



TOWN OF
BEEKMAN *New York*

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TOWN OF BEEKMAN PLANNING BOARD Minutes of Thursday, September 18, 2025

The following members were present:

Chairman - John Frustace

Robert Lopane

Peter Poltrack

Faye Garito

Jayson Abbatantuono

Claude Rancourt

Also present:

Town Engineer - Dan Koehler

Town Attorney – Craig Wallace/Shane Egan

Recording Secretary – Sheryl Discher

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

J. Frustace Motion to open meeting. So, moved. All in favor. Aye.

PUBLIC HEARING

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

Applicant is not in attendance.

D. Koehler – Mentions received correspondence from their professional traffic consultant regarding DOT updates, which was biggest holdout. Appeared before board last in June, and were given a few months to deal with DOT. Made progress with left turn lane. Other major issue was working with DOT regarding drainage, roadside swale. References storm water management pond that will discharge into that, which goes towards the house. Doesn't have update on drainage, could be miscommunication of them coming here to represent themselves.

J. Frustace – Asks if anyone is here from DCC?

Someone in audience raises hand (Mr. Reinhardt), John acknowledges him and states can't come here for nothing.

F. Garito – Asks if they can adjourn it?

J. Frustace – Asks attorney what to do?

C. Wallace – Tells board to make motion to reopen public hearing so you can receive comment from whoever is here.

F. Garito motion to reopen public hearing. Seconded by R. Lopane. All in favor. Aye.

R. Lopane – Is open to hearing public speak, not here to defend applicant's application.

J. Frustace – Suggests just present information submitted.

Mr. Reinhardt walks up and is given documents by Peter and John.

J. Frustace – discussing items on exhibit, turning lane and drainage. Suggests allowing Mr. Reinhardt time to look over docs and move Veronesi in front.

C. Wallace – Recommends with applicant not present, hold up on receiving public comment until applicant is here.

R. Lopane – Ok with moving forward and notifying applicant to be at next meeting to represent is project.

D. Koehler – Will make sure they know they need to be here next time.

J. Frustace motion to adjourn.

D. Koehler – Requests adjournment be date specific, October 16th.

J. Abbatantuono motion to adjourn to October 16th. Seconded by P. Poltrack. All in favor. Aye.

2. **Veronesi Accessory Apartment** – Site Plan/Special Use
31 Cunningham Ln.
Grid # 6858-00-084887
Zone R-45

Michael Berta, architect for applicant.

D. Koehler – For the record, planning dept is in receipt of affidavit of publication and certified mailings.

Michael – Proposing single story addition behind existing garage, will be an accessory apartment for in-laws, shared utility space between the two. DOH has approved septic and been signed, board in receipt of copy. Describes design, very little re grading. Between property and 39 installing hedge row, to shield from neighbor. Addressed Dan's comments from last month. Two minor comments outstanding, adjusting numbers on bulk table.

J. Frustace motion to open the public hearing. So moved J. Abbatantuono. Seconded by P. Poltrack. All in favor. Aye.

Heather Hall 39 Cunningham Ln. which is side of property where majority of work will be conducted. Here on behalf of her parents, Lynn and Richard Short. First question regarding hedge row, where will trees be placed in relation to property line?

Michael showing Heather the plans.

Heather – Based on proposed map, 3 pine trees are 7-10ft on her property

Michael – Location was taken from surveyor's map.

Heather – References her own survey done and based on metal stakes, trees are def on her property line.

Michael – Will have their surveyor look at it but won't plant anything on their property, will plant inside the line.

Heather – Asks about when trees grow large and encroaches on her property line affecting her current trees and property.

J. Frustace – Clarifies if there are two conflicting surveys?

Heather – That's what it sounds like.

J. Frustace – Asks if these trees are mitigation measures?

D. Koehler – Yes. The intent was to block the project from their view.

J. Frustace – Could be easy fix.

Heather – References last meeting regarding garbage enclosure, and that Michael would disclose what it would look like and placing, haven't yet to hear anything. Last issue, wondering how equipment will get to back of property? Approx. 24ft of room between structure and their property line. To be clear have no objections to the apartment, just want the questions addressed.

Sebastian Laverso, 25 Cunningham Ln. has no issues with Butch and Rita, no problem w/ apartment. Questioning mailing he received, property line is not clear on mailing. References his 1987 survey when his house was built which identifies that his property line goes through the center of drainage pit. The current survey is not correct.

Michael – Confirms drainage swell is on both properties, down center. Not showing easement on their property, 15-20ft easement on both sides. Agrees Laverso is correct, they aren't showing easement on his property.

J. Frustace – Asks Laverso if he's satisfied.

Sebastian – Yes, it's clarified.

Ann Bratt 34 Cunningham Ln. Don't oppose structure, concern is calling it an apartment as opposed to an addition, does it set precedent to allow apartments to outsiders, other than family? Uses example of someone passing away, now have empty apartment which could lead to different environment.

J. Frustace – States it's permitted, considered accessory apartment, gone on within town. Asks Dan to explain difference between full apartment and accessory.

D. Koehler – Confirms accessory apartment is within our code, specially permitted use allowed in all residential zoned districts. Very prevalent.

F. Garito – Asks if it's owner occupied?

D. Koehler – Yes, a requirement is owner occupied, owner has to live in one or the other unit, but can rent other unit out to non-family.

