



**TOWN OF BEEKMAN PLANNING BOARD
Minutes of Thursday, November 20, 2025**

The following members were present:

Acting Chairman - Robert Lopane
Peter Poltrack
Faye Garito
Jayson Abbatantuono
Claude Rancourt

Also present:

Town Engineer - Dan Koehler
Town Attorney – Craig Wallace, Jonathan DeJoy (conflict counsel)
Recording Secretary – Sheryl Discher

R. Lopane – noted the emergency exits, led Pledge of Allegiance, moment of silence first responders.

R. Lopane states John Frustace is not here, and he will chair the meeting tonight.

J. Abbatantuono motion to approve May 2025/October 2025 minutes. Seconded by P. Poltrack All in favor. Aye.

P. Poltrack motion to re-open public hearing. Seconded by J. Abbatantuono. All in favor. Aye.

PUBLIC HEARING

- 1. Garito Two-Family** – Site Plan – Special Use
14 Sunrise Dr.
Grid # 6759-04-769120
Zone TC

Faye Garito recuses self, Jonathan DeJoy sits in for Craig Wallace as counsel.

Norm Jansen, Westchester Modular. Project is new 2 family residence at 14 Sunrise Dr. Modular construction will be built and set on a foundation. Discusses plan details, elevations, floor plans.

Faye – Has certified copies of BOH approval if board wants to see.

R. Lopane – States trusts her doesn't need to see them. Engineer will certify them anyway. Asks if board members want to see the map?

Faye – Feels proposed building will fit well in neighborhood, could have done a multifamily 3 story unit.

Norm – States they've really worked with the town regarding site planning, landscaping, driveway and anything and everything town asked for.

Faye – Asks if board would consider granting site plan approval, special use approval and architectural approval to move this along?

D. Koehler – Mentions for the record, two certified letters went out late last month, and that's why this public hearing was continued. Town counsel advised applicant to re-advertise in paper, and they did, he viewed affidavit.

R. Lopane – Invites any members of public to speak.

No one comes up.

R. Lopane – Asks counsel if there is any reason to not close public hearing, time clock issue?

J. DeJoy – Doesn't think so, unless board is asking applicant to make changes to plan, if not, no reason to keep it open.

J. Abbatantuono motion to close the public hearing. Seconded by P. Poltrack. All in favor. Aye.

D. Koehler – Not a lot of outstanding issues at this time. Suggested the board review the aquifer overlay standards and responses that were placed on the plan. His opinion is that it's a simple application in terms of disturbance. Normal sewage generation flow, not a lot of water going out from aquifer.

R. Lopane – States to go over aquifer standards now.

D. Koehler – This is a type 2 action, refers to code 155-12, board has to look at this as it's within aquifer overlay zone.

R. Lopane – Reading definitions of 5 standards; #1 response – new well placed within correct setbacks/distances. No issues. #2 response – septic system designed and approved based on NYS standards. No issues. #3 response – site only to be used as single-family residence will be no storage or transport of any materials.

J. Abbatantuono – Clarifies that it's a 2 family.

D. Koehler – Mentioned in his review letter that should be updated on their plan.

R. Lopane - #4 response - similar to last question, same answer, but please change to 2 family residence, board agrees. #5, response – no removal of any material that is protective to groundwater. Seems clear, not a big earth moving operation. Board concurs.

R. Lopane motion to approve with one modification, the justification as to why there is no impact to aquifer, they need to change single family to 2 family. Seconded by J. Abbatantuono. All in favor. Aye.

D. Koehler – Notes applicant has increased the landscaping, page 2 of plans shows landscaping schedule.

R. Lopane – Reads out all the types of trees and shrubs.

D. Koehler – They added two more red maples along Sunrise, so 4 total along street. Also added some of the maintenance schedules asked for.

R. Lopane – Asks if applicant is going to keep the existing 24" evergreen?

Faye – Yes, but it's a maple.

D. Koehler – Other issue was refuse structure, moved to rear of structure which is suggested in code for town center, using a Suncast garbage enclosure, covered on top with doors.

Norm – Back of the house on the right side as shown on plans.

D. Koehler – Suggested if board is satisfied with all those items, could consider granting preliminary site plan approval.

R. Lopane – Asks about existing driveway.

D. Koehler – One of the changes after the hwy super noted there was limited site distance coming in with driveway previously cited. These plans are utilizing the existing driveway cut and give a little more separation to the turn on Sunrise. Forwarded this plan to hwy super for his review, haven't heard back, but it was recent.

R. Lopane – Asks about shed being moved?

Faye – States going to do lot realignment then that shed will be on other lot.

