



TOWN OF BEEKMAN PLANNING BOARD **Minutes of Thursday, June 26, 2025**

The following members were present:

Chairman – John Frustace

Robert Lopane

Peter Poltrack

Faye Garito

Jayson Abbatantuono

Also present:

Town Engineer - Dan Koehler

Town Attorney – Craig Wallace

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

P. Poltrack motion to reopen public hearing on Bischoff Ln. Seconded by R. Lopane. All in favor. Aye.

PUBLIC HEARING

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

Brian Watts, Day Stokosa Engineering on behalf of applicant. Applicant owns the properties where Bischoff Ln crosses, comprised of two separate parcels, parcel 1 along route 55, parcel 2 in rear, with common driveway. Applicant is seeking to amend the lot line which would provide a new right of way in approx. location of current Bischoff Ln. with lot 1 in front on both sides of proposed road and lot 2 up in rear up to Dalton Farms. Then seeking to build 2 multi family units, each having 24 apartments, 80 bedrooms total. Looking to provide an extension to Dalton Farms water and sewer, in rear up the hill. Existing pond in front will be expanded to accommodate all the impervious. Providing amenities in rear of first lot for both parcels to enjoy. Will be town road with utilities on both sides for possibility of expansion.

J. Frustace – Asks to explain expansion plans.

Brian – References town center zone, and adjoining parcels are part of zoning district, will gain access to them with potential road which goes right up to edge of that property. If adjacent parcels were developed, they would have access without any further curb cuts on route 55. Part of DOT improvements will include a left turn lane due to potential traffic. Applicant doesn't actually need it for what's proposed, but going to install it anyway in anticipation of future development on those parcels. Back to summary of proposal. Working with DOT regarding drainage issues on route 55. Drainage is under their purview, separate traffic consultant that will design it. Proposing bio retention in rear of first lot, between first building and amenities. Will have treatment, closed storm sewer discharge, hydrodynamic separator. Everything gets treated there before goes into new expanded pond.

J. Frustace – States bio retention is a new phrase for catch basin and explains water is going to be treated that lands on property then directed to pond. Asks to explain the difference between catch basin and bio retention.

Brian – Catch basins, graded inlet structure, to capture all the water. Will be directed through a storm sewer system to bio retention area which is basically a large planting bed with engineered media soil. Any runoff or discharge will have a chance to go through soil, be treated for pollutants. Any oils or trash will float to top and comes out of water. Pond is last step for storm water. Will be a small discharge outlet structure, existing 24” pipe will be removed and reoriented to direct it to existing houses, will be 3” pipe for small storms, will have larger pipe for larger storms. It’s a controlled discharge, doesn’t just shoot out all at once with 24” pipe. Currently that is what it does and causes problems for the neighbors, has to be corrected. Applicant has owned this property close to 20 yrs., had trees but they were cleared around 2005 when pond went in. What’s left is meadow type habitat, scrub brush, no significant trees upfront. Only trees left are in rear of property, not much cutting, just a bit for a retaining wall. Heavily planting around pond and bio retention area will vegetate it. A dense tree cover will be placed beyond retaining wall.

J. Frustace – Asking about viewshed concerns from Van Scoy to the property, Joe mentioned large spruces back there.

Brian – Will have to double check, nothing has been updated since last submission, but will get as much as they can back there that will grow in that soil.

D. Koehler – Asks if they can do viewshed profiles?

Brian – Yes, waiting on some info from DOT. His understanding is currently can’t really see the houses or property with current trees, and most are staying.

J. Frustace – Took a site visit and noted can’t see property if trees are in bloom.

Brian – Still waiting on DOT and the consultant for coordination of design. They have no more comments on traffic impact study, they agree with all items including left turn lane.

D. Koehler – Mentions DOT is involved with turning lane and mechanism for drainage outlet, need updates on that. References SWIPP comments, new storm water design manual. Go back to Waster Water Authority to address their comments. Status of the Waste Water Auth connections, any progress with that?

Brian – Working on that, allocating 10,000 gallons per day. Project originally had 10k per day, was much heavier scope, now down to 8,800 gallons per day for the 80 bedrooms.

J. Frustace – Asks how water and sewer will affect 55 and other developments going forward?

D. Koehler – Applicant is proposing mechanism that will allow for future extension of the water, tying into pump station for sewer. Opportunities for extension down that corridor, but need capacity from Water Waste Authority for water in the sewer. References Mr. Churns presentation regarding treatment plant, could be potential for additional capacity. Water is limited now due to storage. It’s a start for Town Center to have the potential for utilities.

Brian – Proposing 12” water main, which is greater than they need, but in anticipation of this serving the entire corridor. Will upgrade pond area as best they can for pump station so it can be enhanced as needed as flows increase. Will install two force mains, small one then transferred into 4 or 6 main as development increases. Will already be in the ground.

J. Frustace – Brings up soils on that property, asks about challenges with well and septic.

D. Koehler – There is some contamination in ground water sources, references treatment at TCP for small public water system. Soils for septic systems are not suitable, Dollar General had to put in huge septic system for a small amount of flow. Soils make it a challenge. Central water/sewer would make it easier for future development along corridor.

J. Frustace – Applicant is solving a significant issue where other small businesses will have access to water and sewer. Proceeds to read letter from Mr. Rinehart from January 2025. References how he maintained the shared driveway, then when applicant purchased property all the trees were removed and ground never properly graded leading to all 3 houses having water runoff from Mr. Sala's cleared property, which floods yards and driveways. Asking town board to address the water issue. States town and DOT have not been maintaining drainage culverts by 55 and Bischoff.