R. Lopane – Special clause, meant to be subordinate to the house, not meant to be apartments like in an apartment zone. Meant for ability to have a small apartment in your house that has size limits. As soon as owner leaves residence, apartment becomes illegal. Meant to be less intensive in a residential neighborhood.

J. Frustace – Asks attorney to clarify.

C. Wallace – This special use permit doesn't run with the land, so when house is sold, the special use permit ends. New owner can reapply and go through planning board process.

J. Frustace – Asks about renewing the permit.

D. Koehler – Every 3 years, and have to give consent to allow building inspector in at her discretion to make sure it hasn't become something more. A lot of safety nets incorporated in.

J. Frustace – Wants to address trees and garbage enclosure.

C. Wallace – Would like to address deed issue. Applicant gave original 1980 acquisition deed. Applicant was directed to provide an abstract of title in order to see the restrictive covenants, making sure it doesn't run afoul.

Michael – Thought just a deed was needed.

C. Wallace – It references restrictive covenants.

Michael – Ok.

J. Frustace – Back to trees and garbage.

Michael – Regarding the garbage, 6ft vinyl fence enclosing them.

J. Frustace – Asks why doing this instead of just cans as other homes do?

Michael – Was requested by the board.

D. Koehler – It's within code for site plan and special use to address garbage enclosures. Technical comment in review letter and they've accommodated.

Michael – Reiterates, 6ft high vinyl fence and 10ft off property line.

R. Lopane – Asks Dan about disputing surveys from applicant and neighbor.

D. Koehler – Applicant had licensed survey done, Satisfied w/ line drawn.

C. Wallace – Reminds not the job of the planning board to take sides w/ competing surveys.

Heather – Asks to clarify which survey board is referring to? Hers was licensed as well.

R. Lopane – Applicants survey we rely on.

Heather – They also used licensed surveyor, maybe overlay skewed it but her surveyor used metal stakes, rods, very clear 3 trees and corner tree are within their property line and not reflected on proposed plans.

J. Frustace – Needs clarification, existing or new trees?

Michael – Existing.

R. Lopane – Suggests applicants engineer work with neighbor to determine discrepancy.

Michael – Not looking to put his trees on their property. Has no problem putting note on site plan they will come out and locate property line, and plant trees min 5ft inside their property line.

Heather – Perfect.

Michael – Not touching current trees.

Heather – Issue was proposed new trees on the line with current trees. 5ft on applicant property is perfect.

John and Rob explaining the new trees were for neighbors' benefit.

Heather – States they don't need those new trees as a buffer.

R. Lopane – As far as board is concerned they don't need to propose those trees. Solves that issue.

J. Frustace – Discuss the 24ft space for equipment getting in.

Michael – Only using small backhoe, 8ft wide, and lumber truck.

J. Frustace – Asks Heather if that's satisfied?

Heather – Yes. Asks about garbage.

Michael – Proposes losing the fence and putting some trees to hide cans?

F. Garito – No.

J. Frustace – Asks Michael for clarification on garbage can plan.

Michael – 3 sided 6ft high vinyl fence, may have a 3rd can.

Heather – Has no problem either way.

J. Frustace – Asks board if they have to do it?

F. Garito – Thinks it looks nicer.

R. Lopane – Clarifies that the neighbor is just looking for clarification on what is being designed, not if they should or should not do it. Doesn't see a reason why board needs to change decision.

J. Frustace – Lets leave it as designed, more conservative approach.

Heather – That's fine.

Mrs. Veronesi – Asks if need surveyor if there are no trees being put up?

R. Lopane – When go for building permit, code enforcement officer wants to see the line demonstrated, before work begins.

Michael – States no discrepancy on line, same distance.

R. Lopane – Feels line needs to be located before construction starts.

D. Koehler – States the backline project plan survey, March 31, 2025, shows 10'10" to property line from shed and on new survey, Sept 15, 2025, shows 10'3". Very close in back, matter of inches off. Feels the back is right. On March survey the trees appear to be a foot inside property line, on the September survey indicates 7-8ft off into short property.

R. Lopane – Doubts it's the line, that it reconciles. It's the features next to the line that may be off.

J. Frustace – States it doesn't appear they will be fighting over property line, thinks we are good.

Richard Short (Heather's dad) 39 Cunningham Ln. Their surveyor, Jim Sheridan, told him nothing was wrong w/ dimensions done by Veronesi survey. Was just pictorial site of trees imaged incorrectly on drawing, everything else looked fine.

F. Garito motion to close public hearing. Seconded by R. Lopane. All in favor. Aye.

C. Wallace – One tweak to Dans resolution, wants restrictive covenants to be reviewed by him before building permit is issued. Will read it as condition 7. At end to be further resolved that prior to issuance of building permit. The planning board has said direct applicant to provide a declaration of restricted covenants to planning dept. for attorney review prior to the signing of the plan.

D. Koehler – Clarifies all 6, now 7 conditions, are all prior to signing the plan.

F. Garito motion to accept #7 amendment to the draft resolutions. Seconded by P. Poltrack. All in favor. Aye.

J. Frustace – Asks if resolution is for site plan?

D. Koehler – Site plan and special use. Reviews all conditions, plus new condition 7, for the record.

F. Garito propose resolution to grant site plan approval and issue special use permit to establish in conformance with the town zoning law. Seconded by R. Lopane. All in favor. Aye.