D. Koehler – States there is discrepancy with that because comment and plans state shed was going to be moved. As far as he's concerned, as long as it becomes compliant, doesn't have issue with how it gets compliant. There is a physical disconnection of driveway now along the area of the future lot line adjustment.

R. Lopane – Asks board if they have any other questions or comments?

J. Abbatantuono – No, landscaping looks good.

P. Poltrack – He's on board, agrees with Jayson.

C. Rancourt – He's good.

J. Abbatantuono – Looks like you have 3 goods.

D. Koehler – Reminds the board, the items talked about for architectural review last month, asked applicant to put that on elevations and everything matches up with what they said previously.

J. DeJoy – Clarifying Dan's letter, that board previously discussed design standards for TC district, did they make a finding on that?

D. Koehler – Yes, we talked about lighting, mentioned sidewalk and going to be a covenant that if 8-acre parcel is ever developed, sidewalk will be installed.

R. Lopane – Asks if that's a condition?

J. DeJoy – Same idea as aquifer overlay standards, just a finding that project complies with standards for TC zoning district, section 155-9.

P. Poltrack motion to approve the architectural design. Seconded by J. Abbatantuono. All in favor. Aye.

J. DeJoy – Asks board before they decide on resolutions, do they want to discuss conditions they want attached to any of the 3 approvals? Brings up Dan mentioning the driveway.

R. Lopane – Asks if that's the sidewalk covenant? Clarifies that is a condition.

J. DeJoy – Yes.

R. Lopane – Asks Faye if she's ok with that?

Faye – If she sells those 8 acres, that will be a part of the condition of the sale.

D. Koehler – Normal conditions would be making sure app fees and escrows are there, satisfaction of latest engineer review letter, Nov 19, 2025, health dept. already there. In this case, special conditions regarding driveway and shed encroachment, suggests before any CO granted, they need to be corrected. Whether it's physically removing driveway or doing lot line alteration, doesn't care about means, but has to be done, same with shed. Two conditions that building inspector shouldn't issue CO until those two items have been corrected.

Faye – Talked about this and should be fine.

J. Abbatantuono - Yes, that's written here, should be fine.

D. Koehler – Reminds board applicant needs to sign resolution to make sure they understand conditions of approval, which is also a condition of approval.

J. Abbatantuono – Asks if this is conditional site plan approval?

J. DeJoy – Yes, conditional preliminary site plan approval and once conditions are satisfied, the final approval is when chairman actually signs the site plan.

D. Koehler – We normally do a preliminary and conditional final approval and once conditions are satisfied then chair will sign the plan. This would also be special use permit.

R. Lopane motion for preliminary and conditional site plan approval with following conditions. Asks Dan to read them aloud. Dan – Preparation of the sidewalk covenant to satisfaction of town attorney, satisfaction of November 19, 2025 engineering letter, confirmation of payment of application and final escrow fees, signing of the resolution. These conditions would have to be done before the chair can sign the plans. Additional conditions prior to issuance of CO would be satisfaction of either moving shed or lot line realignment that brings shed into compliance, and physical removal of driveway section or lot line realignment that brings driveway into compliance. So moved by R. Lopane. Seconded by J. Abbatantuono. All in favor. Aye.

R. Lopane motion to grant special use permit approval. Seconded by P. Poltrack. All in favor. Aye.

Faye Garito and Craig Wallace rejoins board.

DISCUSSION

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

Brian Watts, Day Stokosa Engineering. Drainage and DOT were issues from last meeting. Waiting on few items, update from applicant's other consultants regarding DOT, nothing new on that front, update regarding turning lane and utilities, which would need BOH approval, preliminary pump station design. Not changing capacity to serve area. Working with Dan regarding drainage and the pond. Need to make sure not increasing site discharge to DOT, has gone back and remolded existing pond. Has outlined how much going through pipe, existing pipe is discharging into neighbors' property, and revised to show how much going over the berm. Not a ton going to neighbors' property, but it is directed to the side of their yard. Added an additional outlet which will lessen discharge to DOT and direct it to existing conditions to rear of house. Total leaving the site is less now than before, everyone sees less water overall.

D. Koehler – Need two different design points to have a clear pre vs. post analysis.

Brian – Sent over hydrocad models with notes showing primary and secondary, primary is what's spilling over berm going towards DOT right of way and secondary what's going to neighboring property. Direction is more inline where swale appears to be, by neighbors' tree line.

D. Koehler – Requests a tabulation, pre vs. post, at all those locations with different storms.

Brian – Sent over event summary for each, pre, post, total pond elevation. Still maintain little over a foot in 100-year storm, nothing overflows, everything mitigated from each pipe.

