All in favor. Motion carried 4-0.

DISCUSSION

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

Brian Watts from Dutchess Contracting Corp (DCC) asks if board wants to discuss public hearing.
Mr. Crane - (from audience) asks why isn't this on public agenda?

C. Wallace - States public hearing was adjourned to October 17 meeting as applicant didn't submit on time. No one from applicant side came ready to proceed with public hearing continuation. Explains that this meeting didn't appear on public hearing agenda as continuation. There was no request for further adjournment, nothing addressed at the meeting, then got lost in the shuffle. He reminds board that adjourning a public hearing results in numerous delays; administration of local zoning law, can lead to neighboring property owners not having the opportunity to comment, and impact decisions since testimony received may not be recalled over time. Mentions Beekman has multi stage approval process for site plan approval, then proceeds to list them. Recommends, due to the time gap, the board move to instruct applicant to re-notice public hearing in paper for December. He spoke with applicants' counsel. Very firm that it's necessary to preserve the sanctity of public hearings.

Brian – Concurs with Craig, no objections.

J. Frustace – Explains delay due to waiting for analysis from DOT.

Brian – Waiting on large components, including DOT, DC Water Waste Authority and added placeholders. Lists all components waiting and working on.

C. Wallace – Reminds that his comments are not meant to be a reset of public hearing, intended to be a supplement “Yes” to what has happened so far and to include the public again.

J. Frustace – Asks are we opening the adjourned hearing?

C. Wallace – No, wasn't properly calendared.

F. Garito motion to propose a resolution in an effort to preserve the sanctity of the public hearing, that a public notification be sent to affected surrounding property owners in order to have public hearing. Seconded by R. Lopane.

C. Wallace – Tells board pursuant to 15559 G.

P. Poltrack – Can you have public hearing without all information in place?

Brian – Explains everything waiting on.

R. Lopane – Worried about timeline for deadlines.

C. Wallace – Timeline starts when public hearing ends, ongoing is OK.

D. Koehler – Satisfied with plans for preliminary before, if enhanced further even better. Lists all components requested. Satisfied with level of detail on plans coming in.

P. Poltrack – Asks is there enough information so public can be informed of what project truly is?

D. Koehler – Absolutely.

Brian – Discusses enhancements and clarity.

R. Lopane – Is applicant responding to the public’s comments from last public hearing?

Brian – Doing their best, they’ve submitted responses to general areas of concern.

J. Frustace – To Craig, needs clarification that town nor board is involved in water and sewage.

C. Wallace – DC Wastewater Authority has autonomy over its infrastructure and ability to extend from property to property through easement process.

Brian – Explaining water and sewer plans for “road 1” and other properties.

J. Frustace – Asks if this is connection on 55.

Brian – No, behind them and Dalton.

J. Frustace – Can other developments on 55 pull?

Brian – Confirms they are providing the ability for future expansion along 55.

J. Frustace – Is this first time revealing this to public?

Brian – Been on plans, but drafted effectively.

R. Lopane – Has a few concerns, having enough capacity to supply development and local residents, and downhill drainage. References current owners stating basin releases a lot of water into backyards. Asks for solution.

J. Frustace – Clarifying capacity issue; 10k gallons, town is concerned, especially Dalton, about it affecting pressure. Mentions DC water & waste upgrading old system with current bond expiring and new one starting.

D. Koehler – Clarifies that the sewer is what is being upgraded.

Brian – Describes the flow into existing culvert, referencing his chart. Looking to provide correct volume storage, low flow orifices instead of 24” pipe which will allow much smaller vine water out.

F. Garito – Asks if surrounding land owners are aware?

R. Lopane – Was showed at last meeting, asks about outlet.

Brian – Moved further towards DOT, they want it in DOT concrete swell.

J. Frustace – Will present all of this at next public hearing.

F. Garito – References earlier motion proposed on the table, was seconded. All in favor. Aye.

D. Koehler – Clarifies that’s the motion to adjourn the public hearing to December 19 meeting and directs applicant to re-advertise in paper, send notices to all adjacent properties within 500ft.

C. Wallace – and to comply with 15559G of the code.

R. Lopane – Tells applicant to do wildflower mix in basin per our comments.

Brian – No problem.

2. Clove Meadows - Subdivision
327 Hynes Rd.
Grid # 6759-00-744708
Zone R-45

C. Wallace – Recuses himself, Shane Egan appointed by board, will sit in.

J. Frustace motion for a short recess, Faye so moved, Seconded by R. Lopane, Aye.

J. Frustace motion to resume, Seconded by P. Poltrack, Aye.

Matt Town, representing HVT Homes for Clove Meadow Subdivision, 327 Hynes Rd. Initial submittal for preliminary plat, 13 lot subdivision, with 1 existing home, 12 new homes, new 1000 ft town road with cul-de-sac. Plans have just been developed, SWPPPs prepared, some of Dan's comments addressed, but still a lot to do.

