TOWN OF
BEEKMAN
New York

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TOWN OF BEEKMAN PLANNING BOARD
Thursday, October 15, 2026

The following members were present:
Rob Lopane
Eric Verhave
Jayson Abbatantuono
Pete Poltrack
Faye Garito

Also present:
Town Attorney – Joe Eriole
Town Engineer – Dan Koehler
Recording Secretary – Sheryl Discher

Call to Order/Opening Remarks

The meeting was called to order with initial housekeeping announcements. Attendees were advised of the locations of emergency exits.

Pledge of Allegiance and Moment of Silence

Members were given an opportunity to review the minutes.

Motion by: Rob Lopane asks for a motion to approve the September minutes
So Moved by: Jayson Abbatantuono
Seconded by: Eric Verhave
Vote: Approved unanimous (Faye Garito abstained from the vote and Peter Poltrack was not present yet)
Result: Motion carried

PUBLIC HEARING

1. **Tobin-Wilson Lot Line Realignment** – Lot Line Adjustment
   433/435 Old Route 55
   Grid # 6858-00-098530 & 090498
   Zone R-135

Applicant Presentation

Raymond McKeiver appeared on behalf of the property owners and provided an overview of the proposed application.

Mr. McKeiver explained that both properties contain existing single-family residences and that the proposed application involves a realignment of the common lot line to bring both parcels into compliance with current zoning requirements. Upon completion of the proposed realignment, the resulting lots will contain approximately 135,000 and 149,000 square feet, respectively.

Public Hearing

Motion by: Jayson Abbatantuono to open the public hearing
Seconded by: Eric Verhave
Vote: Unanimous (Peter Poltrack was not present yet)
Result: Motion carried

The Chair invited members of the public to comment on the application. No members of the public came forward to speak. The Board confirmed that the required certified mailings and public notification procedures had been completed satisfactorily.

Motion by: Rob Lopane to close the public hearing
Seconded by: Faye Garito
Vote: Unanimous (Peter Poltrack was not present yet)
Result: Motion carried

Board Discussion and Review

The Town Engineer reported that the plans were in good shape and that the proposed realignment would bring both parcels into compliance with the applicable zoning requirements. He noted several minor outstanding items to be addressed in accordance with Section 130-25 of the Subdivision Regulations, including the placement of required monuments and iron rods.

The Town Attorney discussed the existing shared driveway easement and the proposed modifications associated with the lot line adjustment. It was noted by the Town Engineer that the existing driveway does not fall entirely within the area described by the current easement. The applicant will therefore provide copies of both the existing and proposed shared driveway easements for review.

The Board also discussed the existing NYSEG easement and the need to ensure that NYSEG's access rights would be appropriately maintained under the proposed arrangement.

Additionally, the Town Attorney discussed the proposed transfer of approximately 0.91 acres between the properties. It was confirmed that the transfer has not yet occurred and that the transaction should be appropriately documented in the final approval resolution.

The Town Engineer further noted that the plans required minor corrections, including correcting the property owner's name, addressing printing errors, and adding the requested survey monuments and iron rods.

The Department of Health had reviewed the plans and indicated that its representative was prepared to sign the plat once the applicant submitted the revised drawings.

Outstanding Items

The applicant shall address the following items prior to consideration of final approval:

1. Revise the subdivision plat to incorporate the Town Engineer's comments, including the required monuments and iron rods.
2. Correct the property owner's name and other minor drafting and printing errors.
3. Submit copies of the existing and proposed shared driveway easements.
4. Address and confirm the continued protection of applicable NYSEG easement and access rights.
5. Document the proposed 0.91-acre property transfer.
6. Obtain the Department of Health's signature on the revised plat.

Board Actions

Preliminary Subdivision Plat Approval

Motion by: Rob Lopane asks for a motion to grant preliminary plat approval
So Moved by: Faye Garito
Seconded by: Peter Poltrack
Vote: Unanimous
Result: Motion carried

Preparation of Conditional Final Approval Resolution

The Board next considered authorizing the Town Engineer and professional consultants to prepare a draft resolution for conditional final subdivision plat approval for future Board consideration.