R. Lopane – States previous plan showed drainage to swale along 55, removing any potential seepage/drainage towards the neighbor. Now plan is to maintain a drain conveyance towards the neighbor. Why would we do that?

Brian – Trying to limit what's going to DOT, concerns there was too much flow to DOT.

R. Lopane – Asks who is expressing that concern?

Brian – Discussed at previous meeting that we didn't want DOT to have an increase in flow.

D. Koehler – It was mentioned there were historic issues with roadside swale.

R. Lopane – Doesn't remember expressing concerns about quantity of water going to swale. Has expressed concerns about potential flooding on neighbors and you're maintaining an overflow pipe towards the neighbors' backyard. Asks if they have any rights over that drainage channel, is there an easement?

Brian – Not aware of any easement, just an existing condition. Looking at aerials, topos, can see water always goes that way. Neighboring properties are in the path of everything uphill.

J. Abbatantuono – States they are creating more impervious surfaces, less absorption which will create more water. Agrees with Robs point, directing it towards neighbor would make it worse.

Brian – CFS has been reduced, flow rate significantly reduced. Was 24" pipe in pre, now showing a 12", directed so it doesn't shoot directly towards the house, directed more towards existing swale line that's always been there. Most we could ever do is reduce pre and post.

J. Abbatantuono – States if we are developing a nearby property, trying to engineer a solution, the statement that it historically flows there, doesn't work. Would think we'd want to figure out a way to prevent it from potential flooding, "could be" won't help neighbor if he's underwater. Once it hits flow limit, it's going to back, can only flow so much to DOT, then the backflow will be an overflow when limit is reached.

Brian – No, clarifies that the top of pond, outlet is directed towards DOT, along w/ 3" orifice in the pond that keeps water at current level, also directed to DOT.

R. Lopane – Asks if pipe going to backyard is an overflow pipe or does it help maintain water surface?

Brian – Going to allow controlled discharge from pond for "middle storms". Small orifice is for common storms, as pond starts to fill and overwhelm the 3" orifice, some of that water will spill over through conveyance system, will be less than what it does now. If that becomes overwhelmed with a big storm, grid will overflow and discharge to DOT.

P. Poltrack – Asks if there is a lot between Bougades and Stop and Shop?

Brian – Yes.

P. Poltrack – States what would essentially happen is you'd be adding water to that lot. Feels applicant needs to direct as much water as possible to the state, tell them to adjust their thinking and design, so water flow would go down 55, which will ultimately drain into the creek. He is against any additional water being added to neighbors' property, will impact neighbors and adjacent property.

D. Koehler – Clarifies states rules regarding storm water, there's a pre-development flow rate to that area, applicant has to reduce that pre-designed flow rate. That's all they technically have to do by storm water standards. Mentions historical aerials where you can see there was flow there before, always been wet.

P. Poltrack – They can dry it out.

D. Koehler – States it's not their job to dry up someone else's property.

P. Poltrack – States again don't need to add any more water to that property.

R. Lopane – He's not adding, he's reducing flow rates, will be net reduction. Right now, there is a certain amount of water going in, it will be less, but still directed there.

D. Koehler – Explains that he walked around by Stop and Shop, and down at the outlet of this, it's wet and wet for a long time. Stop and Shop put a big berm along their parking lot and there is a swale that runs through there. It clearly gets movement, gets picked up by a piping system and goes into Stop and Shop pond. They have a big pond back beside the retaining wall, that eventually goes into Fishkill Creek. Wouldn't be feasible for us to say they have to send everything to DOT, would have to significantly reduce that to meet pre-development rates of flow. They would also have to increase size of culverts.

R. Lopane – Don't want to alter hydrology, don't want to dry up water to the wetland in back. He's just concerned about the neighbor, who came before the board, who said the pond is releasing a lot of water and he's getting flooded. Didn't happen before the pond was built. How are we fixing the problem of the pond flooding his property?

Brian – Is he getting 10ft of water in his basement, or is it just soggy?

J. Abbatantuono – Asks if a soggy basement is a good basement? Then asks counsel if board approves as it, then a situation happens where the property floods, passed the point of something this board approved, who does that fall back on when neighbor comes back and complains?

C. Wallace – As long as you took a hard look at all environmental issues, and considered them, it doesn't fall back on anybody, wouldn't fall back on the board. This is a discretionary act.

P. Poltrack – Asks about past suits against the town, where highway has redirected water onto personal property?

C. Wallace – This property is on a state highway, so DOT weights in on water flow and the pond. Doesn't understand the question.

F. Garito – Need to rely on the engineers. The soils are clay that is a big problem as well. Asks if there is anyway to get the water to penetrate into the ground more?

Brian – States a big issue is the high groundwater table.