D. Koehler – Based on layout of development they will be capturing all runoff from all impervious areas, with bio retention areas, catch basin systems. All part of the plan to capture and treat storm water and get it safely away. Feels it will be a help to surrounding properties who are getting surface runoff.

Brian – States most of site will be fill due to soils, and new property will cut off any water from south heading downhill to catch basin. Catch basin will not be towns responsibility, will be applicant's, and if fail to maintain new buildings will be affected as well.

J. Frustace – Asks how far is blacktop going go?

Brian – Blacktop just passed existing pond. Afterwards will provide easement to existing dirt road. Will provide another catch basin on corner of property to get water out from under driveway.

J. Frustace – Asks about maintenance of road since Mr. Rinehart has been taking care of it for 20 years.

D. Koehler – States whenever there is a SWIPP involved and permanent storm water management practices, maintenance and easement agreements must be in place, if it's defaulted on, the town can go in and clean catch basins, maintain pond and levy it back against their taxes on property.

J. Frustace – Offers the public to make comments.

Bill Crane, 254 Gardener Hollow Rd. Spot is lovely, adds to rural character of town. How is this going to look? Doesn't want board to go forward without overall plan of what town center is going to look like. Thankful developer going to try to preserve most trees and prevent erosion. Concerned about adding fill to middle. Asks should development happen where water needs to be treated? Try to keep it permeable, instead of pickleball court, have garden beds. Path to supermarket for elderly. Have permeable surfaces instead of pavement. Don't make decision based on future development next door.

Brian – Believes the meadow was a result of Joe Sala's cut. Fill is necessary for slopes, groundwater is high, can't dig down. Sight constraints. Open to community garden instead of one of the sports courts, could accommodate. Can leave up to board for better amenity.

Dan and Craig both reference Map 20 on town website under Town Center for people to view.

Brian – Asks Dan about wetland, looking for jurisdictional determination?

D. Koehler – Tough situation due to new wetlands laws and getting no response. Asks if every had wetland survey of property before?

Brian – Doesn't believe so.

D. Koehler – Asks for applicant to check old files for one, could be just a clarification.

Brian – Worried about 90 day and could be delayed due to factors out of their control.

D. Koehler – Still need more on the storm water and where it's going to go downstream. DOT input will be helpful.

R. Lopane – Can't offer flexibility on wetland issue as it's a NYS law.

C. Wallace – Notes applicant can always waive the shot clock in order to get this record complete.

Brian – Doesn't think they are there yet, but need DOT.

J. Frustace – States next public hearing for this would be in about 90 days.

C. Wallace – Asks if they anticipate having a DOT rep coming to meeting?

Brian – No but can reach out and ask.

R. Lopane motion to adjourn public hearing to September 18, 2025. Seconded by F. Garito. All in favor. Aye.

2. Pellegrino Lot Line – Lot Line Adjustment

9 Cottage Rd

Grid # 6659-00-948078 & 934054

Zone R-45

D. Koehler – Reminds board they were interested in getting public comment on this last month, but board has not voted on sketch approval. We should go through process of sketch approval. You can grant sketch approval on lot layout by making motion, as they are the same then join public hearing.

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

D. Koehler – For record, Coleen was in receipt of affidavit and certified mailings.

C. Wallace – Current location on Cottage Rd is not a public road but both lots came into existing prior to our zoning code. Tells board it's in their purview, from legal standpoint, as a reasonable condition to ensure public health, safety and welfare to consider proposed alternate emergency vehicle maneuvering map. Board has to be satisfied that road is sufficient width and suitable grade to accommodate traffic on driveway and Cottage Rd. Referencing map that shows lots in road maintenance agreement, lot 1, improved lot, is not included, which is part of the lot line adjustment. Then references town law section 277.

Thomas from LaBella Associates with applicant Anthony Pellegrino. Applicant is looking for lot line adjustment at 9 Cottage Rd (lot 1) and adjacent lot (lot 2). They live on lot 1, looking to move their line 130ft southwest, to provide additional setback between undeveloped lot. Two plans submitted show different driveway access points, 1 off Cottage and 1 off Dill Hill. Also provided fire truck turning plan from Cottage Rd. Property has approved well and septic. They aren't developing the lot, just adjusting lot line. Property on lot 1 is not part of road maintenance agreement.

D. Koehler – Regarding the fire truck maneuvering plan, the overhang is close to guardrail. Apparatus operating area is sufficient. Drainage is being directed to low point of turning area, driveway could create a dam which would make the soil soft. Fire Dept didn't think they'd be taking a truck down there, fight fire from Cottage Rd.

P. Poltrack – Alternative is to come off Dill Hill Rd, which makes more sense in his opinion. It's lesser grade and straight shot. Need to also consider EMS.

F. Garito – Agrees with Peter.

F. Garito motion to open public hearing for Pellegrino Lot Line Realignment. Seconded by R. Lopane. All in favor. Aye.

Peter Goodall, 5 Cottage Rd supports the access to property from Cottage Rd. Didn't realize the fire dept. issue. References a road where no trucks can get up the steep road. His driveway is steep but at same plain as applicant. Doesn't see a problem, as trucks do get down there, it's downhill. Would be nice on Cottage Rd to have another

resident chipping in to the road maintenance plus much better road than Dill, it's a dead end, where do they turn around?

R. Lopane – Asks wouldn't they be chipping in on Dill maintenance?

Anthony – Yes, but they don't live on Dill. They would be getting the benefit and people on Cottage will lose the benefit.

C. Wallace – States if you include lot 1 and lot 2 goes into Dill, it would be a net zero loss. Board can issue condition for substitution of lot 1 for lot 2 for Cottage Rd. maintenance agreement.