J. Frustace – Reviewing Dan's comment letter, partially satisfied natural resource inventory there are state wetlands.

Matt – DEC visited site, flagged lower portion as only DEC regulated wetland on site. His understanding is pond currently regulated by Feds is not hydraulically connected to wetland, since it's under 12.4 acres, it won't be regulated when new laws come out.

J. Frustace – inquires about new laws.

Matt – His understanding is if wetland over 12.4 acres it's going to be reviewed by state and likely regulated by DEC, if it's under, it won't unless it's vernal pool.

S. Egan – Asks to clarify if wetland is connected because of the stream?

Matt – Not hydraulically connected, big ditch determined by biologist hired by client and DEC.

D. Koehler – Applied the buffer on mapping?

Matt – All town buffers are shown, they are not disturbed other than proposed pond at low point. Can't collect storm water without putting something in buffer.

R. Lopane – Questioning pond area and DEC guidelines. Is wetland in town law, fully delineated?

Matt – Yes.

J. Frustace – Discussing slopes w/ 15% plus are shown – comments satisfied. Asking if comments about bats and swamp birch are in progress?

Matt – Yeah.

J. Frustace – Discussing engineers' condition of trees.

Matt – Will conduct tree survey, asking if it's 12" or 8".

D. Koehler – Suggests doing 8".

Matt – Agrees.

J. Frustace – Reading from Engineers comment sheet, in reference to utility poles, poles that do not provide service should be removed.

Matt – Will address that.

J. Frustace – Asks if 13018c; deed provided and proof of ownership, reviewed by town attorney.

S. Egan – Reviewed county clerk records, let record show they are owner of record.

J. Frustace – Partially satisfied road profile provided, need driveway notes for future submission.

D. Koehler – Remaining comments are technical, suggests they get to the crux of what's left.

J. Frustace – Asks if there are any others applicant's unaware of.

D. Koehler – No, has letter, Matt very good at addressing comments. States he's happy with progress of plans.

D. Koehler – Speaking to board regarding the granted sketch plan sub division plan approval from last month. It was suggested 1 item be a Type 1 action. Explains that due to them having 13 lots, that kicks them above the 25% threshold, which classifies as Type 1. Reminds that we have to circulate to interested and involved agencies. If board wants to act as lead agency in SEQR process, circulation letter has been prepared to a number of agencies (he lists agencies). States good point from town attorney to include NYS Ag & Markets. Suggests if board intends to act as lead agency, 30-day period for agencies to respond, will keep process moving.

F. Garito motion to declare that our planning board is lead agency on this project.

J. Frustace – Asks if all the agencies need to be listed.

S. Egan – Advises that you can reference the form letter with the addition of Ag & Markets.

P. Poltrack – Reminds everyone has to be done anyway because it's within Ag, they need to be notified.

J. Frustace motion is to declare the agency as per the form letter to include Ag & Markets. Seconded by P. Poltrack. All in favor, Aye.

3. Baker Estates - Subdivision

Baker Rd.

Grid # 6659-00-760142, 842016 & 645225

Zone R-90

Bill Povall engineer for LMDH Property Holdings. LMDH purchased Baker/Hill sub division from Baker Rd Assoc. Includes 26.28-acre parcel, plus 2.87-acre parcel (south of Baker and Clapp), purchased application as part of agreement to update new application with new applicant. They also acquired 8-acre parcel behind 26-acre parcel, which is a landlocked parcel, there is 25ft easement for access. Looking to include the 8-acre in the app, making it a legal conforming lot to R90 zoning and to clean up access with the 8.

F. Garito – asks will lot be buildable?

Bill – Yes, then references detailed property plan. Discusses slopes, shared driveway location and adding a lot for 6. Their proposal is consistent with previous plan. Took board comment to include 2.87 parcel so it wouldn't be stand alone. Notes lot 1 has very steep slopes that wouldn't be disturbed. Modified plan includes 3 parcels, 6 lots served by individual wells/septic to minimize disturbances, w/ shared driveway for lots 5 & 6.

R. Lopane – How steep is driveway to house in back?

Bill – 10%, conforms with Beekman max grade.

R. Lopane – Is limit of disturbance all wooded?

Bill – Entire lot is wooded.

R. Lopane – Are parcels same configuration as sketch?

Bill – Yes, very consistent.

R. Lopane – Asks engineer if there were any changes?

D. Koehler – A few lots where the widths were little bit less, we were considering conservation subdivision to relax some regulations in terms of lot width. Discussed if went with conservation subdivision, we may ask for conservation easements on rest of property, especially where it's steep to preserve those lands, trees and maintain slopes. Notes town has had issues with Baker Rd in the past.