J. Abbatantuono – Suggests going further down towards the station, as soon as there is heavy rain, entire wall is underwater.

R. Lopane – Asks Brian if he's increasing runoff post construction?

Brian – No, flow rates based on modeling, post discharge from outlets is less than it is currently. Willing to go back and forth with Dan to tweak if needed.

R. Lopane – Feels there's a change, looked from drawings that it was conveyed through the swale next to 55, which solved the problem with neighbor. States now coming back with another pipe, not increasing the flow, amount of water is being reduced, but perception is that it's directed towards his property.

Brian – Still trying to get as much water as possible to DOT, making sure everything getting a hard look, making sure all storms are reduced at all points.

D. Koehler – This came up when looking through part 2 of EAF, stormwater plans, after site visit noticed the predominant pattern is water goes back behind the house. References 2004 infrared aerial photo, before pond was installed, can clearly see water is running behind there. Pond has been there for approx. 20 years, which is where they directed the pipe to. Can't speak to conditions of house before and after pond, but per the regulations, as long as they are reducing pre vs. post flow rates it's an entitlement part of land development. Suggests Mr. Sala speak with neighbor to work something out.

F. Garito – Asks if pond has ever been dredged?

D. Koehler – Doesn't think it's maintained.

F. Garito – If it's maintained, will that mitigate some water?

D. Koehler – Asks applicant if pond is going to be double in size or more?

Brian – Yes.

F. Garito – May help if it's maintained.

D. Koehler – States it must be maintained because of stormwater maintenance and easement agreements. If they fail to meet that obligation, then town can step in.

R. Lopane – Sounds like hydrology hasn't changed. Feels the applicant hasn't altered the course of the drainage, just made it a little less. He's satisfied.

D. Koehler – Thinks they are doing what they can to continue to maintain some flow to 55, but DOT will have a say on that as well. Did test pits and based on pictures, shows tight soil. Reminds that some of the site has been stripped in the past.

R. Lopane – Agrees with Dan regarding owner speaking with neighbor. We don't have authority to change NYS law to prevent him.

D. Koehler – In terms of SEQR, it's a determination that they be reasonably expected to mitigate as much as they have to and as much as they can, doesn't have to be 100% solved right now.

Brian – Per public hearing he changed the labeling of the courts to some kind of pollinator friendly plantings and garden on other side.

R. Lopane – Asks how the pond is going to behave? Is it like a stormwater wetland pond?

Brian – No, just an open pond to attenuate flows, doesn't provide water quality function, which will be done in bio retention area.

D. Koehler – Suggests taking a look at part 2 of EAF.

J. Abbatantuono – Asks if this is premature?

D. Koehler – There's always going to be questions remaining, if board can take reasonable expectation that things are going to be mitigate. Applicant has done a lot of work to mitigate issues already. Final approval from DOT won't be issued until there is SEQR and board is lead agency.

C. Wallace – States SEQR can always be reopened.

Brian – States one of the first things DOT will require is the left turn lane.

R. Lopane – Agrees applicant has made a lot of changes, did landscape, architectural improvements, modified amenities and all questions about traffic and drainage are met. He's ready to move on SEQR.

P. Poltrack – Clarifies 2 buildings with 24 units in each and asks if there will be no more expansion on that lot?

Brian – No, there is no space.

D. Koehler – Reminds board at October meeting, the public hearing was closed, applicant waived the shot clock, so board could take a hard look with no pressure under 62-day limit. With that said, makes sense to run through some of the part 2 items, particularly moderate to large impact. SEQR determination doesn't have to be done tonight.

R. Lopane – 1a, is threshold exceeded?

Brian – In certain areas it's a little over 2 feet.

D. Koehler – Requests to have test pit logs on plans.

R. Lopane – 1b, asks if they are hitting 15% or greater in the back?

Brian – Yes, minimizing it and putting up a retaining wall to minimize cut into hill.

R. Lopane – 1e, asks if they building in multiple phases?

Brian – Believes will be built all at once. Construction order will be DOT road, infrastructure then last items will be buildings and parking.

D. Koehler – Regarding 3b, per DEC didn't matter if it's man made, there is the pond there now that is being increased.

R. Lopane – Asks what's the concern if water body increased?

D. Koehler – Whether or not there are impacts to ecology.

Brian – Explains it's man made, and growth around it is new, constant water moving out when rains, there is no fish.

R. Lopane – Asks if they will reestablish a diversity of plantings around it?

Brian – Yes, landscaping plan around the berm, banks.

R. Lopane – Agrees 3h mod/large. Asks about 3k, should that be yes?

D. Koehler – This project was allotted a certain amount already.

R. Lopane – Suggest applicant note that project is tapping into existing waste water treatment facility which is under expansion, can note there is sufficient capacity. 4a, where we getting the water supply from?