Motion by: Rob Lopane asks for a motion to direct Town Engineer to prepare a resolution for conditioned final approval
So Moved by: Pete Poltrack
Seconded by: Faye Garito
Vote: Unanimous
Result: Motion carried

EXECUTIVE SESSION

Motion by: Rob Lopane asks for a motion to go into Executive Session at 7:11pm
So Moved by: Peter Poltrack
Seconded by: Jayson Abbatantuono
Vote: Unanimous
Result: Motion carried

The Board and the Town Attorney, Robert Spolzino, were in Executive Session from 7:11pm to 7:26pm regarding pending litigation.

Motion by: Peter Poltrack to close the Executive Session
Seconded by: Rob Lopane
Vote: Unanimous
Result: Motion carried

DISCUSSION

1. **HVC Recovery-Sober House** – Site Plan/Special Use
   237 Hynes Rd.
   Grid # 6759-00-796573
   Zone R-45

The Planning Board discussed the application for the HVC Recovery Sober House. The applicant was not present, so the board proceeded with discussion and consideration of a proposed resolution of approval prepared by the Town Engineer and Town Counsel.

Key points of discussion

- **Application review**
  The Planning Board had spent approximately four months reviewing the application and had considered public comments submitted during two public meetings. Comments included both opposition and support.

- **Federal housing law**
  The board acknowledged its obligations under federal housing law, including consideration of reasonable accommodations where applicable.

- **Waiver of site plan requirements**
  The applicant had requested relief from certain site plan submission requirements, including:
    - Topographical information
    - Identification of water sources
    - Locations of trees and wetlands
    - Other site-related information generally associated with construction or new development

The board chair indicated that these requirements could reasonably be waived because the proposal involved occupancy of an existing residence rather than new construction or significant site development.

- **Requirements that remain in effect**
  The chair clarified that certain requirements could not be waived:

    - Necessary sewage disposal approvals
    - Water supply approvals
    - Compliance with the Uniform Fire Code

These matters must be addressed through the appropriate reviewing authorities and are outside the Planning Board's enforcement jurisdiction.

Board Actions

Motion by: Rob Lopane to approve the application in accordance with the resolution prepared by the Town Engineer and Town Counsel
Seconded by: Eric Verhave
Vote: Unanimous
Result: Motion carried

Significance of this discussion

The Planning Board approved the HVC Recovery Sober House application while recognizing the applicant's request for reasonable accommodation under federal housing law.

The approval did not eliminate the applicant's responsibility to satisfy separate sewage, water supply, and fire safety requirements.

Key takeaway:

The Planning Board voted to approve the sober house application, relying on the proposed resolution and the distinction between reasonable accommodations for an existing residential use and independent health, water, sewage, and fire safety requirements.

2. **Garito 2 Family** – Amendment
   14 Sunrise Dr
   Grid # 6759-04-769120
   Zone TC

Faye Garito recused herself from the matter, and the Chair acknowledged the recusal.

Applicant Presentation

Dan Ravo, representing the applicant, appeared before the Board regarding the amended site plan application. He stated that a revised survey had been submitted and that the applicant had been working with the Town Engineer to address outstanding matters. The applicant requested approval subject to conditions requiring that the remaining issues be resolved in coordination with the Town Engineer and Town Counsel, as applicable.

The Chair confirmed that the application was for an amended site plan intended to reflect improvements made to the property and incorporate those improvements into the approved site plan.

The Town Engineer identified several outstanding items requiring attention:

Bulk Table

A revised bulk table must be included on the survey to demonstrate continued compliance with applicable zoning requirements, taking into consideration the conditionally approved lot lines associated with the lot line realignment.

Driveway Encroachment

The Engineer noted that a portion of the driveway turnaround appeared to extend beyond the revised property line. Three potential solutions were identified: removal of the encroaching portion of the driveway, granting an easement to address the encroachment, or further modification of the property line. The applicant's representative indicated that the applicant was willing to pursue an easement and coordinate its preparation with the Town Attorney.

The Engineer also explained that, because this was an amended site plan application involving changes to a previously approved plan, the Board would need to determine whether the applicant should proceed through the full site plan review process or whether certain procedural requirements could be waived pursuant to the Town Code. The process could include sketch plan review, public hearings, preliminary site plan approval, conditional final site plan approval, and special use permit review.