J. Frustace – Asks about a slither or road going to be an open space.

D. Koehler – Confirms what applicant previously stated, it's too steep to do anything to incorporate in lot 1. Doesn't know if they will propose conservation easement, don't know if there is steward for conservation easement of small size.

F. Garito – States there is no feasible way it could be used for anything anyway.

D. Koehler – Agrees.

R. Lopane – Wants clarification that board was previously looking at 5 lot sub division, asking if map is updated.

Bill – Updated survey, added 8-acre parcel.

R. Lopane – So adding only 1 lot?

C. Wallace – Clarifies it's 2 lots, there is almost 3-acre parcel being added.

Bill – Clarifies his plan.

R. Lopane – Asks what was board originally looking at 5 building lots? Not increasing that, just adding lot at bottom where new parcel being added?

Bill – Improving situation by creating a conforming lot with proper access.

P. Poltrack – Total is 6 lots?

Bill – Right, on 3 parcels.

R. Lopane – Comments that bottom lot is completely wooded and steep, was leftover lot after other surrounding development occurred, previous board should've called that open space.

F. Garito – States it was landlocked.

R. Lopane – Notes it was a mistake to leave it landlocked.

Bill – The proposed area for the house is not as steep as the back.

R. Lopane – Understands but in order to get to it, you're taking down a forest of trees.

D. Koehler – Asks if there is a tree survey on particular lot?

Bill – Yes, on submitted plans.

D. Koehler – Requests applicant to put limited disturbance on steep slope map, tree map, so there is clear understanding of what trees will be removed.

Bill – Yes.

John and Rob discussing where septic are in the back.

D. Koehler – Suggests flipping a couple of driveways and starting at lower elevation. Plan has been advanced to show more detail than previous.

Bill – States they have septic separations, wanted wells uphill in front, another reason septic in back.

C. Wallace – Addressing Chairman, verified with county clerk that all 3 lots are now under common ownership, was told by title company, the 3-acre lot being added was merged with the 26-acre lot. Asks applicant if he's aware.

Bill – Not aware, could check with surveyor, but updated survey shows it as separate lot.

C. Wallace – If lots merged, need to update map to reflect new tax grid.

F. Garito – Asks does it now show separate on tax grid?

C. Wallace – Correct, shown as 3 distinct lots.

D. Koehler – Clarifies that our code states when have common ownership contiguous, it has to be considered in overall plan, as mentioned to previous applicant. Confirms that this applicant has taken into consideration and merged into the project.

J. Frustace – Clarifying if applicant is looking for the board to grant sketch subdivision approval?

D. Koehler – States, in his opinion, applicant has met all standards to get back to the point where they were before, brings it to better compliance.

R. Lopane – Asks Dan if there was conservation easement in the past.

D. Koehler – Explains lots on previous plan had widths not meeting requirements. Told applicant to get conventional layout showing 5, that they'd be better served by tightening it up and going for conservation subdivision to avoid steep slopes. Confirms applicant did that, and it includes some conservation easement on some other layouts.

R. Lopane – Conventional layout?

D. Koehler – Yes.

R. Lopane – Asks applicant if interested in doing conservation subdivision.

Bill – Looked into it, but due to lay of land, didn't accomplish much as far as tightening things up. Look at separation from septic to wells, septic to storm water management. Feels plan is similar to prior plan but was able to create lots that are conventional.

R. Lopane – Big concern is removing a lot of trees and disturbance to steep slopes. Asks how applicant intends to mitigate.

Bill – Incorporated erosion control measures, tried to keep out of steep slope with layout, very little disturbance. References the conforming lot on map.

R. Lopane – States doesn't look like a mitigation plan, says applicant trying to minimize impact but there's no mitigating and a lot of tree removal.

Bill – Asks if conservation easement serves as possible mitigation?

R. Lopane – Not mitigation, but it's protecting the rest of the back. Asks if conservation easement would limit their ability to remove all the trees.

P. Poltrack – Thinks due to slope steepness, doesn't believe anyone will try anything. Slopes down to stream are so steep they'd be no reason to disturb.

R. Lopane – That scenario a conservation easement wouldn't hurt.

F. Garito – Asks about that taking it off the tax rolls.

R. Lopane – Does help them with taxes, uses rail trail actions from a neighbor.

Bill – They will look into that.

C. Wallace – Confirming that the layout is all conforming lots, doesn't have to go before ZBA?

Bill – Yes, it's conforming and no to ZBA.

C. Wallace – Asks Dan for clarification about going to ZBA.

D. Koehler – Confirms that planning board has authority to change the bulk regulations of lots. With current configuration, applicant will still be a conventional subdivision. Explains just because it's a conventional subdivision, doesn't mean you can't have conservation or deed restrictions on lots.