D. Koehler – It's through Dalton Farms water, so additional demand 10,000 gallons per day.

R. Lopane – Agrees. 7a, did the Indiana bat trigger this?

D. Koehler – Yes, justification can be any clearing of trees is when bats are hibernating, and robust landscaping plan may create more habitat for the bats.

R. Lopane – Agrees, asks if there were other species there?

D. Koehler – Northern Long Eared bat, same treatments as Indiana bat.

R. Lopane – 9a, asks if this is on local scenic roads?

D. Koehler – Related to designated resource, Appalachian Trail.

R. Lopane – 10b, asks if applicant did phase 1a for this?

Brian – Went through Chris and got a letter, no impact.

D. Koehler – Initially it was a potential sensitive area for archeology, but applicant has a letter of no impact from the state. States 9d was skipped. This is more of a visual impact for people driving by, both while under construction and forever. Town Center wants buildings up front, will have potential shock to people. There are no buildings like this in corridor.

R. Lopane and F. Garito – Agrees.

C. Wallace – States that would mitigate against it being mod/large impact if it's consistent with comprehensive plan.

R. Lopane – Agrees but needs to be explained in part 3. 9f, are there other projects? Doesn't need to be explained.

D. Koehler – Question is weird.

C. Wallace – Clarifies the way it was written can conclude if there are similar projects, this project would fit in with the rest.

R. Lopane – The fact that there isn't means that it's an impact because it can be like an eye sore.

Dan and Craig – Concur that is how they looked at it.

R. Lopane – Agrees it's fine, and need to explain its consistent with comprehensive plan. 10ei, that's true.

D. Koehler – Asks it could be all 3, 10ei, ii, iii?

R. Lopane – Yes. Currently it's an open space property, now it's going to be high intensive use, multifamily, thinks it exceeds threshold for all 3 but consistent with master plan. 13, asks Dan he doesn't think these apply?

D. Koehler – Doesn't think any of the thresholds were exceeded that would kick in mod/large. Applicant has made good progress with DOT and traffic impact study was done. Asks Brian about email regarding supporting docs for part 3, making sure we have the latest.

Brian – Will double check, but replied with link.

D. Koehler – Will look at latest traffic impact study and take another look at 13 transportation again.

R. Lopane – Ok. 15a, would select mod/large, loud during construction, but temporary, once constructed no longer an impact. 18e, true going 2 ½ stories high.

D. Koehler – Reminds that is reference back to comp plan, which allows for 3 story. Would be satisfied if that's addressed in part 3.

C. Wallace – Can make motion to instruct applicant and engineer to address part 2 responses.

R. Lopane motion that applicant need address part 2, to explain and provide rationale and justification in part 3 for mod/large impact. Seconded by F. Garito. All in favor. Aye.

- 2. Hixon Accessory Apartment – Site Plan – Special Use**
29 Indian Pass
Grid # 6757-03-043066
Zone R-135

Joseph DeMarco, Whalen Architecture on behalf of the applicant, originally before the board in June 2024. Applicant has existing house and existing apartment, which used to be the garage. Purchased as is in 1996. Would like it approved as a legal accessory apartment. Have a newly designed septic system. Begins to go through Dan's comments. 2a regarding 1st floor sq. footage, discrepancy on plans, should be 1406 sq. ft., not 1466, which would make apartment 21.3% of existing residence.

D. Koehler – Still within the range, in either case would've been compliant.

Joseph – Comment 4a, regarding missing columns for lot conformance table, will be happy to add those to chart. 4b, regarding garage setbacks, will be added to zoning chart. Dimensions for existing garage will be added to site plan.

D. Koehler – Clarifying, comment 5, more just to recognize may be some non-conformities with existing garage, through today's code, CO granted in 1990, verified with building department.

Joseph – Comment 7, proof of ownership, will coordinate with applicant to submit info.

C. Wallace – Noted that the deed showed in name of husband and wife, George is husband, and application is only in name of Leticia, the wife. If there's a change due to death or something, should be noted.

Joseph – Asks just have them both on there?

C. Wallace – Right.

Joseph – Comment 9, regarding special use and site plan approval block, will make sure those are on correct sheets. 10, will make sure owners' consent is on all the sheets.

C. Wallace - Yes, if Mr. Hixon is still alive he can just be added in for owners' consent.

D. Koehler – These aren't showstoppers, suggesting setting a public hearing, as a next step. Mentions comment 6, going through aquifer standards, but normally wait until after public hearing, so that comment will just stay on until they are gone through. Doesn't expect a lot of impact to aquifer.