The applicant's representative requested that the Board consider waiving certain procedural requirements, including holding another public hearing. Board members discussed the request and expressed concerns regarding the extent of the proposed changes. It was noted that there were more than twelve changes from the original plan, including changes with potential visual impacts. A Board member also referenced previous applications in which substantial changes had required applicants to return through the established review process, emphasizing the importance of consistency.

The Board requested that the applicant submit a written request identifying each waiver being sought and providing a justification for each requested waiver. The applicant was also asked to provide a comparison of the amended plan with the originally approved site plan, clearly identifying all changes.

The applicant's representative indicated that he had not yet consulted with his client regarding whether the applicant would request a new public hearing and was not prepared to make that determination at the meeting. He confirmed that the applicant was currently requesting waivers and would provide the requested written justification.

The Board indicated that the written submission should be received by the applicable submission deadline of November 2. The Board also requested that the applicant work with the Town Engineer and Town Attorney to develop a resolution for the driveway encroachment, including the proposed easement.

The applicant's representative agreed to coordinate with the appropriate town officials and return with the requested information.

No action was taken on the amended site plan application. The matter was continued pending receipt and review of the applicant's written waiver requests, supporting justifications, revised plan information, and proposed resolution of the driveway encroachment.

There being no further questions or comments from the Board, the discussion concluded.

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

The Board considered the Veronesi accessory apartment application for an extension of the previously granted site plan and special use permit approval.

Applicant Presentation

The applicant, Matt Veronesi, appeared before the Board and explained that construction of the accessory apartment at 31 Cunningham Lane had been completed. The applicant was seeking to obtain the necessary final inspection and Certificate of Occupancy (CO). He explained that the project had not received all required final documentation due to an oversight by the applicant's architect, necessitating the matter's return to the Board.

Mr. Veronesi explained that the apartment was constructed for his parents, who are 83 and 80 years old, respectively, to provide them with more accessible living accommodations due to the difficulty they were experiencing navigating the stairs in the existing residence.

The Board reviewed the history of the approval. Town Engineer noted that the original approval was granted on September 18, 2025, and that approvals were valid for 180 days. Because the approval resolution had not been signed and the required acknowledgment of its conditions had not been completed, the approval technically expired on March 17, 2026.

The Board discussed the available options, including reapproval of the application or granting retroactive extensions. It was explained that three 90-day extensions would extend the approval through December 12, 2026.

The applicant confirmed that there had been no substantive changes to the previously approved plans and that all conditions of approval had been satisfied. The original plans and supporting documentation were available for the Chair's signature.

Board members expressed support for moving forward with an extension, noting that the project remained consistent with the original approval and that the outstanding issues were procedural in nature. The Board also confirmed that all required conditions had been met.

Following discussion with the Town Attorney, the Board agreed that granting an extension of the original approval through December 12, 2026, was the most appropriate and efficient approach. It was further understood that the extension would allow the Chair to sign the plans so that the remaining steps toward final inspection and issuance of the Certificate of Occupancy could proceed.

Board Action

Motion by: Rob Lopane to extend the approval for the Veronesi accessory apartment application through December 12, 2026
Seconded by: Jayson Abbatantuono
Vote: Unanimous
Result: Motion carried

The Chair indicated that the plans would be signed upon completion of the meeting. The applicant thanked the Board for its consideration, and the matter was concluded.

4. **Loja Two Family –** Site Plan/Special Use
   2470 Route 55
   Grid # 6759-00-468363
   Zone TC

Applicant Presentation

Jorge Loja. presented the application for a special use permit and site plan approval to convert the existing five-bedroom single-family residence at 2470 Route 55 into a two-family dwelling. He explained that the proposed work primarily involved dividing the existing residence into two separate living units by installing an interior partition wall. The property is located within the Town Center zoning district, where two-family dwellings are permitted by special use permit, with concurrent site plan review required.

The Town Engineer reported that the application had been reviewed for compliance with the applicable provisions of the Town Code, including Sections 155-59, 155-60, 155-12, and the Town Center zoning standards. The Engineer provided a review letter identifying items requiring additional information or revisions to the submitted plans. No significant obstacles to the application were identified; however, several site plan improvements and supporting documents were requested.

The following items were discussed:

- **Parking**

  The proposed plans showed a two-car parking area located directly in front of the residence. The Engineer noted that Town Center design standards encourage parking to be located behind buildings where possible. The Board discussed relocating the proposed parking area to the right side of the building, where sufficient space appeared to be available. This location would also provide a more direct and stable access route to the entrance of the second dwelling unit.