F. Garito – Asks if there is enough acreage for each lot with conservation subdivision.

Bill – Yes, something to look at.

R. Lopane – Doesn't want 15ft strip as a token, to be worth it needs to be a robust area, trying to protect steeply sloped wooded areas.

D. Koehler – Applicant can continue w/ conventional or board could ask applicant to do a conservation as applicant is still in proposing stages. Reaffirms that a conventional subdiv can still have conservation or deed restrictions w/out going through 13-45.

R. Lopane – Wants to see really good erosion control measures, control blankets and matting, doesn't think silk fence going to cut it. Wants sensible development.

D. Koehler – Tells applicant there are a lot of standards in 15553 that need to be shown. Makes sense to go backwards in process and consider this like a new, but notes applicant does have more detail on plans than normal sketch approval process. Suggests board grant sketch subdiv approval and declare intent to act as lead agency for coordinated review of the unlisted action and authorizing planning secretary to circulate materials to involved and interested agencies. Has prepared a draft letter for consideration. Plan is still fluid.

F. Garito motion to grant conditional site approval, sketch subdivision. Seconded by P. Poltrack. All in favor. Aye.

D. Koehler – Suggests 2 motions

R. Lopane motion to declare planning board lead agency. Seconded by P. Poltrack. All in favor. Aye.

4. Pellegrino Lot Line – Lot Line Adjustment

9 Cottage Rd.

Grid # 6659-00-948078 & 934054

Zone R-45

Thomas Carrigan, representing applicant Leslie and Anthony Pellegrino. Applicant is seeking lot line adjustment between 9 Cottage Rd (lot 1) and lot 2. Wish to transfer 1.488 from lot 2 to lot 1. This will address existing non-conformity but also increase their lot size and provide room between the two. Lot 1 is developed, lot 2 is undeveloped. Acknowledges receiving engineers comments. Applicant is seeking waivers on some of those requirements being it falls under sub division. Waiver items – delineation of wetland on lot 1, getting biologist for bats at site, 2 items relating to grading changes into driveway and needing tree survey.

D. Koehler – Suggests that since they are providing mitigation w/ tree clearing restrictions, doesn't need to be waived. Applicant is acknowledging potential bat habitat with common mitigation practice of not clearing trees during time when bats are present, foraging and living there. We consider this just a mitigation, no need to be a waiver for that. Regarding waiver for driveway, showing grading, can't support a waiver. Talks about delineating slopes, code 15553, there will be moderately to extremely steep slopes along frontage of cottage. Suggests applicant have a plan to show when taking land from vacant lot, you're not taking away ability to find a better way into site w/out disturbing steep slopes. Mentions importance of grading/profiles of driveway, town and fire dept standards. Reminds applicant that land is being taken away so have to prove lot is viable, regardless that health dept approved septic location, remains planning board issue.

R. Lopane – Clarifies that first waiver is to wave requirement for getting a wildlife biologist to assess for bats?

Thomas – Correct, addressed by limiting tree cutting during window of Nov 1 through end of March.

R. Lopane – Asking Dan that it makes sense, why wouldn't we waive this?

D. Koehler – Feels applicant is addressing it.

R. Lopane – Asks applicant if comfortable knowing board addressed it by obligating himself to not cut trees during that time?

Thomas – Yes, notes will be on the plan.

R. Lopane – No need to vote on that waiver. References next waiver requests, comment 1G and #4, asks if applicant wants waiver to not show trees?

Thomas – Correct.

R. Lopane – Asking Dan if they proposing to only show trees in location where trees proposed disturbance?

D. Koehler – Yes.

R. Lopane – Asks what if something doesn't work out, then applicant has to do more?

D. Koehler – Right.

R. Lopane – Doesn't think this waiver will be approved, suggests limiting the location of trees to just proposed areas of disturbance.

Thomas – Yes, that would be alright.

R. Lopane – Reiterates if plan changes and disturbance changes, then it changes. Regarding 3rd waiver, #4 on comment letter, concurs w/ what Dan said.

D. Koehler – Suggests a better plan to come off of Dill Hill as there is no steep slope on that side. Issue is this lot is included in road maintenance agreement that pays for Cottage Rd, why pay for Cottage Rd to come off of Dill Hill?

Peter and John discuss how applicant is only here for lot lines and waivers.

R. Lopane – Agrees w/ Dan, he needs it, no waiver. We are not granting these waivers, which means applicant has to go back to drawing board and do some survey locating.

P. Poltrack – States no reason not to grant the lot line adjustment. All that's being done is creating of the lot, forget the house at this point.

R. Lopane – Explaining to Pete when lot is adjusted there are other factors at play.

J. Frustace – States we need rest of information that was not waived.

Rob, Pete and Faye discussing how lot needs to work before approving new lot line.