R. Lopane – Does the accessory apartment meet all the standards? Are they required to go to zoning board for anything?

D. Koehler – Yes, meets standards and no, doesn't need zoning board. Reason garage was mentioned because it was issued CO in 1990, it doesn't meet today's code because it's in front of the house, scale of it compared to primary structure, it's within front yard setback. It's there, existing, nonconforming.

F. Garito – States that front setback requirement came in after the date of CO.

D. Koehler – Confirms it came in with 2010 code revision.

R. Lopane – Asks about number of bedrooms and septic system.

Joseph – They have a new septic system.

R. Lopane – Did applicant have to expand existing septic?

Joseph – Yes, existing septic was sized for 3 bedrooms, now it's sized for 4.

R. Lopane – Is it constructed?

Joseph – Doesn't think it's been put in yet, plan approved from DOH.

F. Garito motion to set the public hearing for December 18th, 2025. Seconded by J. Abbatantuono. All in favor. Aye.

R. Lopane – Reminds applicant to get all notices out correctly.

Jayson excuses himself from rest of meeting.

- 3. The Woods at Hemlock Hollow – Sketch Subdivision**
Hemlock Hollow Rd.
Grid # 6559-00-748014
Zone R-45

Matt Towne, from Willingham Towne Engineering, 4 lot subdivision. Addressed a lot of comments from October meeting, a few remaining from letter received today. Biggest item is tree survey, requesting waiver from doing entire 10 acres, hoping to do the limit of disturbance which is defined in plans than an additional 20ft. beyond that for any potential maneuvering to avoid disturbing trees. Then goes on to describe the plans, lots vary from 2 acres to 2.8 acres, rear lot so verified that frontage can be 50ft. Lots are all conforming, meet all setbacks. Notes dark areas on plans are steep slopes, over 15%, avoiding those as much as possible. Soil testing done, septic designed, shows 50ft road dedication for town road, currently there isn't a 50ft right of way.

R. Lopane – Asks about wetlands?

Matt – States one mapped on Hudsonian NRI mapping, submitted jurisdictional determination request, still waiting on that. Biologist visited the site, didn't find any wetlands, submitted letter from him. Will provide DEC response once they get it.

R. Lopane – Asks about lot sizes and zoning.

Matt – Zoning R90, lots are larger, 2.56, 2.86, rear is 2.08 excluding flag portion, so actually 2.41 and 2.09 for front lot.

R. Lopane – Inquires about soil from test pits.

Matt – Decent amount of silt, but really good, perked well, most of the systems need 1-1/2 feet of fill due to groundwater at 4-5 ft. Couple of areas with bedrock where slopes are steep.

R. Lopane – Asks if there any water courses on property?

Matt – No.

R. Lopane – Is property fully wooded?

Matt – It is mostly wooded, there's a couple of structures on site, old shed and hut, will be removed. Grass around those structures.

D. Koehler – Doesn't need to go over comments. Matt did ask for a waiver of locating every single tree on site, they offered to do all tree locations 8" and above, because per the code it eventually goes from 12 to 8, asking for all trees in proposed limit of disturbance plus 20ft. Waivers requested would be for section 130-12h, which trees 12" plus and 130-20a6, portion of that code specific waiver to trees 8" plus, section talks about water courses that we wouldn't waive, so just trees. Up to board if want to entertain that waiver.

R. Lopane – References past troubles with tree removals on developments, asks applicant to limit amount of tree removal as much as possible. Removing trees near steep slopes doesn't mix well, potential for erosion and sedimentation. It's about protecting biodiversity, environment and visual aesthetics. Wants it developed in a way it's least impactful to environment. Big concern are trees adjacent to neighbors. Is willing to consider a waiver to not have to locate all trees, but wants to reserve judgement in the even the plan changes. May ask applicant in future to add trees if warranted.

Peter and Faye both agree.

P. Poltrack motion to grant waiver as requested with caveat that we can address the issue in the future in accordance with sections Dan noted. Seconded by R. Lopane. All in favor. Aye.

D. Koehler – Talks about a section of code, under new laws section on E-code, regarding timber harvesting and tree removal, some sections of code have been removed and replaced with that section. Talks about how many trees can be taken out in relation to a structure, driveways, septic system, it limits amount of trees, we want that to be shown on plans.

Matt – States he will review it.

R. Lopane – Asks about ideas to handle stormwater or is it too preliminary to ask?

Matt – Going to require basic SWIPP, which he needs to put together. Wanted to get tree survey done first, got far enough along with septic system, feels comfortable where they are going.