- **Landscaping and Site Improvements**

  Additional landscaping details were requested, along with identification of the proposed garbage storage area and appropriate screening. Exterior lighting fixtures and related design details must also be provided for review.

- **Sidewalk Installation**

  The Engineer noted that the Town Center standards emphasize pedestrian connectivity and that a sidewalk extension along Route 55 would be desirable to connect with the sidewalk planned as part of the adjacent DCC development. The Board discussed the limited available space between Route 55 and the existing drainage channel.

The Board discussed the possibility of allowing the applicant to defer sidewalk installation by providing a financial bond and an appropriate easement or other legal instrument securing the future installation. Under this arrangement, the Town could require installation when adjacent properties develop or when the sidewalk connection becomes necessary. The Board noted that similar arrangements had been utilized for previous Town Center applications.

The applicant expressed concern about the available space and asked whether the sidewalk could be installed by the applicant. The Board explained that a qualified contractor could perform the work, subject to inspection by the Town's Code Enforcement Officer and compliance with applicable requirements, including accessibility standards. No final determination was made regarding immediate installation versus deferred installation.

- **Utility Easement**

The Engineer identified the requirement for a future utility easement applicable to Town Center properties. The easement is particularly relevant because a proposed pump station associated with the DCC development may provide an opportunity for future sewer connections toward Dalton. The Board discussed the possibility of coordinating the utility easement with the proposed sidewalk easement.

- **Dwelling Unit Size**

The Engineer noted that Town Code requires a minimum livable floor area of 800 square feet for each dwelling unit. The second unit appeared to be approximately 800 square feet, although certain hallway areas had not been included in the calculation. The applicant was requested to ensure that the plans clearly demonstrate compliance with the minimum floor area requirement.

- **Fire Advisory Board Comments**

The Fire Advisory Board reviewed the proposal and requested that the location of the entrance to the second dwelling unit be clearly identified on the site plan. A stable walkway to the entrance, located along the side of the garage, must also be provided to allow emergency personnel safe access.

- **Septic System**

The Board discussed the adequacy of the existing septic system. The property records reportedly identify the residence as a five-bedroom dwelling, and the applicant indicated that the existing septic system was relatively new and included a concrete septic tank. The Engineer requested documentation from the Department of Health confirming the adequacy of the existing sewage disposal system. The Board noted that, if the property remains approved for five bedrooms and no additional bedrooms are proposed, the existing system may already satisfy the applicable requirements. An existing as-built plan or other documentation may be available through the Department of Health.

- **Architectural Review**

Because the property is located in the Town Center district, exterior improvements and architectural details are subject to review. The Engineer noted that the plans should address exterior elevations, siding, windows, and lighting fixtures. The applicant stated that portions of the exterior siding and windows had already been replaced, with additional siding work remaining. No other changes to the building elevations were reported.

The Board discussed the importance of maintaining the appearance and pedestrian-oriented character of the Town Center district. Members generally expressed support for the proposed two-family use, noting that the Town Center is an appropriate location for residential development of this type, provided that the applicable design and site plan requirements are satisfied.

The Board also discussed the broader pedestrian connectivity of the area, particularly the potential future development of the adjacent DCC property and the need for a continuous sidewalk connection toward Stop & Shop and other nearby businesses. A Board member raised the question of whether the Town might eventually need to pursue a sidewalk easement across the intervening vacant parcel to ensure safe pedestrian access. It was noted that any potential acquisition of property or easements using public funds would be a matter for the Town Board to consider. The Board discussed the possibility of addressing this issue as surrounding development progresses and coordinating future sidewalk and utility easements where appropriate.

Board members generally expressed support for the application and acknowledged the improvements already made to the property's appearance. The applicant was advised to continue working with the Town Engineer to address the outstanding review comments and provide the required documentation and plan revisions.

No approval was granted at this meeting. The application will return to the Planning Board following submission and review of the requested revisions and supporting materials.

The Board also briefly discussed the possibility of determining the appropriate environmental review action classification at this stage or deferring that determination until the application returns. No final determination was made during this discussion.