DISCUSSION

1. **Clove Meadows** – Subdivision and Water Resource Permit
327 Hynes Rd.
Grid # 6759-00-744708
Zone R-45

Matt Towne, applicants engineer, from Willingham & Towne. After public hearing was closed, meeting with towns engineer and attorney, applicant's attorney discussed legal requirements, they are working on those. Still going through BOH stuff, all septic systems good to go. Did well testing, with one yielding 30 gals/min. Minor comments addressed. Waiting to hear back from Hwy Super. Provided responses for wetland water body and course water resource permits.

J. Frustace – States biggest challenge tonight is SEQR determination. Ask Dan to summarize.

D. Koehler – This is a Type 1 action. Parcel is located in Ag district therefore threshold is reduced to 25%. What would normally be 50 lots, not served by municipal water/sewer, becomes 12.5. Proposal calls for 13 lots that have no water/sewer, have onsite septic and well translating to Type 1 action. Applicant rep has provided a complete part 1 full EAF. Started part 2 and part 3 of full EAF. Part 2 identifies 14 categories, references answers from part 1. References DEC website about no/small impact or mod/large impact. Suggests board go through all the questions as lead agency. Should be done now since public hearing is closed and clock is running.

R. Lopane – Asks about part 3 being empty.

D. Koehler – Basic stuff was filled out. Anything board feels is mod/large impact gets addressed in part 3. Identified mod/large items but wants board consensus as board may disagree. Finish with part 3 after all the mod/large impacts are identified.

J. Frustace – Reading off conditions on part two of FEAF.

D. Koehler – Confirms the mod/large items from part 2: 3.h, 4.a, 4.b, 8.a, 8.d, 9.d.i. Instructs board to now go over part 3 as we are on the clock.

N. Moustakas – States clock is up after next planning board meeting, 62 days

D. Koehler – Reminds board they are lead agency, charged w/ answering part 3, the applicant can be asked for more information to help. Discusses item 3.h, feels applicant is mitigating the impact.

R. Lopane - Suggests to add they using soil erosions controls during construction to prevent storm water discharge for short term measure. Worth including there's short temporary measures to control erosion which are the silt fences in addition to the long-term measures.

D. Koehler – Adds that erosion sediment control proposing has been done in accordance with NYS specs.

R. Lopane – Wants to be sure no runoff going off site addressing Calisanti concerns?

D. Koehler – Yes, have a lot of micro practices to handle storm water off site, feels good about it. Goes on to discuss 4a and 4b. References health dept protocols to make sure wells are drilled have adequate supply. Found 3 wells from completion reports, one was 40 gal/minute, one was 10 gal/min and one was 5 gal/min. States 5 is very good for single family home. Health dept concerned when fall below 2 gal/min.

R. Lopane – Suggests adding the existing testing results; wells tested at site and maintained 30 gal/min at most which indicates that water supply won't detrimentally be affected.

D. Koehler – Asks Matt to send those to him.

Matt – Ok.

D. Koehler – 8.a. and 8.d both related to agricultural resources. 8.a is unavoidable on site due to entire site in land class. 13 lots on 23 acres averaging almost 2 acres/lot, few thousand sq. ft of soil on each lot being disturbed. 8.d soil restoration due to area where heavy equipment and storage lays resulting in deep earth decompaction or ripping, need to rejuvenate that soil by soil restoration techniques provided.

R. Lopane – Suggests stating building coverage is less than 25% of entire parcel.

D. Koehler – Probably closer to 8%.

R. Lopane – Throw that statistic in and say the project is maintaining 88%, but can revert back to ag

Matt – States impervious is 2.3

R. Lopane – Very good, 97%, good soil.

D. Koehler – Good justification. Asks if board is satisfied.

Yes

D. Koehler – Item 9.d.i impact on aesthetic resources.

F. Garito – Asks if they mitigated some of that with landscaping the trees.

D. Koehler – Had street trees added, asks if any plans for trees along Hynes?

J. Abbatantuono – Couple on Hynes, then along proposed road.

Matt – Agrees.

D. Koehler – Asks if storm water pond landscaped?

Matt – Plan to do a wetland planting mix.

R. Lopane – Good point, mitigating the effect by planting trees.

Matt – Reminds board they are preserving a significant number of trees.

D. Koehler – Board, acting as lead agency, feels applicant has provided mitigation measures to some of the mod/large impacts associated w/ project. Suggests board can consider A, no significant adverse impacts on environment, therefore environmental impact statement not needed, negative declaration issued.

R. Lopane – Thinks A is appropriate, B means you have further conditions.

D. Koehler – What we are saying is conditions have already been incorporated in by proper design.

F. Garito motion this project will result in no significant adverse impacts on the environment, therefore, environmental impact statement need not be prepared. Accordingly, the negative declaration is issued. Seconded by R. Lopane. All in favor. Aye.

J. Abbatantuono – Need to make SEQR determination.

D. Koehler – If SEQR determination was made, in this case neg dec, which would be only appropriate thing to allow board to consider granting preliminary subdivision approval that will allow applicant to go to outside agencies, get full approvals there, come back to us with final.