R. Lopane – Does lot 1 have any maintenance agreement on any road.

Anthony – No. Would be straightened out with this, would be included. It will either be just add lot 1 or add lot 1 and lose lot 2.

Peter – Would like them to consider the aesthetics of house next to his, doesn't want it turned the other way. Doesn't want a house next to his backwards.

R. Lopane – Acknowledges applicant is cooperating by providing another option regarding driveway and their preference is access on Cottage Rd. Feels applicant has demonstrated ability to get an emergency vehicle there, not most optimal, but trusts engineering judgement, before someone's opinion who's not an engineer. No problem moving forward with access on Cottage.

P. Poltrack – Asks about relocating septic for future buyers.

D. Koehler – Reminds board this is an approval that's in place already. An engineer already placed the septic.

R. Lopane – States nothing going on tonight would affect a person who buys it. It's a new process.

C. Wallace – Suggests board can make applicant go to ZBA for variances.

R. Lopane – At this point it's just a lot line and applicant is demonstrating how it will work. If a new owner comes in they can come back to make adjustments. Not doing anything tonight that prevents them from making changes to septic or how they want to lay out the house.

C. Wallace – Notes that you can condition improvement on lot 2 on the Cottage Rd design, and direct applicant to come back to planning or zba prior to building permit.

J. Frustace – Asks applicant if they would have problem with that?

Thomas – No.

Anthony – Doesn't want a condition because then seller has to come to planning board which makes it more difficult to build.

C. Wallace – Recommends dealing with the vacant lot now, get variances, before someone goes in there with building permit, let's say building inspector is not aware there were possible variances needed before issuance of building permit. Would be a problem and things get off track when houses get built without variances. Doesn't recommend no conditions.

Anthony – If that's what is needed for approval, he accepts the condition.

C. Wallace – Clarifies issue at hand, applicant has said unimproved lot is going to be sold to a builder and is recommending board get the variances out of the way now rather than down the road so they don't get lost in the shuffle.

R. Lopane – Says it doesn't require any variances right now.

C. Wallace – Code enforcement officer can find out right now if there are variances needed, regarding steep slopes.

R. Lopane – Asks applicant if this meets the code?

Thomas – His understanding is the steep slopes would not need a variance it would be planning board decision.

R. Lopane – Doesn't want to contemplate problems they aren't proposing to do. Proposal doesn't require a variance, in support of it and prepared to make a motion.

J. Frustace – Motion to close public hearing. F. Garito so moved. Seconded by P. Poltrack. All in favor. Aye.

R. Lopane – Asks for guidance on motion.

D. Koehler – States it's a type 2 action, so no SEQOR, still need determination on preliminary approval within 62 days.

R. Lopane – Applicant has sketch approval, has no other issues.

J. Frustace – Doesn't either, comfortable with plan from Cottage.

J. Abbatantuono – Width of driveway and turnaround is more of an impact for EMS vehicle, but thinks effort was made and is ok with it.

F. Garito – Is fine with it.

P. Poltrack – Let it ride.

D. Koehler – Tells Thomas with the 62 days, need to be on August meeting at worse, the deadline for July is Monday.

DISCUSSION

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

C. Wallace recused himself, Shane Egan steps in.

Matt Towne from Willingham Towne Engineering. Was here last January and had to go to DC to get jurisdictional determination. Request sent on January 20th, then sent certified letter May 21st, has yet to hear anything back. All they say is there are wetlands on property which we knew. No change to previous plan.

J. Frustace – Asks if all buffers are at new regulation?

Matt – Yes.

R. Lopane – Asks if they are done with DEC?

Matt – Yeah, they didn't respond.

D. Koehler – His understanding is they have 10 days to respond after certified letter, if they don't respond, it's a default and it's not under their jurisdiction. The onsite wetlands are federal and town.

J. Frustace – Asking how was existing pond designated in terms of conservation?

Matt – Included in lots, private property. Spoke with highway super, sent measurements of sight distances and he's conceptually approved it, the two driveways that access Hynes Rd. and proposed town road. Furthering health dept review, their engineer is good with what's proposed. Hoping public hearing can be set and need water resources permit as there is some buffer disturbance.

D. Koehler – Did highway super talk about a site line easement?

Matt – Told him there would be one.

D. Koehler – Plans and EAF look good. Type 1 action because it's ag lands which reduces threshold to 25%, proposal of more than 12 ½ lots becomes type 1. We are lead agency and feels a public hearing can be set on subdivision and water resource permit which would be concurrent.

R. Lopane – Asks about circle at end of cul-de-sac, will there be green space in center?

Matt – There's a bio retention area in the center.

R. Lopane – Can make circle bigger and have green space in middle bigger, making wider radius and turnaround?

Matt – It is up to minimum standards, 96ft diameter. Road is 24ft wide.

R. Lopane – His comment is to make inner circle bigger, for a bigger green space.

F. Garito – Makes sense.

R. Lopane – Ask for tree removal count.

Matt – 29 trees being removed and proposing 29 new trees.

F. Garito – If increase circle, will lots be under minimum size?

Matt – Lot 6 is pretty close.

F. Garito – So would need variances on those lots.

R. Lopane – Not requesting the right of way line be changed, just within it.

Matt – Will take a look at making the green space bigger.

R. Lopane – Go from 48ft to 60ft would still have 10ft shoulder. Concerned about tree removals.

Matt – The endangered swamp birch noted on site, no birch removals.

D. Koehler – If street trees, the code calls for 2 ½ caliber, doesn't mean you can't do larger.

R. Lopane – Would like adjustments to the house locations to require less tree removal. Lots are big could be some room to make adjustments. One to one tree mitigation, would like better mitigation plan, typically inch per inch caliber replacement.