5. **Moustakas Accessory Apartment** – Site Plan/Special Use
   19 Dorn Rd.
   Grid # 6759-00-034706
   Zone R-90

Applicant Presentation

Anthony Moustakas appeared before the Board representing himself and requested a special use permit for an accessory apartment within his existing residence at 19 Dorn Road, located in the R-90 residential zoning district.

Mr. Moustakas explained that he purchased the property in December 2024 and understood that the lower level of the residence may have previously been used as an apartment, although he was unsure whether that use had ever received formal approval. He stated that he was seeking to bring the existing arrangement into compliance with Town requirements.

The applicant explained that the property had originally been represented as a one-bedroom, one-bathroom residence. Improvements were subsequently made to establish a three-bedroom, two-and-one-half-bathroom residence. As part of those improvements, the septic system was upgraded during the summer of 2025. The work included upgrading the septic tank and modifying the leach field configuration to address its proximity to the existing well. The applicant confirmed that the septic work had received approval from the Department of Health and that the associated permit had been closed by the Building Department.

The Town Engineer reviewed the application materials and explained that the plans submitted for the septic approval could be used as the basis for preparing a complete site plan submission that meets the Town's requirements. The Engineer referenced the applicable sections of the Town Code and provided the

applicant with a review letter outlining the required calculations, supporting documentation, and technical revisions.

The Engineer noted that the existing septic system had been designed to accommodate the total number of bedrooms proposed for the residence. The applicant was advised that the remaining site plan requirements and calculations must be incorporated into a complete submission before the Board could proceed with its review.

The Fire Advisory Board reviewed the application on October 8 and had no comments or objections. The existing driveway was considered to provide adequate access to the property.

The Board discussed several aspects of the proposal, including:

- **Parking**

  The applicant must demonstrate on the site plan that sufficient parking is available to accommodate both the primary residence and the accessory apartment. The existing driveway extends along the side and rear of the residence and appears to provide adequate space, subject to verification on the submitted plans.

- **Bedroom Egress**

  The applicant noted that a bedroom window would need to be modified to provide the required emergency egress. The proposed change would involve lowering the window approximately ten inches to meet applicable ingress and egress requirements.

- **Accessory Apartment Requirements**

  The Engineer explained that the applicant must provide calculations demonstrating compliance with the accessory apartment standards, including the requirement that the accessory apartment remain clearly subordinate to the principal residence and not exceed 35% of the principal dwelling's floor area. The location of the rear entrance and other applicable requirements must also be clearly identified on the plans.

- **Site Plan Documentation**

  The applicant was directed to have the existing plans converted into a complete site plan package that meets Town Code requirements. All technical comments identified by the Town Engineer must be addressed, and a cover letter should accompany the revised submission explaining how each comment has been resolved.

The Board also advised the applicant that any requested waivers from site plan submission requirements must be submitted in writing with appropriate justification.

SEQR Determination

The Town Engineer recommended that the project be classified as a Type II action part 617.5(c)(11), relating to residential construction involving one, two, or three family residences.

The Board discussed the recommendation and agreed that the proposed accessory apartment qualified for a Type II classification.

Board Actions

Motion by: Rob Lopane to declare the project a Type II action under SEQR
Seconded by: Jayson Abbatantuono
Vote: Unanimous
Result: Motion carried

Following the SEQR determination, the Board directed the applicant to:

- Prepare a complete site plan submission based on the existing plans
- Address all technical comments provided by the Town Engineer
- Provide the required calculations demonstrating compliance with accessory apartment requirements
- Demonstrate adequate parking and identify the required bedroom egress improvements
- Submit a cover letter explaining how each review comment has been addressed
- Submit any requested waivers in writing with supporting justification

No final site plan or special use permit approval was granted at this meeting. The applicant will return to the Board following submission of the revised site plan package and supporting documentation.

The Board thanked the applicant and indicated that it looked forward to reviewing the completed submission.

6. **Diamond Horse-Ryan Lot Line Realignment** – Lot Line Adjustment
   236/244 Beekman Poughquag Rd.
   Grid # 6758-00-590688 & 578730
   Zone R-45

Applicant Presentation

Brendan Johnson of Johnson Surveying appeared before the Board representing Diamond Horse Developers. Mr. Johnson stated that the applicant had received review comments from Hudson Land Design and had begun addressing the outstanding items. He requested that the Board consider scheduling a public hearing for the next meeting so the application could continue moving forward.