F. Garito – motion for preliminary subdivision approval. Seconded by R. Lopane. All in favor. Aye.

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

Aime Patane speaking from LRC, referencing Dan's resolution for conditional approval and cost assessment for bonds, provided in latest submission. Looking for boards guidance on how to proceed with bonds.

D. Koehler – Very specific conditions in resolution. 13 conditions, prior to signing of plat. Further condition, prior to filing of plat, posting performance bonds, letters of credit. Another set of 6 conditions prior to issuance of building permit for house construction on any lot w/in subdiv. Added another condition, prior to issuance of CO for house construction, minutia

of dealing w/ landscaping while house construction happening. Phase 1 landscaping and storm water needs to be completed before any building permits, want survivability of planting before construction. Require trees/shrubs for CO until prime season for planting, would allow temporary CO's.

F. Garito motion to grant conditional sub division plot approval. Seconded by J. Frustace. All in favor. Aye.

Aime - Asks about needing a bond representative for meeting?

D. Koehler – States it wouldn't hurt. Once bond is established, town board has to accept it, will need an action on that.

Aime – Next steps? Are we being referred to town board?

D. Koehler – Will make sure numbers are prepared, cost estimate approved by Dan's office and form of the bond approved by Craig's office, then will suggest to town board it be read to be bonded. One of the conditions that needs to be done before plat is filed. The other 13 conditions need to be addressed before chairman will sign plans.

C. Wallace – Attorney will have to draft a maintenance bond agreement that form of content is satisfactory to town attorney. Recommends for her to be at town board meeting to represent applicant.

Aime – Ok.

3. Green Hill Farm – Subdivision
Hynes Rd. & Beach Rd.
Grid # 6759-00-912540
Zone R-45

Ernie Martin – References last meeting planning board authorized town professionals to prepare a resolution of final approval. Looking to do what's necessary.

John and Dan discussing where project was left off from last meeting.

D. Koehler – Clarifies that looking for a draft of restrictive covenant for lot 1. More about figuring out mechanism that will be used to prevent further subdivision of lot 1, the larger lot. Since then, applicant has provided that. Been incorporated into resolution.

J. Abbatantuono – Asks about divider on driveway.

D. Koehler – Series of conditions on particular resolution. First set, 11 conditions, is prior to signing of the plat. Before plat is filed, proposed that applicant shall install split rail fence on driveway connection between lots 1 and 7 as shown on filed plans. Once that plat is filed with county clerk, those lots can be sold. Measure to make sure those two properties are differentiated. Another series of conditions prior to issuance of building permit for house construction on any lot, Dan lists conditions. Special condition associated w/ issuance of building permit for lot 2 house construction, advanced warning sign discussed w/ highway dept. Driveway is approx. 5ft short of meeting normal site line. Doesn't feel appropriate for that to be done before issuance of building permit because warning sign would be there and driveway may not be there for who knows how long. Final condition, prior to issuance of CO for house construction on lots 3,4 & 5, which have the proposed trees along Beach Rd. Some are close to the proposed driveway and if trees are put in earlier, the root system will possibly be damaged during construction. Will make sure building inspector is aware of all specific conditions.

R. Lopane – We are agreeing on this now and applicant agrees, doesn't want this to come back to us. After they buy the lot, it's up to them to do what they want, but in order to get CO, don't have to come back to planning board, code enforcement will handle.

D. Koehler – Suggests to Ernie, it would be helpful to add note, trees subject to some sort of verification by building inspector prior to CO issuance. That way it's on the map as well, will help enforce regulation.

Ernie – Clarifies that it's lots 4, 5 & 6.

D. Koehler – Thank you for catching that, makes sense.

F. Garito motion to change plans for each lot, to lots 4, 5 & 6 instead of lots 3, 4 & 5. Seconded by J. Frustace. All in favor. Aye.

Ernie – Asks for clarification on condition 11, does owner have to sign each of the sheets of subdiv plan set?

D. Koehler – Yes, believe so. Don't want owner to come back in future and say they didn't know about this.

Ernie – Will put owner certification on all remaining 5 sheets?

D. Koehler – Yes.

F. Garito motion to grant conditional subdivision plat approval on Green Hill subdivision. Seconded by R. Lopane. All in favor. Aye.

- 4. Garito Two-Family** – Site Plan – Special Use
14 Sunrise Dr.
Grid # 6759-04-775141
Zone TC

J. Frustace – Myself and Faye Garito need to recuse.

C. Wallace – Is also recusing himself.

D. Koehler – Asks the remaining board if he should recuse if they think he can't do fair and impartial review of project. Did a first review based on all typical standards associated with project of this level. Will welcome boards input.

P. Poltrack – Stay on.

Joe Ferrazza of Westchester Module. Project is two family home in TC zone.

R. Lopane – Asking if this is for construction of new two-family home?

Joe – Correct.

R. Lopane – Asks Faye the size of the lot.

Faye – 1.13. Clarifying she owns the lot, and parking lot part is on the lot closest to the building and in future intends to do a lot line and move the line away and give them more property for the parking of the log home.

J. Abbatantuono – Asks why isn't it being done now?

Faye – She doesn't need to do it now. She owns those lots.