J. Abbatantuono – Any plans to put trees on street as it comes in?

Matt – Not right now, but good idea. Major concern right now was screening for neighboring properties.

R. Lopane – Concerned about lot 12, the owner will struggle with vast majority of lot can't be built in. Is there a way to incorporate covenants in their deed to add additional protection to existing wetlands?

Shane – Thinks it's a good idea for covenants and restrictions for conditional approval.

Matt – No objection to that.

R. Lopane – All the lots that have the wetland that covenant should be added.

J. Frustace – Asks Shane to explain deed restriction vs. conservation easement.

Shane – His opinion the declaration of covenants and restrictions is easier. Doesn't think there is need for conservation easement on this subdivision. It's a deed restriction. Town could be 3rd party beneficiary to easement to enforce restrictive covenant.

D. Koehler – Asks if it's for all lots with wetlands, as lot 11 has same issue, lot 9 & 10 can also have an issue.

R. Lopane – States it should be every lot that has the wetland or is in within buffer of wetland. The lots that don't have any don't need covenant. Only comments would allow to move to public hearing.

F. Garito motion to move this to public hearing for July 17th. Seconded by R. Lopane. All in favor. Aye.

D. Koehler – Regarding trees, must have 2 street trees per lot, spaced every 75ft, need to be showed.

R. Lopane – Suggesting types of trees.

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

William Besharat representing owner James Treanor, have no issue with Dan's comments. Regarding flood lights, not being used going to remove them as they have not been in use for months. Will address lighting alternative, there is lighting on the building, in future will create more lighting for a safer environment. Other item is the plants in front of building to soften the parking lot. Speaking with NYS DOT regarding sidewalk, they are concerned about the planting which will be in their right of way. References how Dollar General doesn't have any plantings for that reason. It's a maintenance issue and could be hazardous to pedestrians. Next item is the screening on both sides of building, mature evergreens exist on property that creates a wall between buildings. Last item is the existing sign, used by Mr. Treanor for his business, provides advertisement and is well kept. Will be no other business except son will live in one of the apartments and will operate his business office there, not meeting clients, just office duties.

J. Abbatantuono – The sign will basically become a billboard.

D. Koehler – Our code does not allow signs on properties where the business is not located.

J. Frustace – Sign has to come down.

William – Ok we will take it down.

James – Understands the vision for town center, but building is pre-existing and not doing any construction to building.

J. Frustace – States one of the problems is that applicant is not doing construction to building. We direct applicants to make improvements to the buildings and they've been given quite bit of latitude.

William – In future when money allows, the building will be renovated.

J. Frustace – Looking for some compromise to improve the appearance of the lot. References Dollar General, Station Grille and Sparrows Nest, what they had to go through, and it's beautiful.

R. Lopane – Asks if there was a referral from the county?

D. Koehler – Yes, dated September 12, 2024. Mentioned the 2-3 story requirement, which was waived with super majority vote, which is necessary to override any comment from dept of planning. They had a comment referencing the small apartments and how town might be open to reducing the parking requirement. Currently it's 2 per unit and 1 for every 2 units for visitors, which is 2 ½ parking spaces per unit. They have 3 units so it's 7 ½ required spots and since apartments are smaller maybe require less parking.

F. Garito – Does this require variances on the 3 story?

D. Koehler – No, it's a waiver from the planning board.

J. Frustace – Asks applicant if they'd like the parking reduced?

William – Would rather not as there's existing parking, just going to resurface it.

D. Koehler – Regarding lighting, flood lights are not acceptable.

William – They will be taken down.

D. Koehler – Applicant still needs to submit a lighting plan.

William – Applicant would like to meet with Dan to go over all the comments.

D. Koehler – Mentions sidewalk and street trees. Landscape buffer between street and sidewalk.

William – Propose to continue the sidewalk with Dollar General across the whole property.

R. Lopane – Notes that where sidewalk is shown it doesn't line up with Dollar General, needs to be on opposite side of utility pole.

William – Utility pole has to be moved, on survey. Will make sure sidewalk lines up with Dollar General sidewalk. References Dollar General not having any planting and their parking in in front.

R. Lopane – We had them do a lot of plantings around the stormwater basin.

D. Koehler – Notes there was an existing tree they kept, and they have small plantings.

William – Will look into doing some planting on property but not in the state right of way, because it will be a major issue with the state. They want the edge of their right of way located from center of road.

D. Koehler – Asks if current survey is wrong?

William – No, didn't say that. The location of the sidewalk or the pole, otherwise property survey is 100% accurate.

D. Koehler – So that is the right of way that's showing on the plans?

William – Doesn't show the right of way, just shows the edge of the property, the edges of the pavement are accurate. But from the center of the road to the edge of their easement, 50 ft, they want shown. Not familiar with it until he gets their map from DOT.

R. Lopane – Sounds like he needs to reconcile the right of way line, it is possible the right of way line is different from property line, but usually the property line goes in the right of way. Asks if the property goes in the right of way?

William – No, until we see their map, but notice the white line center of road, was located by survey. Can't confirm unless they see DOT map. If it's not property line, we will indicate it on map, if it's the property line then it's property line.

D. Koehler – Other survey issues are there's a mailbox, trees need to be identified.

William – Will do that.

J. Frustace motion extend their extension for 6 months, December 19th, 2025.

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

Amy Patane from LRC, following up with the landscape mitigation plan. References plans with changes, 54 deciduous trees, 57 evergreens.

J. Frustace – Asks for total of trees that were accidentally removed.

Amy – Total trees removed was 45 that were supposed to remain.