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

Aime Patane, project planner with LRC Group, representing LMDH Property Holdings. 5 lot subdivision on 6.3-acre parcel corner of Beekman Rd. and Greenhaven Rd. Since September, submitted to Dept of Health and coordinated and submitted

to DPW. Addresses Dan's comments, states most seem minor but one stands out. References the 100-year elevation of basin on lots 3&4 as well as drainage area on lot 2. Britney Shakely, project engineer, to address comments.

Britney – Regarding drainage area; there's more area than accounted for so that will increase the pipe going under lot 2 driveway. Regarding comment adjusting easement to encompass the 100-year elevation; revised plan – shifted building and septic up slightly to get out of depression and infiltration basin enlarged to account for lower infiltration rate, even though infiltration rate is 25"/house, decreased by half. DPW concerned about site distance of driveway for lot 5 so lot 5 driveway location adjusted to be on far side, gives you 555ft each way. Revised swale and infiltration basins around lots 1&2 and increased pipe size from 8" to 18". Received conceptual approval from DPW and ok w/ that. It's sized for a 50-yr. event which meets DPW standards, but increases runoff to neighboring properties. Infiltration basins are designed to treat all onsite improvements. Increasing the flow, not increasing off site event.

R. Lopane – Referring to an item on SEQR regarding storm water flow, asks is there a question about downstream flood?

D. Koehler – More on an impact to waters, showed DPW pics of road flooding, Greenhaven Rd. is a safety hazard. Only way to fix is w/ bigger pipe.

R. Lopane – Worried that downstream flooding could impact the town, liability?

J. Frustace – Asks what's being done to flow of Fishkill Creek?

Britney – States existing easement for pipe to discharge on Greenhaven side, has swale in back of house.

D. Koehler – It goes through 4 undeveloped lots and developer is aware, it's solving a safety public health hazard.

J. Frustace – Asks Britney if water is being treated.

Britney – Correct.

D. Koehler – Clarifies that they are treating on their lot before it comes off.

Britney – 18" pipe going to be lower to allow water not too flood.

J. Frustace – Asks about Beekman Rd. side.

D. Koehler – Decent amount of drainage area that comes down through 2-acre parcel.

J. Frustace – Asks does it dump on their property?

D. Koehler – Yes, they are controlling the discharge from culvert under Beekman Rd and getting it over to new culvert crossing Greenhaven.

Amy – Asks the board to advise where they are at in SEQR, would like SEQR determination once all outstanding engineer comments are resubmitted.

D. Koehler – Advises that next procedural step is to understand and make determination on SEQR. Not happy with lot 3 w/ water issue. Notes if berming on other side, water will be trapped behind those lots. Either that or grade positive up into those lots like a mass grading effort.

Britney – After fill in, will be positively pitched down into basin, with elevation of 353.

D. Koehler – Water level getting to 350-375 so easement has to increase to cover entire area.

Britney – No berm on northside, filling in existing depression.

D. Koehler – Asks if they going to go positive slope from 353 up towards house?

Britney – Yes.

D. Koehler – Does that create fill where septic is?

Britney – States septic was pushed up, not going to be much, could always do a fill pad if needed.

F. Garito – Will that be permanent easement?

Britney – Yes.

D. Koehler – Suggests to continue w/ that design, hopes to get to happy medium. Instructs to answer as much as possible in regards to comments.

Britney – States will resubmit to DPW & DOH to address their comments but can't get their approval until have negative checks.

D. Koehler – When it's close, board will authorize preparations for part 2&3 of EAF, asks board if it should be prepared after their next submittal so SEQR can be considered?

J. Frustace – Ok.

R. Lopane – Asking about tree removal plan and area of disturbance.

Britney – States to address engineers' comment, took septic originally in depression, moved it up by house, and house up as well.

R. Lopane – Specifically asking about trees being gone by septic.

Britney – Some will stay, can fill up against some of the trees so not to remove them. Doesn't want to fill too much up against them or it won't lift, trying to limit as much as possible.

P. Poltrack – Believes the trees will be killed.

R. Lopane – References his background regarding trees, wants applicant to show on drawings tree protection measures, list all tree removals, board needs an idea in order to sign SEQR, right now there is an impact to trees.

Britney – States it's all labeled on plans.

R. Lopane – Wants a list, asks if there was a public hearing on this?

D. Koehler – Yes.

R. Lopane – Question to attorney about any significant changes since public hearing?

C. Wallace – If deemed changes are significant, SEQR could be reopened.

D. Koehler – Reminds there hasn't been a SEQR determination yet.

C. Wallace – Public hearing could be reopened for additional comment.

R. Lopane – Asks Britney to make attempt to save more trees, then show tree protection measures in order for enforcement by code enforcement.

Britney – States they can do that.

Rob and Faye discussing whether or not public hearing should be re-opened. Rob notes that last hearing was with a different engineer.