J. Abbatantuono – Just asking for the purpose of this submission.

Faye – I'm not ready to do that. It's not required.

R. Lopane – Asks where is the lot line in relation? References top side of map 55, corner.

Joe – Both lots are corner lots.

R. Lopane – Asks if this is a subdivision or new house?

Joe – Not a subdivision.

R. Lopane – Proposing a house on an existing lot?

P. Poltrack – Asks if back lot borders the bank lot?

Faye – Yes.

P. Poltrack – Asking where the driveway is going?

Faye – It's going to face the brook. References map, and points to where driveway is going to be, not going to be around the corner.

R. Lopane – Asks is property is mostly wooded, dry?

Faye – It's wooded, young wood. There is one substantial tree marked on plans, rest is scrub.

R. Lopane – Asks if received health dept approval?

Faye – Has health dept approval. Moved septic, was originally in front of house, designed in 1964, health dept suggested to move septic due to closeness to stream.

P. Poltrack – Asking if there is another lot there?

Faye – There are 8 lots between log home and bank, but they were never filed, it's vacant. Where she's proposing is established lot and vacant land between there and bank is all one piece.

R. Lopane – Asks plan for existing black top driveway?

Faye – Eventually, going to move the line and get it to her son, not going to do that right now, probably before she takes occupancy.

Jayson and Rob discussing where is the driveway on the plans, shows proposed new driveway, existing.

Faye – Shows Jayson and Rob on the plans, states going to eventually take this line, move it here, then square it in back. Going to give him this but don't have to do it right now. Will do it eventually.

R. Lopane – Asking about 4 squares on proposed driveway.

D. Koehler – Represents cars possibly?

Joe – Yes, because it's two family.

D. Koehler – Clarifies you have to have 4 parking spaces per code.

J. Abbatantuono – It's town center.

D. Koehler – Clarifies this is a two family. Code for multifamily is 3 or more. Single family houses not permitted in town center zone. Two family is specially permitted use in table of permitted uses, requires site plan and special use permit even for something simple as a two-family house.

Faye – Most everything in town center is special use.

D. Koehler – Follow up to previous conversation, original map that created these lots was 1964, there were 8 lots approved at some point, for whatever reason the tax map now shows as a single one. Someone may have combined them at one point. Just an assumption.

Joe – States didn't encroach on those, wells could still be viable.

D. Koehler – Front yard setback is 0-15ft, because of lot configuration, technically a corner lot. Recognized the house either be relocated into front yard setback or seek area variance. Was told applicant has also submitted application for area variance for front yard which will be ZBA matter. Noticed the size of second unit within house, there is a minimum livable floor area requirement of 800 sq. ft, roughly calculated 630 sq. ft for the one living unit which is also subject to ZBA. Other items trees, garbage enclosure, lighting need to be discussed.

Faye – Lighting was addressed, have flood lights.

D. Koehler – You need to tell us the specs, dark sky compliant. Normal flood light is not accepted, it it's LED and shielded normally accepted. References 155-9, to consider sidewalks, benches, outdoor trash receptacles don't make sense here for residential property. Board has latitude to allow modifications to town center standards. Mentions parking, like to see parking in back, in this situation it's in the front, similar to what you'll find on Sunrise.

P. Poltrack – It's residential, common sense should go in to meeting some of the standards or dropping some requirements, doesn't think they need a sidewalk.

Joe – Would be a sidewalk to nowhere.

J. Abbatantuono - To Rob, that they did the same thing with Dollar General.

R. Lopane – Yeah.

J. Abbatantuono - Made them do it.

R. Lopane – Yeah.

J. Abbatantuono - States they need to be consistent.

D. Koehler – Mentions in the past they did covenant restriction on deed where if neighboring property was ever developed and had a sidewalk that you would agree to put one in, could be considered because the 8 lots in between this and the bank could become commercial, mix use establishment.

Faye – Has no problem putting a sidewalk in when those 8 acres are sold. Can't do it now would be a burden.

R. Lopane – References applications in the past, they didn't want to do it. Board agreed to give them the option and if they decide not to do it, they needed something like a covenant in deed. Some, like Dollar General, opted to put sidewalk in.

P. Poltrack – This is setback off Route 55, at this point its residential area.

R. Lopane – We apply judgement each time, and this time there is no sidewalk in area now, but we should require the provision through a deed covenant in the event that area gets developed where you would have a walkable community. Asks Faye if she would have any objection to the covenant?

Faye – No.

R. Lopane – Which would you prefer covenant or do the sidewalk now?

Faye – As a covenant.

D. Koehler – Asks about the landscaping. Septic in the way of some street trees.

R. Lopane – Been asking to do street trees in town center. Maybe on one side, other front, coming from 55?

Faye – There is an existing large tree there.

R. Lopane – Asks 24'?"

Faye – Yeah.

R. Lopane – You could add passed that. Couple on each side of driveway.

Faye – Sure.

P. Poltrack – States setback far enough for line of site.

D. Koehler – Good point as it's a sharp turn there. Couple street trees by driveway for site purposes and safety.

R. Lopane – Yeah. Spaced equally to match the 24" tree. If going for street tree look you try to match the distances apart.