J. Frustace – Asks if they can summarize original plan.

Amy – Original landscape plan prior to tree removal, 24 trees; 16 deciduous and 8 evergreens, then 26 deciduous shrubs. Will now be total of 135 trees and 75 shrubs added to property. This is landscape plan proposed prior to removal and the mitigation landscaping. The 45 trees were not supposed to be removed.

J. Frustace – Is asking about the calibers of the trees.

R. Lopane – Needs clarification on the plans.

Amy – They included LL1(gray original) on LL2(blue mitigation) so we can see what it will look like. The 135 trees were what was originally proposed plus what mitigation is proposing.

R. Lopane – The 45 wasn't the total removals, just the additional that were removed.

Chris Hoff, senior landscape architect with LRC. Original landscape plan has not been modified, mitigation plan in blue has been added. Started with 3 storm water areas, to increase plantings due to grading. Want to diversify the habitats, trying to establish buffer between proposed houses. All native plantings, higher canopy trees, many tall shrubs, low trees. Introduced more eastern red cedar, varying sizes and mass, similar to natural forest. Acknowledges that tall canopy trees were taken down, and wasn't much of edge condition happening. Edge condition is visually more attractive but more conducive to bluebirds and other critters. All the shrubs, and most of trees proposing either

have berries, seeds or flowers good pollinators. Will be naturalized environment to encourage wildlife and will look good.

J. Abbatantuono – Asks to explain diameters of blue circles, what is difference between what's on top by letter designation and on map different radius of the circles?

Chris – Larger circles indicate the larger deciduous canopy trees, they vary the sizes on the map so it reads as varying different types of trees. Larger circles are red maples, American hornbeam, sweet gum tulip tree, black gum. 1 ½ - 2" caliber on some maples, couple of 2 – 2 ½", most of the cedars are 7-8ft install, 10 going in at 5-6ft and 14 going in at 4-5ft.

J. Abbatantuono – Is there any plan for Beekman Rd, for any trees to get filled in there? Currently nothing there.

Chris – No plan for that. Will discuss that.

J. Abbatantuono – Definitely needs to be addressed. From visual perspective, what is it actually going to look like? Would benefit the public and board to have some sort of photo sim that will show what it's going to look like at planting and then what it will look like at maturity.

J. Frustace – Asking about existing trees on Beekman Rd., what was removed and was there damage to viewshed?

Amy – Doesn't look like any were removed from road that wasn't supposed to be, there are trees there that still need to be removed.

J. Frustace – Makes Jayson's point even more important, haven't addressed problem in front of the lot.

Amy – Trees along Beekman Rd. can be an issue for sight distance, doesn't think that's achievable.

R. Lopane – States can be more nuanced, there are ways to demonstrate sight distance with sight triangles then put plantings outside of that.

D. Koehler – Notes there is a sight easement proposed, review by county since it's county road, they are requiring sight easements. They can look inside of that line for plantings.

C. Wallace – States the sight easements will be maintained by lot owners.

R. Lopane – Feels plan is comprehensive, planting from a bio diversity and ecological standpoint. More appropriate level of planting near storm water basins than original proposal. Concerned with amount of mitigation, need to see amount of mitigation that is commensurate with the removal, still don't know numbers. Last time he recommended an inch per inch caliber replacement. Does recognize the shrub planting will supplement some of the trees, 4 shrubs per tree may be good. We've lost 12 24-28" trees and they are being replaced with 2" caliber trees. What are success rates of these trees, what are we guaranteed? Once developer is gone, we can't go back after a year.

P. Poltrack – Suggests making it longer than 1-year guarantee by adding it to the approval of the plot plan.

R. Lopane – Correct, but once he's paid and bonds released, how do we compel him to do that?

Chris – All plantings in the plan are all native plants, have better survivability rate and this isn't an urban environment, would be more worried about street trees.

R. Lopane – Point is we don't know the future, we need to plan for the worst, plant more trees and if some die, expectation that you've mitigated that effect. His comment is he wants more trees. Wants it commensurate with what was lost. Brings up look of current site, understands there is stop work order, but need a way for them to get in and stabilize the site; put up or maintain erosion control measures, lay down seed, cleanup some areas.

J. Frustace – There is standing water on the property.

John (from audience) – In regards to the bond, plans on doing continued work in the town. Asks if it will help if they post a cash bond that stays in place longer than 1 year. Agrees that once the bond is released and project closes, they would voluntarily agree to some sum that makes sense and leave the bond in place where the town can spend against it. Admits a mistake was not putting up a silt fence along perimeter, so before anymore work, a silt fence will go up. No stumping will occur, neighbor (Jared) is asking if drainage pipe can get in that area. Asking if they can work in that one strip of area that borders neighbor and put in pipe, get graded and stabilized and get planted on both sides.

R. Lopane – Remembers when neighbor came in he was in support of what was done. Not worried about his happiness, he's already happy.

J. Frustace – Asking about trees on Beekman Rd. that are coming down in November. They aren't marked.

D. Koehler – States there are 7 shown on stump removal plan.

R. Lopane – Circling back to the site, it's been disturbed, needs to be stabilized. Maybe putting up silt fence immediately, removing some of the downed trees. Question is for town; how do we allow them to get on site to allow minimal amount of stabilizing site and preventing erosion until project gets back on track. Is it a conditional release from work order?

D. Koehler – Could be partial, spoke with building inspector to allow them to clean up areas, remove logs, chip. Then would have to be inspected by himself and building inspector.

P. Poltrack – Asks how to prevent something like this from happening again? Suggests a bond on each lot only related to tree removal, minimum \$10k and developer will let tree contractor know they will suffer that loss.