Amy – Notes it was October 2023.

R. Lopane – Asks if they have objection to opening another hearing?

Amy – Doesn't feel changes should warrant opening the hearing as they took project over from Mike Leslie and it's similar to his design.

R. Lopane – Notes that first thing residents see is tree removal. Mike showed little tree removals around house and septic. States it's much different than what is being showed now. Recommends going to public hearing so residents can comment on a plan not yet seen.

J. Frustace – Another issue is water going to neighboring properties.

R. Lopane – Asks applicant to admit their plan is different.

Amy – Agrees it's not same as Mikes, but similar. They've made improvements and public hearing would delay process.

J. Frustace – Refers to counsel.

C. Wallace – Take a vote if you think motion is warranted.

R. Lopane motion to re-open public hearing. Seconded by F. Garito.

F. Garito - To counsel, would it require notification?

C. Wallace – Yes, since it's already been closed. Asks to take a roll call vote.

J. Frustace – Offers another option to look at trees and reduce number of removals, asks if that's better option?

Britney – They've looked at reducing, tightened removal to just the limits of grading and around house, doesn't know where else they could save.

R. Lopane – Asks if swale can be aligned can be aligned on top corner?

Britney – No, due to the intersection improvement plan which grades up to property line.

R. Lopane – Suggests shifting swale 5ft, those trees could be saved. Still be 10ft away from property line.

Britney – Not that far away from property line to begin with.

D. Koehler – Recommends more direct line so trees can stay, separation of septic matters.

Rob, John and Britney looking at plans suggesting spots.

Amy – Proposes and alternative to opening public hearing, regarding tree removal, mitigate that by replanting trees towards the front?

R. Lopane – Offers maybe some combination of getting tighter, treatment and mitigation, but needs to be explained in SEQR. States to describe how many trees are removing in SEQR then indicate mitigation measures.

Amy – Ok.

C. Wallace – Asks board if they are withdrawing the motion to re-open public hearing in light of proposed mitigation?

R. Lopane – Satisfied with plan to tighten up tree removals, to protect trees, proposes tree mitigation plan, show tree fencing at end of disturbance.

P. Poltrack – A diameter needs to be set for how far away from trunk going to put fencing protection.

R. Lopane – If it's going to be close to original w/ measures, maybe don't need public hearing.

R. Lopane withdraws motion.

6. Green Hill Farm Holdings – Subdivision

Hynes Rd. & Beach Rd.
Grid # 6759-00-912540
Zone R-45

Ernie Martin representing owner/applicant, Green Hill Farms Holding LLC. Referencing last meeting w/ significant conversation over wetlands location and location of trees. Hired wetland biologist, who delineated wetland. Met w/ DEC to confirm locations. DEC email states they are in agreement w/ wetland and willing to sign wetland stamp. Located trees on site, conifer grove located on lots 3&4, houses and driveways positioned to not touch that grove. Acknowledges there are some old apple trees that will be removed, 2-3 at most. Most of site is open fields, hay yearly. States no other trees going to be disturbed. Wetland biologist performed habitat assessment report, soil testing w/ presence of health dept and percolation tests done. They are currently designing septic systems which will fine tune positioning of houses, driveways and grading. Has preliminary estimate of disturbance, keeping in mind 2 lots have existing houses – main sits on 12.5 acres and house upfront sits on 1.2 acres, estimating approximately 1 acre of disturbance, could be plus/minus.

D. Koehler – Confirms a lot of information asked for has been provided.

J. Frustace – To Dan, recommending sketch and to declare boards intent?

D. Koehler – Yes, consider adding NYS Ag & Mkts, as parcel is in Ag district, to list of agencies; DEC, DOH, Dept of Plan & Dev, Conservation Advisory Council, Hwy dept and town fire advisory board.

P. Poltrack - Asking if it's 4 lots on Beach Rd?

Ernie – Yes.

D. Koehler – Technically 5, one comes down behind first one on far right of map, ones closer to Beach are 4 in row.

R. Lopane – Asking about a stream there and needing a special use permit?

D. Koehler – There is and asked them to show 50ft town water course buffer.

Ernie – Confirmed w/ DEC that it's classified as CT stream, not planning improvements in that area, confirms will have 50ft buffer on each side.

D. Koehler – May have to move the well on lot 2, might be in 50ft buffer, would be only disturbance w/in buffer. Clarifies disturbance is proposed well on lot 2, believes there's enough space on lot to move around.

R. Lopane – Asking if applicant is staying out of 50ft buffer?

Ernie – Correct.

R. Lopane – Asking if wetlands staying on 50ft buffer?

Ernie – Yes, 100ft.

R. Lopane – Asks about test pits.

Ernie – Yes, percolation tests witnessed by Dan Keeler from Health Dept. Currently designing septic systems, all lots but lot 2 will be in the ground, very good soils in line w/ soil data.