J. Abbatantuono – Asks if landscaping design will be submitted?

R. Lopane – We are just in discussion.

D. Koehler – Should be reflected in plan because it's a code requirement. Proposed tree locations should be shown, as well as species and caliber of tree. We always require maintenance, references to 155-47. Already touched on lighting.

J. Abbatantuono – What do they do if the flood lights don't work?

D. Koehler – Will look at specs on it, which they need to provide, and he can be sure they are compliant. Goes on to explain different lights.

P. Poltrack – Asks residential or commercial lights?

D. Koehler – Entrance lighting, possible lighting near parking, just make sure doesn't spill over into right of way or other properties.

R. Lopane – Not really commercial, it's two units.

D. Koehler – Furniture and waste receptacles, doesn't seem residential to him but defers to board. Moves to on street parking. Doesn't make sense as a new road isn't being built, would not suggest parking on road with sharp curve.

R. Lopane – Good point, plus they've accommodated enough parking for the house inside lot.

P. Poltrack – Asks Faye at some point you're going to move the lot line?

Faye – Yeah.

Pete asking Rob where did Faye point to where she's going to move it. Faye comes up and shows Peter where the lines are moving.

P. Poltrack – Asking in relation to existing parking, where is the lot line? New lot line going to encompass some of the parking on your side?

Faye – On the log home side, going to take up most of it.

P. Poltrack – So when she moves the lot line there's going to be existing off road parking?

Faye – Yes, you could.

P. Poltrack – Are you going to put up a fence between log home and proposed house?

Faye – No.

P. Poltrack – Is it going to be a lawn area?

Faye – Yes.

P. Poltrack – Says it's a no brainer, if need more parking, pull into existing parking area and walk across lawn. Doesn't think it's an issue.

D. Koehler – Regarding the driveway, could do declaration of easement or lot line alteration or just removal of encroachment. In terms of leaving it now when you know it's over the line there has to be something put in a resolution or should be a time frame associated. Those bases should be covered if property is sold. Maybe tie it to having it be done before a sale. Best way to fix it would be to fix it now.

Faye – Well can't do it now, doing an awful lot right now. Need to have it surveyed, but can start on that. If I can get it done before the CO that would be great. Could it be a condition for CO?

D. Koehler – You could come back for lot line realignment before the CO, is that what you're saying?

Faye – Thinks she can get that done in that amount of time.

R. Lopane – Sounds fine to him.

D. Koehler – Mentions shed over the line.

Faye – It won't be when she moves it.

D. Koehler – So if end up moving lot line, it's same situation. We will have to note it. If one of the parcels gets sold then we have a situation where people come to us asking why we allowed shed to be over line. Have to protect town. Error on his note #9, should have said involves construction of two family residential, I put simple lot line, but it's type 2 action. Does not change based on error.

R. Lopane – Asks if we have to review SEQR again?

D. Koehler – Right. Asks Faye on future plan you're in aqua overlay zone, references 155-12d standards. Need to be on plans and a response is needed then planning board considers responses. Number 7 important, any new construction within town center, planning board is de facto architectural review board (arb). Did you want to look at this now?

Jayson and Rob want to look at this next time.

Faye – He's got it here now, lets look at it now.

Joe then proceeds to show them siding and roofing.

R. Lopane – For the record, never felt board is qualified as architectural board. Doesn't like dual role. Town board should have separate architectural review board with experienced people.

D. Koehler – Referring to the code, states ARB advises and makes suggestions, ultimately the decision is from planning board. On to process, board could formally declare that action would be type 2 that conclude SEQR process.

R. Lopane motion to declare the action type 2. Seconded by J. Abbatantuono. All in favor. Aye.

D. Koehler – Regarding town center design principles, #2. #3 proposed architectural, done. #4 suggested to grant sketch site plan approval with big condition would be going to ZBA. If don't get variance, have to come back with different plan at which you can rescind sketch approval then redo sketch approval.

R. Lopane – Asks board members are they prepared grant sketch approval?

C. Rancourt – I am with condition there's only one reward.

P. Poltrack – Will agree with Claude.

J. Abbatantuono – Yes, but still wants to see the rest of it.

R. Lopane – We will have time to review more, it's just sketch approval. Still have public hearing?

D. Koehler – Yes, that's the other item you can consider setting a date for public hearing.

J. Abbatantuono – Confirming it's sketch approval?

R. Lopane – Yes.

R. Lopane motion to grant sketch approval. Peter also moved. Seconded by C. Rancourt. Roll call vote. J. Abbatantuono Aye. R. Lopane Aye. P. Poltrack Aye. C. Rancourt Aye. Unanimous.

D. Koehler – Suggests motion for public hearing.

R. Lopane – Will not be at next meeting, not sure if have quorum, with 2 members recusing themselves. Suggest continuing the discussion.

D. Koehler – Options would be to set it and if there are 3 could always go through straw poll voting.

Peter and Dan agree will need 3 for quorum.

R. Lopane – Going to have discussion that night and potentially public hearing. Asks Dan if there is enough information to have public hearing?

D. Koehler – Yes, believes so. Relying on applicant to come through with submittals that public cares about. Lighting, landscaping and be prepared to have your architect there.

R. Lopane motion to set public hearing for October 16th. Seconded by P. Poltrack. All in favor. Aye.

J. Frustace – Asks what would prevent a public hearing without any action, if didn't have a quorum?

D. Koehler – Explains if didn't have quorum, couldn't have meeting. Specific to the fact that going to have members recusing themselves, could technically have a meeting but an item can be kicked down the line.