D. Koehler – Difficult situation because when subdivision is approved, it's showing it's viable, but you buy it and want house in different spot than where we said they can remove trees.

R. Lopane – It's more about enforcement, marking the trees, putting up fences. Need somebody inspecting to make sure mistakes aren't happening.

P. Poltrack – Need monies in escrow specifically for monitoring the removal of trees.

R. Lopane – Money in escrow not the problem, monitoring was.

J. Frustace – To be clear it was inspected by engineer and code enforcement officer prior to April 1st. Problem occurred after that and during the breeding season, no one knew about that work being done.

R. Lopane – Clarifies they cut down trees during the season we allowed, but cut additional above and beyond. Need to increase resources to allow for more monitoring and inspection.

D. Koehler – Mentions the 1 ½ - 2" caliber, our code for street trees is normally 2 ½, would like to see some of those increased. Does not want to see a 1 1/2" tree placed right now.

R. Lopane – Reiterates would like to see a greater mitigation plan, place more trees on the site.

Amy – You mean the loss as a whole plus what was removed that was not part of the plan?

R. Lopane – Yes. Start with all the trees that were removed and then mitigation plan.

D. Koehler – Asks Jayson to clarify his comments about a visual.

J. Abbatantuono – Yes, a photo sim that will show site and plantings, like what we did with solar farm, applicant can show what site looks like now and will look like with the plantings and then at maturity. You can see the stages and everyone gets a better idea. It's difficult when you're looking at blue bubbles. Both sides of Beekman so you can see into the lot, especially where all the damage and standing water is. It's difficult to visualize how property will look with big gaping holes in it. Installation to maturity.

D. Koehler – Asks engineer if that can be done.

Chris – Yes, will discuss how to go about that in-house, but there are a few ways to do it graphically and understands what board is looking for.

R. Lopane – Asks if a motion needs to be done to lift work order stoppage?

D. Koehler – States it's building inspector. Doesn't know if it has to go through town board as a recommendation. Asks counsel what would be the process?

C. Wallace – Can make a recommendation, but it's not binding.

R. Lopane – Understands board has no authority on that stop work order. Asks applicant if that recommendation is made would they be prepared to commit to it?

John – Yes, will schedule that work as soon as it's lifted.

R. Lopane motion that planning board recommends to building inspector that they do a temporary lifting of the stop work order to allow for specific work to be conducted which will include stabilizing the disturbance, removing logs, allowing for chipping, restoration of hall roads, areas damaged by heavy machinery, removing any obstacles to drainage only as it relates to removing the ponding. Seconded by F. Garito. All in favor. Aye.

D. Koehler – States we will do inspections and follow up if anything else needs to be done.

John – Brings up the neighbor and asks if planning board is interested in the drainage work there, in order to get those plantings in?

R. Lopane – Does not want to consider anything above and beyond, we are just providing a temporary solution to current problem and it's just a recommendation to the building inspector.

Board member J. Abbatantuono left meeting.

4. Charles Scott – Lot Line Adjustment
Depot Hill Rd.
Grid # 6758-00-846042 & 893014
Zone R-135

Bill Poval, engineer for applicant Charles Scott. Applicant owns two properties on Depot Hill Rd., 1 is approximately 22 acres, and 2nd parcel is .4 acres. Looking to push the line from the smaller parcel out into his larger parcel which would make the smaller parcel 3.15 acres or 137,000 sq. ft., to conform with R-135 zoning. It's the highest point on the property and fronts Depot Hill Rd. Existing house is on large lot, south portion of long driveway up to Depot Hill Rd. Just want a lot line adjustment to make smaller lot conforming with the zoning.

J. Frustace – Asks Dan if he wants the board to deem this a type 2?

D. Koehler – Yes, this area has a lot of environmental constraints, steep slopes, streams and steep road. There is a requirement of 100ft. continuous buffer. Code calls for lot line realignments to be reviewed as subdivisions, which require provisions for the development. The survey of existing lot is not updated and there is extra building going on.

Bill – The surveyor just focused on area where proposing lot line adjustment. Owner did build a garage in back, there is a chicken coop missing, but centralized in the lot. Everything owner has done has been through building dept. References Dan's comments about DEC jurisdictional determination, it's a 4-month process to get. We are proposing the adjustment on top of the hill, it's over 350ft., no wetlands up top. References map where the proposed line would be. Understands the comments, will get them on the plan, was hoping to not be held up by DEC determination.

J. Frustace – Thinks there is an intermittent stream there.

D. Koehler – Yes.

Bill – There is a pond on larger parcel, on DEC map there is wetlands down along rail trail, 350ft. downhill from the proposal. Survey shows basically a drainage ditch for the road, which is dry majority of the time.

D. Koehler – References NRI maps show it as intermittent stream, has to be treated as such, which means it has a buffer. References code 155-52.

R. Lopane – Had issue in past where board was told there were no wetlands, and there were. Hoping applicant will be genuine with what's on site and show on plans, been manipulated in the past. Looking at aerial photo and appears to be a big structure, looks like multiple structures.

Bill – Yes, garage, shed, chicken coop.

R. Lopane - Appears to be piles of debris. For board to decide on whether that lot will work they need to understand, said it's up on hill so there are steep slopes and we have a steep slopes law.

Bill – Will put all that information on the plan.

J. Frustace – We won't be waiving anything that Dan has put in his comments if that's what you're looking to do.

Bill – When you see the topo of the lot, you'll understand there wouldn't be any wetlands impacted by lot line. Understands it's a requirement for when doing any type of development. They are simply just trying to change lot line.