R. Lopane – Asks about what kinds of well testing has been done?

Ernie – States hasn't done well testing yet, per health dept, they would like plan submitted w/ septic then will come up w/ protocol of what to do. There are 2 existing wells on property, may use those as test wells or use 1 and drill new well, it's TBD.

P. Poltrack – Notes there is a lot of swamp back there.

D. Koehler – Agrees.

R. Lopane – Is ready to move forward, doesn't have any other issues, very deliberate plan that limits impact to natural features.

R. Lopane motion to grant sketch approval, Seconded by F. Garito. All in favor. Aye.

J. Frustace motion intent to declare lead agency to include Ag & Markets. Seconded by P. Poltrack. All in favor. Aye.

D. Koehler – Asks applicant to work on getting Ag data statement updated, goes with lead agency circulation. To keep process moving start working on 130-24 requirements, show as much on map as can, will help move process along.

7. Lennar-Plum Court Lot 9 – Lot Line Adjustment

Plum Ct. & Tillman Dr.

Grid # 6758-02-721807, 723793 & 717817

Zone PH

Adam Wekstein from HTW here to fix a surveyors' error from way back re: Plum Ct. subdivision approved in 2002. Gives quick summary of what happened; 17 lots sold, original sub division had errors, 16 of 17 owners agreed, joined application. 1 owner, Mr. Sweeney lot 9/YY, did not. Amended plat in 2010, small strips area on each side (A&B, client Lennar owns) was put in place for future possibility that it would be incorporated into lot 9 which is now in right of way of Plum Ct. Proposal is for strips be incorporated in lot 9, convey to Lennar right of way in exchange Lennar will offer for dedication lot YY to town for inclusion in Plum Ct. Would make right of way even. Other issue is easement is on lot 9, parcel b then on parcel a. Problem is part on lot 9 is partially under the house. Letter from DCWWA states they are conceptually onboard but cross patched area under house will be eliminated from easement, easement will be reconfigured and new easement shape. Will be very close to house but won't be under it. Main and water line will remain in current position.

P. Poltrack – Asks if easement under house is in use?

Adam – Just there to surround sewer water force main, they can't get to it. It's there to provide buffer on each side. Portion of easement under house will be gone and new easement will be close to house but not under it. No physical changes associated with this.

P. Poltrack – Asks if all involved parties are in agreement?

Adam – Yes, Mr. Sweeney (lot 9) attorney sent letter to board indicating his support. Lennar, who owns a&b, lot 8.

Michael Sweeney 29 Plum Ct, lot 9 states he is in agreement w/ amendment as proposed as long as easement is removed from house.

D. Koehler – Prepared a resolution for boards consideration. In summary, looked at this as continuance of previous application. Every single lot owner agreed back then to clean up this mess, except for Mr. Sweeney. Now, Sweeney agrees to clean it up and this should finish this up. Relocation of invisible lines w/ no physical disturbance.

C. Wallace – States these are de minimis changes.

J. Frustace – Asks Mr. Sweeney if he's lost any land?

D. Koehler – States it was a swap of leftover 2 strips parcels, a&b. They were left purposely in case of future the deal w/ Sweeney to do swap.

Michael – Clarifies reason for nonperformance in beginning was easement running under home.

D. Koehler – Drafted resolution board would waive their requirement of public hearing for such a de minimis action, deemed type 2 action granting of preliminary subdivision plat, granting of conditional final subdivision plat lot line realignment approval. Mentions 7 delineated conditions, no objections from attorney, just a matter of filling paperwork.

R. Lopane motion as drafted. Seconded by F. Garito. All in favor. Aye.

8. Stone Ridge Estates – Amended Plat
Biltmore Dr. & Antler Ct.
Grid # 6658-00-206255, & 178281
Zone R-45

Brian Watts from Day Stokosa representing Stone Ridge. Trail originally approved has been installed with easement for original trail based on center line, 15ft offset, as built. References blue line on map as actual site as installed location of trail differs from filed map version. Seeking grant to correct easement to allow trail to be accessed as originally intended and approved. Notes 2 existing common driveway easements not in use, no longer needed. Trail across street is installed and completed as surveyed, have to provide easement.

J. Frustace – Asks about a rope on steep part.

Brian – Not there yet, just have to amend easements to accommodate what actually was built.

J. Frustace – Clarifying purpose to accept as and work with consultants.

Brian – Wants it airtight s no long-term issues.

R. Lopane – Asks not approaching Benton Moore at right place?

D. Koehler – Spoke to Brian Stokosa and surveyor, think this portion was probably missed as it's overgrown, but it's there.

Brian – Asks about a blanket easement.