C. Wallace – Reminds board if there is going to be nay votes, it's incumbent for that person to put reasons on the record.

J. Frustace – States you need a legitimate legal reason for a no vote.

F. Garito – Would like to inform the board and public, does not have a strong relationship with applicant, but did give him some beams from a barn, no monies were exchanged, no financial relationship and feels she can be impartial.

J. Frustace – Doesn't think that qualifies.

5. Waterwheel Vineyards LLC – Site Plan – Special Use
236 Beekman Poughquag Rd.
Grid # 6758-00-590688
Zone R-45

Michael Spaccarelli 236 Beekman Poughquag Rd., Waterwheel Vineyards here to listen to what board has to say.

J. Frustace – Read through everything, one confusing question. Why is he here? Doesn't understand why agricultural designation is an issue in R-45 since we've permitted agricultural businesses to operate in zone R-45. References one right down the road that was just extended.

D. Koehler – Doesn't think full planning board approvals are in place on other R-45 parcels.

J. Frustace – We'll leave that there. But we did get beyond the point where approvals are imminent or no?

D. Koehler – Applicant gave us in depth narrative of numerous activities that would be happening on project site, similar to other projects like Cartwright, had event type like weddings that need special use permit due to code allowing that in C2 zone. Sales and things like this are not permitted in R-45 without permits. Despite agricultural processes happening you still have to meet underlying zoning. References conversation with building inspector and agricultural navigator from Dutchess Planning & Development. She emphasized it's true that despite being in agricultural district, underlying local zoning needs to be maintained. This needs to be clear to everyone in this town. Can't just say you're "ag" still need to get zoning and building permits. Goes on to discuss the evolution of agriculture and how code can become antiquated. Things like windmills and solar have been added into our code. Seems that it would be appropriate to figure out a way, being we are rural and agricultural town, to start considering ways to allow these types of supportive activities for agricultural projects in

residential neighborhoods. Makes sense to consider local law legislation that would permit this while also providing neighboring residents with some protections; i.e. view sheds, wells, septic, lighting, landscaping and sound.

P. Poltrack – References Sugar Maple, house in between that butts up to apple orchard in R-45. Prior to Dalton development, it was just beef and horse.

J. Frustace – Doesn't understand how agriculture predated residential, ag was here first then came housing.

D. Koehler – The answer is that's not in our zoning code. Neighboring properties can be developed for houses, like Sugar Maple Farm can be a bunch of houses someday, so could the apple orchard. So, the fact that a parcel is residential but it's not located to any houses now does not mean it's not subjected to zoning code. To clarify, can't just arbitrarily say it's probably not going to be an issue so let's just let them do whatever.

P. Poltrack – There is a buffer between road and venue, if he's proposing something with events, distance wise, feels will be sufficient buffer between event and general public.

D. Koehler – States that would be great supporting evidence to say during site plan special use permit approval process.

J. Frustace – Asks if applicant has any permits, approvals?

D. Koehler – Clarifies applicant has permits for short term rental.

J. Frustace – Asks if permit predated and grandfathered in?

D. Koehler – Does not know.

C. Wallace – States applicant still has to comply with short term rental, it's local law. Wants to go back to farms pre-dating neighborhoods which is traditionally the case. Many lawsuits with new residents to stop farms from creating noise, dust, manure smells. This situation is a reversal where a new farm is trying to come back which is consideration the town board can ask you to make if matter is referred back to this board for advisory opinion on a zoning change.

J. Frustace – Asks does a zoning change need to occur?

D. Koehler – No, it's not a zoning change. In this case, there are no adjacent zones that support these activities in our code.

J. Frustace – Confused and mentions Sugar Maple, Cartwright, Barton all are in R-45 zones.

D. Koehler – Cartwright has C2.

J. Frustace – Questions that the Airbnb was opened prior to the law? He was operating Airbnb before we wrote the short-term rental law?

C. Wallace – I don't know. Points out agriculture remains a big part of comprehensive plan.

J. Frustace – Lists items on application wine, honey. No internet café, no market, no EV charge stations. Talking straight agriculture with similar events to Cartwrights. Put a lot of conditions, lighting, sound, still confused why zoning is an issue.

D. Koehler – Refers to code table that says what can and can't be done on a parcel depending on zoning. These are not listed as permitted uses for this zone. Cut and dry.

J. Frustace – Asks if it could be special use authorization?

D. Koehler – No, because table of uses also has specially permitted uses like a two-family site in town center.

J. Frustace – Asks about neighbor heading west, accomplish what.

D. Koehler – Doesn't know if that pre-dated, doesn't know whole history of that.

F. Garito – States isn't it our job to deal with what's at hand?

D. Koehler – It is, it's not to make comparisons to what other people have done whether legally or not.

J. Frustace – Just trying to establish precedent or why this is different than Cartwrights and....

F. Garito – States we have an applicant that wants to make it right, should be applauded.

Michael – Talks about history of his property, bringing tourism here and plans to get NYS wine judging. He's here to do whatever needs to be done.