J. Frustace – Reminds applicant this has to be treated as a subdivision and elements listed are there so you can address that part of our code.

D. Koehler – Has to be shown as a subdivision, and have to go through 130-12, 130-18, 130-20. All of those requirements are associated with lot line realignments.

J. Frustace – References prior applicant had to go through this, fire advisory board had to weigh in, location of driveway, approximate location of building. Your purpose is basically looking for another building lot?

Bill – Technically, it's already its own lot.

J. Frustace – It's not big enough to build on. Whole purpose of this is for board to weigh in on this before building permit is issued. Then there will be a public hearing.

Bill – Understands.

R. Lopane – Asks if the property fronts to the rail trail?

Bill – Back of existing parcel where house is now is right against the rail trail.

R. Lopane – Asks if that's the area where the pathway failed?

Bill – Doesn't know.

D. Koehler – Confirms that's the area.

Bill – Will go back and get everything done.

5. Veronesi Accessory Apartment – Site Plan – Special Use

31 Cunningham Ln.

Grid # 6858-00-084887

Zone R-45

Michael Berta, architect for the applicant. Existing single-family house, owned by the parents, kids will be buying the house then building apartment for the parents. Apartment will be located in rear of the house, will not see it from road. We meet the less than 35% requirement, actually can't even build as big as 800ft max. Shared utility area, from apartment into house. In process with health department, getting new septic system designed. Deep tests have been done, first round of comments have been reviewed and resubmitted. Engineer anticipates approval sometime in July. Level lot, no grading, no basement slab.

R. Lopane – Asks if it's just an extension?

Michael – Extension behind existing garage. Going to remove parking on plans, and keep existing. Very close to Dan's number regarding impervious coverage. Has a question on definition of code, what is considered impervious? Gravel, not compacted, just gravel?

R. Lopane – Asks if applicant is anticipating any variances?

Michael – No, we meet all setback requirements and bulk reqs. Just the impervious is in question.

R. Lopane – Asks Dan if he's checked the percentages regarding apartment not exceeding a 25% of the house?

D. Koehler – It's 35%. Impervious coverage means cannot effectively infiltrate rainfall.

Michael – So gravel is not considered impervious?

D. Koehler – DEC considers it impervious. Maybe do impervious pavers.

J. Frustace motion to grant sketch. R. Lopane so moved. Seconded by F. Garito. All in favor. Aye.

D. Koehler – Deem the application type 2 in accordance with 617.5 C 11.

R. Lopane motion to deem the application type 2. Seconded by F. Garito. All in favor. Aye.

Michael – Given the fact the playbook was pushed back 1 week due to Juneteenth holiday, has afforded his client a misfortune. Deadline is Monday, and normally it's a full 8 days, we are 3-4 days.

D. Koehler – Schedule has been out since December/January, not really negotiable.

Michael – Few items they won't be able to get, information on easement for the back and to get well pump tested, asking for engineer to certify motor supply. Remaining items are minor, and asking for public hearing for July.

D. Koehler – When get into public hearing stage, need to make sure that when it closes, you are ready for preliminary, and ready for SEQR if not type 2. Could lead to continued public hearings. Recommends setting public hearing for August and can do preliminary conditional final approval at same meeting if have everything done.

R. Lopane – Asks applicant if they just want to come back in July to make sure things are moving and have meeting in August?

D. Koehler – Biggest issue is if you can't get under the impervious coverage.

Michael – Worse case scenario is the deck goes.

D. Koehler – Is deck elevated? Is there dirt underneath?

Michael – Yes.

D. Koehler – That's pervious.

Michael – Can get most of this in so keep us on for July.

D. Koehler – Confirms applicants wants to come in July to set the meet for August?

Michael – Yes, wants to make sure they have everything needed except those two things. If missed anything, he'll get another review and get everything buttoned up.

PRE-APPLICATION

1. Great Enlightenment Buddhist Institute Society USA

Lots on Hynes Rd.

Grid # 6759-00-796387, 705509, 668319, 799276, 942320, 920445

Zone R-45

Devora from Boris Architects, seeking initial feedback for change of use and a special use permit to convert a set of residential parcels to a religious retreat center. Site includes about 200 acres and 9 existing buildings, which will all remain. Not proposing size changes, just the use. Minimal interior renovations for ADA compliance. Center will support religious, educational and wellness programs, including meditation, community outreach and mindfulness classes. Would like feedback before submit an application.

D. Koehler – It's pre-app, so we don't do a review. ADA accessible would be high on the list for making sure there's a conversion from residential to commercial. Are people going to live there?

Devora – Yes, temporarily to learn and practice the teachings. More transient in nature, the houses on property will be used to house them.

D. Koehler – This is why ADA is important, talking about parking spaces, accessible pathways to front door. Need all the normal site plan things, lighting. Asks if there is going to be interconnections with pathways between all the buildings added on?

Devora – There is currently a well-established network of driveways, lighting will be helpful but don't think there would be additional pathways.

R. Lopane – Asks how many buildings will be built?

Devora – Not adding buildings, reusing whatever is there, total of 9, just converting them into spaces that will support the program.

J. Frustace – Asks counsel if religious retreat in R45?

C. Wallace – Doesn't know, depends on location of property. Asks applicant what is going to be put there, yurts?

Devora – Nothing will be added, reusing existing structures. Existing mansion, barn, house on the lake and stables. One stable building has stables, the other has been converted to apartments.

R. Lopane – Asks if parking needs to be increased, what are parking needs?

Devora – Not great, anticipating everyone coming in a group and then walking around property, then leaving as a group. There is quite a bit of existing parking.