D. Koehler – Issue with that is in theory someone can move trail closer to properties developed already.

R. Lopane – Thinks should be more deliberate and have easement relate more to the path itself.

Brian – That's fine.

R. Lopane – States location off center line, asks if applicant will provide easement map in addition to metes and bounds description?

Brian – Will modify existing one w/ metes and bounds as needed w/ actual lines. States technically invisible lines and can keep it offline so everyone's happy.

D. Koehler – Board discussion in 2021 was to eliminate the 2 shared driveway easements, relocate street trees, which has been done, had minor drainage issues, denied elimination of trail. The application at this point is just cleaning stuff up, file a map showing shared driveway easements are dissolved, map should show easement where trail actually is. Notes the difficulty to construct trail w/ 8ft easement when going through woods. Rather than removing a 24-30 ft tree for trail, just move trail few feet off easement.

R. Lopane – Agrees with all of Dan's points. Wants easement width clarified.

D. Koehler – Believes it's 8ft.

R. Lopane – Asks if easement can be made wider?

D. Koehler – Notes there a few things that can be done.

R. Lopane – Suggests changing to 20ft easement.

D. Koehler – References HOA docs.

R. Lopane – States county does 30-foot easements for trails, min is 20 foot. Proposes easement that relates to existing trail way alignment to be 20ft wide, 10ft off center line of existing path. If want this closed tonight, willing to say 20ft max if within HOA rules.

D. Koehler – He and Craig prepared resolution reaffirming what board decided at August 19, 2021 meeting. Could add making trail easement larger, if legal to do so. No substantial change to previous decision by board. States it's confirmed that parts of trail weren't in easement, being memorialized and cleaned up. Feels this is really de minimis application.

J. Frustace motion to approve resolution with the amendment as specified. R. Lopane so moved. Seconded by F. Garito. All in favor. Aye.

EXTENSIONS

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

John from DC engineering. Acknowledges receiving Dan's comment letter on storm water pollution prevention.

J. Frustace – Interrupts to state Tree Top item was skipped.

C. Wallace – States to just make a motion to go after.

J. Frustace suspend rules, motion out of turn. Seconded by P. Poltrack. All in favor. Aye.

John – Has copy of SWPPP, still waiting on surveyor for formal easements around storm water improvements.

D. Koehler – Asks if applicant has any legal docs for review, schedule A?

John – Doesn't have any of that.

D. Koehler – States applicant is delinquent, approval never should have been granted, taking too long.

R. Lopane – SWP individual practices for each lot?

John – Yes, 3 separate SW plans.

D. Koehler – Reminds that this would be extension.

C. Wallace – 90 day.

D. Koehler – Notes last extension went through November 11, 2024. Granted 1 30 day that went through December 11, 2024, so currently good until Dec 11, add 90 days.

C. Wallace – Suggests making it for March meeting.

D. Koehler – Brings us to March 11, will be 99 days to March 20, 2025 meeting.

F. Garito – Asks if we can do 99 days?

C. Wallace – Yes.

R. Lopane motion to extend the application to March 20, 2025 meeting. Seconded by F. Garito. All in favor. Aye.

DISCUSSION (cont'd)

9. Tree Top Adventures

Beekman Poughquag Rd. (CR7)
Grid # 6758-00-329577, 365610, 438672
Zone R-45

J. Frustace – Resolution to close this, if applicant wishes to reopen, he will approach board.

F. Garito motion to accept that resolution as written. Seconded by R. Lopane. All in favor. Aye.

J. Frustace – States bond will be returned accordingly.

D. Koehler – For the record, technically a referral back to Town Board as they have to release the money.

C. Wallace – Asks to attach the old resolution of approval and letter from Mr. Barton to this resolution.

EXTENSIONS (cont'd)

2. Barton Orchards Farm Market – Site Plan

64 Beekman Poughquag Rd. (CR7) & 3 Apple Tree Ln.
Grid # 6758-00-170733
Zone R-45

J. Frustace – Asks how long Peter like it extended?

D. Koehler – Asks if a specific time was requested?

R. Lopane – No.

J. Frustace – Reading the letter, requests extension of site plan to allow time for DC Health Dept stamp of approval to site plan to town signature. States it's ambiguous.

R. Lopane – Asks if board still waiting on health dept. approval?

D. Koehler – Yes.

R. Lopane – Asks if applicant is actively pursuing, any reason to believe that applicant is languishing on this?

D. Koehler – States he doesn't know the answer to that.

J. Frustace – Suggests giving applicant another 90.

D. Koehler – Looking at dates, suggest do similar thing where use a meeting date. Nov 8 was last extension, brings us to February 20 meeting, 104-day extension.

P. Poltrack also move. Seconded by F. Garito. All in favor. Aye.

J. Frustace motion to close meeting. Seconded by R. Lopane. All in favor. Aye.