The Town Engineer provided a summary of the application's review history, noting that at its June 18 meeting, the Board had conditionally granted waivers for the submission of soil boundaries and trees measuring 12 inches or greater in diameter. The Board had also classified the project as a Type II action under SEQR.

The Engineer reviewed the applicable requirements under Sections 130-12 (Pre-Application), 130-18 (Sketch Plan), and 130-20 (Preliminary Plat) of the Town Code.

Several outstanding items from the preliminary review remained, including:

- **Aquifer Overlay District**

  Additional notation identifying the property's location within the aquifer overlay district was requested.

- **Existing Uses and Activities**

  The applicant had submitted a narrative describing the existing uses and activities on the property. This information was being forwarded to the Building Inspector for review and coordination regarding outstanding permits and potential code violations.

- **Adjacent Property Improvements**

  Additional information was requested regarding improvements on the adjacent parcel, including a driveway and garage. The applicant's representative indicated that this information would be included in the next submission.

- **Impervious Surface Calculations**

  The applicant's representative agreed to revise the impervious surface calculations and update the bulk table.

- **County Department of Public Works**

  Written confirmation from the County Department of Public Works regarding the use of the adjacent parcel and associated driveway access was requested.

The applicant's representative indicated that approximately 90% of the review comments had already been addressed and anticipated submitting the remaining information by the November 2 submission deadline.

The Engineer stated that the plans contained sufficient information for the Board to consider scheduling a public hearing. However, the Board typically prefers that most, if not all, preliminary plat requirements under Section 130-20 be satisfied before closing a public hearing and beginning the statutory review period.

Outstanding Code Violations

The Board discussed outstanding code violations associated with the property, commonly referred to as the Waterwheel property, and the adjacent parcel. The Engineer explained that the property had been placed back into a zoning district around April and that the Building Inspector was working with the property owner to address several outstanding issues involving existing uses and activities.

The Board emphasized that agricultural zoning does not automatically authorize all commercial or other activities on a property. Concerns had been raised regarding events and other commercial activities occurring on the property, particularly given its location within a residential district.

The Chair noted that the Town had received complaints involving commercial activities on agricultural properties and emphasized the importance of resolving the outstanding violations before the application could receive final approval. It was clarified that the Board could potentially continue processing the application while violations were being addressed; however, unresolved violations could prevent the Board from granting final approval.

Board members expressed differing views on whether to schedule a public hearing at this meeting. Some members favored moving the application forward, while others expressed concern about involving the public in a hearing when numerous violations remained unresolved and the likelihood of approval was uncertain.

The Board ultimately discussed requesting an updated status report before deciding whether to schedule a public hearing.

Lot Line Adjustment and Agricultural Use

The Board discussed the purpose of the proposed lot line adjustment, which would add approximately 1.26 acres to the Waterwheel property by adjusting the boundary with the adjacent Ryan property.

The applicant's representative explained that the additional land would provide more room for potential agricultural expansion, including vineyard cultivation and other agricultural production. The area was described as generally open and relatively clear, with some wooded areas near the existing property line.

Board members acknowledged the importance of agriculture to the Town and expressed support for legitimate agricultural uses while emphasizing that commercial activities must remain consistent with the property's zoning classification.

Tree Removal and Potential Property Encroachment

The Chair raised additional concerns regarding possible unauthorized tree removal and potential encroachment onto neighboring property.

The applicant's representative stated that no trees had been removed to facilitate the proposed lot line adjustment, although some brush had been cleared during surveying and staking activities.

The Chair indicated that concerns had been brought to the Board's attention regarding possible unauthorized tree removal, including potential impacts to neighboring property and areas within the flood zone and along the river corridor.

Specific concerns were raised regarding the Sugar Maple Farm property across the creek, including possible tree removal near the river and potential encroachment onto neighboring land.

The Chair emphasized that the Town has tree and forest harvesting regulations and that the matter warranted further investigation. The Board distinguished between clearing land for legitimate agricultural purposes, such as establishing a vineyard, and potentially unauthorized clearing within a riparian buffer or on neighboring property.

The applicant's representative offered to assist with reviewing aerial imagery and preparing aerial overlays to identify areas that may have been cleared. The Board discussed the availability of more recent aerial photography, including imagery from May 2025, as a possible means of determining when and where tree removal may have occurred.