D. Koehler – States it's good to show parking. Clarifies it is specially permitted use in R45. This isn't the norm, so would like a concept of how many workers, expected people in and out, adequacy of sewage disposal and water supply, possible public water supply, hour of operation. Asks if buses are going in and out now?

Devora – Doesn't think so, there were passenger vehicles.

P. Poltrack – States someone mentioned buses.

D. Koehler – Instructs applicant to follow 15559 & 60, steep slopes ordinance 15553, wetlands waterbody protection 15552. Landscaping maintenance 15547.

Devora – Asks if they aren't proposing changes to any of that?

D. Koehler – Normally this would get referred to state county entities, they normally require landscaping and lighting, states our code requires landscaping, recommends them doing it. Will be helpful to have all current landscaping on the survey, particularly with sizes and species. Asks if all lots are all common owned?

Devora – Yes, by same entity.

D. Koehler - States a site plan will cover all parcels individually.

Devora – Asks if it should all be one lot?

D. Koehler – Not sure, legal will need to take a look.

Devora – Has to run by client, could be reasons why they'd want it separate.

Victoria Polidoro, with Rodenhausen Cahle & Polidoro, and Ernie Martin, for Green Hill subdivision. References conversations with our attorney, proposed language for a deed restriction which states property will not be further subdivided but nothing will prohibit a lot line alteration as long as it doesn't make it non-conforming, so pools and sheds would be fine. Hoping for boards agreement that this is right way to proceed and need clarity on waiting for new submission. Would you be willing to grant preliminary so all conditions can be addressed? States conservation easements required to be held by 3rd party, hard to find that in this county. They are proposing a covenant on subdivisions.

R. Lopane – Asks what they are proposing won't preclude a lot line realignment?

Victoria – Explains that lot lines could be moved but a new lot could not be created.

R. Lopane – Defeats the purpose of why we wanted to protect that area. We didn't want that big lot further developed, if this caveat is allowed where couple of those lots can change the line, then they can push it in to the big lot.

C. Wallace – Addressing Rob, there is no additional structure that is being proposed, correct?

Victoria – Wouldn't allow for any new structures other than what is already allowed, uses an example if two neighbors needed to move something slightly, in order to avoid a variance for a porch, pool, shed.

J. Frustace – Asks so an inground pool could go on the additional acre?

Victoria – Theoretically, yes, but doesn't think that could happen because lots 1-6 are all 1.4, 1.2.

Ernie – His understanding at the last meeting, board was concerned with additional lots.

J. Frustace – It was also to protect viewshed and natural resources.

R. Lopane – Board wanted to protect the large area that was leftover, 8.9-acre lot. Benefit of protecting that is it's one large continuous open space.

Victoria – It would stay one large lot.

F. Garito – Suggests to put covenant on that one lot.

R. Lopane – That's what we did, they are suggesting changing what we discussed.

Victoria – Put the restriction on every lot.

C. Wallace – Asks applicant if they are suggesting a minor lot line?

Victoria – Proposed no subdivision on any of the 7 lots, except if 2, 3 or 4 neighbors wanted to do a lot line alteration we would allow that, not creating any new lots, no new development potential.

R. Lopane – Gets all that, worried that applicant is disrupting the spirit of what we were trying to achieve, which is to protect the large lot. We made an agreement at the meeting, were going to close public hearing based on this, sounds like you are adjusting what we agreed on.

Victoria – Thinks they are saying the same thing.

C. Wallace – Wants to clarify that lot 1 will be untouched, the big lot, and lot line alterations would be limited to minor alterations between those buildable lots you're creating. Thinks it's within spirit and intent of what board was looking for.

D. Koehler – Lots 2,3,4,5, & 7, unless our zoning changes for central water and sewer, can't be subdivided again. Lot 2 can't be subdivided again unless DC wetlands evaporate.

Victoria – Addressing Rob, states wetlands on property would prohibit any intensive development without serious permitting.

R. Lopane – We had deep and comprehensive discussion at least meeting, thought we were all settled.

C. Wallace – States he doesn't think that he shared the resolution with the board, never put on agenda.

J. Frustace – Asks applicant what is the reason they want this flexibility?

Victoria – As lots start to get sold to homeowners with different visions, those visions get boxed in by different lot lines, just a way to offer flexibility. If it's a sticking point, we can always send them for variance.

R. Lopane – Big concern was making sure lot 1 doesn't ever get developed. If lots 4 & 5 want to move their lot line that's not going to affect the spirit of what we want. Thought only getting covenant on lot 1, we did not talk about covenant on all of them.

F. Garito – Covenant on lot 1 does not prohibit other lots to do lot realignments.

Victoria – If owner of lot 1, who owns the subdivision, wants to buy another lot and merge it into his lot, that would no longer be allowed? Let's say he decides down the road he decides not to sell one of the lots to keep for his view, he couldn't? Are you only looking for restriction on the one lot?

Rob and John looking over map.

R. Lopane – Suggests to put covenant on lot 1. Would that satisfy you?

A lot of confusion going on with what applicant wants and what board wants.

J. Frustace – Suggests to adjourn meeting now.

Victoria – Client was upset he couldn't get on tonight's agenda for approval. Want clarity on what's needed.

D. Koehler – Reminds applicant that last month we talked about doing SEQR this month, code says submit 17 days prior, we have a schedule.

Victoria – Tells Dan board has all information, didn't think new submission was needed as you have all information.

D. Koehler – Tells Victoria you have to ask to be on meeting unless its continuation.

Victoria – States she wants to me on the meeting next month.

D. Koehler – Informs her it has to be in writing, that's the procedure.

P. Poltrack motion to adjourn meeting. Seconded by R. Lopane. All in favor. Aye.