R. Lopane – Asks Dan what next step is?

D. Koehler – We suggested the SEQR doc that was provided, based on action proposed, believe it's an unlisted action and doesn't meet any thresholds to be type 1 action and not specifically defined as a type 2. Suggested board can deem action unlisted and consider declaring to act as lead agency and we'd circulate to a number of interested and involved agencies which he listed. Craig added Town of East Fishkill, care of the Town Clerk as well. Then goes on to list all agencies; Beekman Town Board, Beekman Fire Advisory Board, Beekman Conservation Advisory Council, Beekman Highway Dept, Town of East Fishkill Planning Board, NYS Dept of Environmental Conservation and Dutchess County Dept of Behavioral and Community Health.

R. Lopane – Asks do they get sent out now or wait until there are more details on the plans?

D. Koehler – Thinks the plans are detailed enough for this portion to be able to circulate and so is eaf.

R. Lopane motion to declare the planning board as lead agency, D. Koehler you could deem this as unlisted and declare your intent to act as lead agency, which planning dept will be directed to send out letter of intent to act as lead agency. So moved by R. Lopane. Seconded by P. Poltrack. All in favor. Aye.

4. Schindler/Potter Lot Realignment – Lot Line Adjustment

239 Hynes Rd.

Grid # 6759-00-788612, 796573

Zone R-45

Amy Bombardieri with Day Stokosa, on behalf of the applicant, Mr. Schindler. Lot line realignment for a transfer of .7 acres, parcel 1 is northern parcel, owned by Mr. Schindler, parcel 2 will be a little over 13 acres after transfer, and parcel 1 will be little over 10 acres. Proposed line provides riding area from parcel 2 to parcel 1. There is no work and no disturbance proposed, except for potentially removing encroachments of fence, nothing is physically changing on property. Received engineers' letter, formally requesting waiver for the topo and tree location on basis that there is no disturbance proposed. Existing driveway that is bifurcating a wetland but no driveway changes proposed. Driveway accesses through parcel 2 and provides access to parcel 1. Submitted shared driveway agreement.

R. Lopane – Asks that they are just adjusting the 1 line closer to parcel 2, just adjusting line between 2 parcels?

Amy – Correct.

R. Lopane – No construction except for moving fence?

Amy – The fence is encroaching on adjacent parcel. Minor encroachment but if required to be remedied that would be done. Other than that, no proposed modifications. Regarding utility pole, it's owned by Con Edison.

R. Lopane – Clarifying waiver to not show trees because no land disturbance?

Amy – Correct, and topo.

D. Koehler – Reminds that lot line realignments are treated as subdivisions, per that code, there is a list of things that need to be shown. Sometimes they don't seem applicable to lot line realignment, in this case seems these lots won't be further developed. Because we have to send everything to fire advisory board, they may have comment about driveway, could be potential for disturbance there. There's also state wetlands that are hitting that driveway, mentioned getting determination about limits of wetlands. Doesn't know if that would influence the fire advisory board in any decision, but feels they will say it's extremely long driveway, every 500ft should be emergency vehicle

pull off, something to consider. Other issue is the one property was subject of another application for site plan special use permit for bunk house ranch, looking for a letter from owner on what they using property for now.

C. Wallace – From legal standpoint, the applicant's property and the bunk house owner, was under common ownership up until September. Now, there was a newly created easement for access from Hynes Rd that guarantees ingress and egress to bunk house property, through applicants property.

R. Lopane – Asks if one of the properties is the bunk house property?

C. Wallace – Yes, 14-acre parcel.

R. Lopane – Asks there is formal agreement with shared driveway, rights of driveway are not changing and proposal doesn't change that?

Amy – No.

D. Koehler – Suggested attorney look at Schedule C of that document, could have to be amended because it shows driveway with current lot lines, could possibly need amendment.

R. Lopane – Asks if lot line will create any setback violations?

D. Koehler – Not that he's aware of.

Amy – Doesn't believe so, there is a small greenhouse.

D. Koehler – Asks if it's over 120 sq. ft.?

Amy – Doesn't know, she'll measure it.

D. Koehler – States if it's over 120, you'll have to meet whatever setback created by new lot line.

C. Wallace – Explains there is a setback for accessory structures, if greenhouse makes it non-conforming, you'd have to go to ZBA for variance.

Amy – Greenhouse is on bunk house property.

R. Lopane – Asks who owns the two properties?

Amy – Mr. Schindler bought the northern portion from bunk house owner.

R. Lopane – States you have to own both parcels to do lot line realignment.

Amy – We have signatures from both owners.

Rob showing Pete where line is and proposed to be.

R. Lopane – Inclined to grant waiver to allow applicant to not do the trees and topo based on the fact there will be no land disturbance. But reserves judgement in event that it progresses to a point where there is land disturbance, we may require you to locate trees.