The Chair indicated a preference for having the Town investigate the matter, including reviewing available aerial photographs, rather than relying solely on information supplied by the applicant. The Town Engineer agreed to review the available information.

Board Direction and Next Steps

Following discussion, the Board directed the applicant to:

- Submit an updated report by the November 2 submission deadline detailing the status of the outstanding code violations and efforts to resolve them
- Provide the additional information requested by Hudson Land Design

- Complete the outstanding site plan revisions, including the aquifer overlay notation, adjacent property improvements, revised impervious surface calculations, and supporting documentation
- Obtain written confirmation from the County Department of Public Works regarding the adjacent parcel and driveway access
- Provide a clear explanation of the purpose and intended agricultural use of the additional 1.26 acres

The Board also requested further investigation into potential unauthorized tree removal, including a review of available aerial imagery and possible impacts to neighboring property, flood zone areas, and the river buffer.

The Board did not schedule a public hearing at this meeting. The application will be revisited after receipt of the requested November 2 submission and further review of the outstanding violations and related concerns.

7. **The Woods at Hemlock Hollow** – Subdivision
   Hemlock Hollow Rd
   Grid # 6559-00-748014
   Zone R-90

Applicant Presentation

Matt Towne, engineer for the applicant, appeared before the Planning Board to present the final subdivision plan. He explained that the project had previously received preliminary approval and a negative declaration under SEQRA.

The applicant revised the plans to address the final subdivision plat requirements of the Town Code. Mr. Towne indicated that the overall layout remained unchanged from the previously approved preliminary plan and that the remaining review comments were generally minor and administrative in nature.

Conservation Easement

The Board discussed the proposed conservation easement intended to preserve designated areas of the property. The previously discussed approach would provide for the four lot owners to share responsibility for monitoring and maintaining the easement, while granting the Town the right, but not the obligation, to enforce its provisions.

The Board emphasized the importance of reviewing the actual easement language before final approval.

The applicant was encouraged to work with legal counsel to prepare a draft agreement addressing:

- The specific land and resources to be protected
- The responsibilities of the four property owners for maintenance and preservation
- The manner in which the owners would share maintenance obligations
- The Town's rights as a third-party beneficiary, including its right, but not obligation, to enforce the easement

The Board recommended that the applicant submit a draft conservation easement agreement as soon as possible so that the Town Attorney could review it before final approval.

The Board also requested that the applicant begin preparing the shared driveway maintenance and easement agreement, as well as the access easement through Lot 2 providing access to Lot 1.

Plan Revisions and Outstanding Comments

Mr. Towne confirmed that the subdivision layout remained identical to the preliminary plan. Revisions primarily involved adding information and notes required for final subdivision plat approval.

The Board discussed an outstanding Conservation Advisory Commission (CAC) comment concerning the proposed future septic expansion area on Lot 3, which is partially located within a Town-designated very steep slope area.

The applicant explained that the proposed reserve septic area had been reviewed and approved by the Health Department. If constructed in the future, the system would utilize fill to reduce the finished slope to no greater than 15 percent. The proposal would not require excavation into the existing steep slope.

The Board found the explanation satisfactory and indicated that the corresponding plan note adequately addressed the concern.

Landscaping and Screening

The Board reviewed the proposed landscaping and screening plan. It was explained that the applicant had worked with a landscape architect to revise the screening tree layout. Some trees had been removed from the proposed planting schedule to avoid excessive density and improve the likelihood of successful plant establishment.

The proposed screening trees, including native species such as eastern white cedar and eastern red cedar, were discussed. The applicant clarified that existing vegetation would be retained in areas where adequate natural screening was already present.

Board members expressed support for the proposed screening plan and the use of native plantings. The Board found the proposed landscaping and buffering generally satisfactory.

Limits of Disturbance

The Board inquired whether fencing had been installed around the limits of disturbance identified on the plans. The applicant confirmed that the fencing was in place to help clearly identify and enforce the approved disturbance limits.

Board Action

Following discussion, the Board expressed general satisfaction with the final subdivision plan and the remaining outstanding items.

The applicant requested authorization for the Town Engineer to prepare a resolution of conditional final subdivision approval.