R. Lopane – Issue is what do we define agriculture as, what do people believe a farm is? Doesn't think people who live around the big farm in our town think helicopter rides is a farm. It's more entertainment. Where does the line get drawn? References agriculture code about farms. Getting to a point where these places are becoming event places which may not be what neighbor signed on to.

F. Garito – For many farms to exist, they have to go commercial.

R. Lopane – Agrees that's the difficulty today, how to be a farm?

C. Wallace – States there is an objective standard according to NYS Dept of Agriculture, Ag & Farm Mkts. The property must take use, 51% of its crops and has to be in the products they sell.

Michael – States they have 7500 vines planted, 5 different varieties of wine.

C. Wallace – Asks if applicant imports any grapes from outside and put in your product?

Michael – No.

C. Wallace – That's a good thing.

D. Koehler – States that also goes to other things like catering, if creating a situation where having a wedding, you'll be bringing in food. Need be proactive and adjust with the times. Antiquated to think of the old farm way. Have to be able to protect the public, adjacent property owners, while also supporting our farmers in a responsible way. There's a lot of ambiguity in the code, doesn't say anything about food trucks, pop up tents, playing music. That has to be addressed. Not trying to be obtrusive, what's to stop a 1-acre lot who gets exemption because they have honey bees and all of a sudden having huge events on their 1-acre lot?

J. Frustace – Clarifies it has to be 2 acres or more to get an ag district. Asks applicant if they have a food truck.

Michael – No, homecooked meals.

D. Koehler – Referencing code 155-71a, if planning board can propose zoning changes to town board. If board is in favor of this, could be problems in town.

J. Frustace – Says Cartwright wasn't a problem.

R. Lopane – States Cartwright isn't a fair comparison because they are zoned commercial.

D. Koehler – And they went through permitting process.

R. Lopane – Feels community has to decide what is considered a farm.

D. Koehler – Could be part of a local law where those activities are well defined as well as what a farm is.

F. Garito – Suggests a local law called Ag business that clearly says there is going to be agriculture but with a retail business side to it. With things in place to protect neighborhoods.

C. Wallace – Suggests referring applicant back to town board to proceed.

D. Koehler – 155-71a is a procedure that allows planning board to suggest zoning changes to town board. Say to town board we see this coming in the future put something in place for it.

P. Poltrack – Asks applicant why he's here?

Michael – I don't know.

D. Koehler – States he's here because he is trying to put in a site plan, special use permit application to make it right. Problem is he's not zoned for it.

J. Frustace – Asks how large is R-45 zone around wheel? How we going to do this?

D. Koehler – Tells John he's fixated on changing the zone. Suggesting to add legislation into the code that allows this type of use on a residentially zoned property.

R. Lopane – That's just if we want to.

J. Frustace – Addressing Dan, not fixated on changing the zone, fixated on understanding why in R45, has current district in ag, can you not run a farm?

D. Koehler – Clarifies that applicant does not have ag district. Ag navigator made it clear that our local zoning supersedes the fact that he's in agricultural area. Doesn't give cart blanche to do whatever.

F. Garito – The issue is he has restaurant and venue.

C. Wallace – Explains the procedure, board needs to direct him back to the town board. Referral has to come from town board back here. Then you will have the consideration where you can fact find and make referral back to town board.

J. Frustace – Assumed since applicant was here there was something board had to do.

C. Wallace – Direct the applicant back to town board, recommend to town board to take this up as possible local law.

R. Lopane – To Craig, you're giving us options on what to do, board is confused why we here talking about this? Who put this on the agenda?

D. Koehler – Applicant asked to appear before the planning board. Reading from his letter, in his opinion, only way forward for applicant if there are zoning changes.

R. Lopane – Clarifies they are operating a function, that may not be considered legal.

D. Koehler – Thinks there is a path forward for them. It involves the town board making zoning changes. Town board, on its own initiative, can start a zoning change, based on petition by a land owner, referral from planning board. Since applicant put the time to get this plan together, by coming to planning board, could at least get some preliminary thoughts. In his opinion the board wants it to happen, which is great.

R. Lopane – Doesn't think Dan is right about that. Wouldn't' assume that.

C. Wallace – To answer Robs question, there is a method under the code where he goes back and forth to town board and planning board.

R. Lopane – Wants to hear community thoughts since they complain a lot about farm enterprises here, specifically about events.

C. Wallace – Can make a recommendation for the board to consider its options for inclusion of zoning for this type of business.

R. Lopane – Doesn't want to recommend that, not asking them to consider that.

C. Wallace – States that's only way to have a public hearing then you'd have jurisdiction over application.

R. Lopane – So applicant can go to the town and petition the town to change the zone. Doesn't want Craig to represent the board in that decision as board may not all feel that way.

C. Wallace – States you're not making a predetermination.

J. Frustace – Asks board if they don't agree with making a referral for a change to town board?

C. Wallace – States it doesn't matter what you think because legislation has to be created by the town board.

J. Frustace – Confused as to why legislation isn't already in place. He'll accept the fact that Dan says it's not. States this isn't type of business presented with in the past. This is a farm with occasional wedding events, there is separate permit process for that.

P. Poltrack – Suggests leave it up to counsel to handle things.

C. Wallace – All roads lead to the town board, unless zoning administrator has a determination as to prior use.

F. Garito – Reminds applicant next step is talk to town board.

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