Amy – It's not overgrown by driveway, seems fire advisory board are the ones who are going to require or not if there is disturbance. Maybe we should wait until we hear from them.

R. Lopane – Asks if they want to wait for waiver until hear from them? Can waive it now with the condition if you end up having disturbance, waiver will be rescinded. It's just how the motion is written.

Amy – Ok

R. Lopane motion to waive requirement to show topography and to show trees with condition that if there is land disturbance in future, we reserve the right to conduct those surveys at that time. Seconded by F. Garito. All in favor. Aye.

D. Koehler – For the record it would be 130-12h, 130-20a6, 130-12e, and 130-20a2.

R. Lopane – Asks Dan what he thinks fire advisory board would do?

D. Koehler – Per fire code, calls for emergency vehicle pull offs every 500ft., in town code as well. When someone asks for something it opens up opportunity to correct a non-conformity.

R. Lopane – Tells applicant not saying they would ask for it then, depends on what they ask, may not require topography.

D. Koehler – In accordance with SEQR, this would be a simple lot line realignment, 617.5 c16 deems simple lot lines as type 2 actions, so board can deem that tonight.

F. Garito motion to deem this action type 2. Seconded by C. Rancourt. All in favor. Aye.

Amy – Ask if they can schedule public hearing?

D. Koehler – We don't have all information to grant sketch approval, we shouldn't be setting a public hearing.

Amy – Asks if they vote to set public hearing? Can we set it for January?

R. Lopane – We need more information on drawings, burned in the past.

D. Koehler – Need to be ready for preliminary approval, including 130-20 items.

Amy – Trying to avoid a third meeting, asks for a vote to allow public hearing should all information be received?

R. Lopane – We would have to convene, can't preemptively set a public hearing on condition of materials received.

C. Wallace – Can't conditionally set a hearing, has to be for a date certain. Will have to go to a third meeting.

R. Lopane – Asks if we can have public hearing and progress the project at that meeting for approvals?

D. Koehler – If all sections of the code are met, then that's a possibility.

Amy – Ok.

EXTENSIONS

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

Plum Ct. & Tillman Dr.

Grid # 6758-02-721807, 723793 & 717817

Zone PH

Adam Wekstein, from Hocherman Tortorella Wekstein, representing Lennar LLC, one of co applicants for lot line adjustment and Michael Sweeney is co applicant. Here to ask for another extension for lot line to correct surveying errors that occurred when sub division was staked out. Realign lot 9 to add pieces and take out a piece, ultimately to be conveyed to the town at front of lot into right of way at Plum Court Dr. Second part is to reconfigure sewer and water easements running in favor of DCWWA, so would no longer run under Mr. Sweeney's house. Since approval was granted in November 2024, all legal instruments drafted and signed off by town counsel, DCWWA counsel, Health dept. Ready to go except for one thing, Mr. Sweeney lot is subject to liens. Gave updated title report on July 16th, he has not yet cleared the liens. Town won't take it with a lien on it. Asking for another extension, 1 day passed

February meeting.

D. Koehler – States February 19th is meeting, 90 days gives you until the 18th, so need 91-day extension.

C. Wallace – Recommends to grant the extension as it's not Lennar who's the source of the delay, it's beyond their control of third parties, especially lender who has to sign off as a partial release to the mortgage.

R. Lopane – Inquiring that neighbor has lien on his property and he has to clear it before lot line can be changed?

Adam – We are proposing to take the front part that he is conveying to Lennar, so that can be conveyed to municipality, can't convey to us without having a default on his mortgage unless the bank signs off. If sell a piece of property that is subject to your mortgage, grounds for foreclosure. Then ultimately want to give to town, and town doesn't want lien on it.

R. Lopane – Asks if this can get done in next 3 months?

Adam – In contact with his attorney, they said they are working on it. If keeps going on, may have to find another way to apply pressure or walk away and he'll have to deal with issues that affect the lot. Not their preference.

C. Wallace – Asks if there is still a pending lawsuit in Supreme Court?

Adam – No, settled in 2023, this is part of that settlement.

C. Wallace – Asks if he's in contempt of that order?

Adam – Doesn't want to give legal opinion without going back to look, there is obligation on his part to act in good faith. Both parties are obligated on the terms, clearing the liens is one of them.

R. Lopane – Inclined to extend application period.

D. Koehler – Believes Mr. Sweeney was here for approval process, tend to believe he wants this done too. Agrees to extend it.

R. Lopane – Looking at extending their condition final approval to February 19th. Do I have a motion?

P. Poltrack so moved. Seconded by C. Rancourt. All in favor. Aye.

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