Motion by: Rob Lopane asked for a motion to authorize the Town Engineer to prepare the resolution of conditional final subdivision approval
So Moved by: Jayson Abbatantuono
Seconded by: Eric Verhave
Vote: Unanimous
Result: Motion carried

Outstanding Items/Follow-Up

- Submit a draft conservation easement agreement for review by the Town Attorney, addressing preservation requirements, maintenance responsibilities, and the Town's enforcement rights

- Prepare the shared driveway maintenance and easement agreement
- Prepare the access easement through Lot 2 providing access to Lot 1
- Continue addressing any remaining technical comments associated with the final subdivision plat
- Town Engineer to prepare the resolution of conditional final subdivision approval

8. **Schoolhouse Lane Estates** – Subdivision
   54 Schoolhouse Ln.
   Grid #6559-00-704232
   Zone R-90

Applicant Presentation

Brian Watts, of Day Stokosa Engineering, appeared on behalf of the applicant and presented a proposed three-lot subdivision of an approximately 8.5-acre parcel located at the corner of Schoolhouse Road and Hilton Road.

The property currently contains an existing residence, septic system, and driveway accessing Schoolhouse Road. The applicant proposes to retain the existing residence on one lot and create two additional residential lots.

The proposed lot areas were identified as follows:

- Lot 1 (existing residence): Approximately 4.01 acres.
- Lot 2: Approximately 2.12 acres.
- Lot 3: Approximately 2.28 acres.

The applicant noted that Lot 2 may be slightly reduced to accommodate a proposed 25-foot dedication along Schoolhouse Road for highway purposes.

The property is located in the R-90 zoning district, and the applicant indicated that no variances or waivers were anticipated.

Site Conditions and Proposed Improvements

The applicant explained that the property is predominantly wooded and that proposed development would include two new residential driveways, one accessing Schoolhouse Road and the other accessing Hilton Road.

Both proposed driveways would require limited fill to accommodate existing grades and provide suitable access. The driveway locations were selected to avoid placing access points too close to the intersection.

The applicant stated:

- Significant trees, generally identified as trees eight inches or greater in diameter, had been located by the surveyor
- Proposed disturbance would be limited to the anticipated house and driveway areas
- Steep slopes had been identified on the plans, and no disturbance to those areas was proposed
- Potential well and septic locations were shown conceptually and would require subsequent review and approval by the Board of Health

The applicant also described the property's historical clearing, noting that portions appeared to have been cleared during the 1970s and subsequently returned to natural vegetation.

Wetlands and Environmental Review

The Board discussed potential wetlands and an intermittent stream identified in the Town's natural resource inventory mapping.

The Town's mapping indicated a possible wetland area near the lower portion of the property and a potential north-to-south intermittent stream.

The applicant stated that preliminary research, including review of historical aerial photographs and other environmental mapping resources, had not confirmed the presence of wetlands or a defined stream. However, the applicant acknowledged that a wetland specialist had not yet been retained to conduct a field investigation.

The Board emphasized that a professional wetland evaluation would be necessary to determine whether wetlands or regulated watercourses are present.

The Board recommended that the applicant retain a qualified wetland specialist as soon as possible and submit the findings for review.

It was noted that the Town's wetlands regulations apply independently of potential New York State Department of Environmental Conservation jurisdiction.

Steep Slopes and Conservation Advisory Committee Referral

The Board discussed the proposed development's proximity to areas containing slopes between 15% and 25%.

The applicant confirmed that the proposed layout was designed to avoid disturbance to steep slope areas.

The Board indicated that any proposed disturbance to regulated steep slopes would require review under the applicable Town Code provisions and referral to the Conservation Advisory Committee (CAC).

The Board agreed that referral to the CAC was appropriate given:

- The presence of identified steep slopes
- Potential wetlands and watercourses
- The possibility of environmental impacts associated with the proposed development

The Board discussed whether the CAC should receive the current plans immediately or wait until the wetland investigation had been completed. The applicant indicated that a wetland specialist had not yet been retained but would begin contacting potential consultants.

The Board encouraged the applicant to complete the evaluation promptly so that the CAC could review more comprehensive information.

Tree Inventory and Removal

The Board expressed concern regarding the extent and accuracy of the existing tree inventory.

The applicant explained that the surveyor had identified significant trees measuring approximately eight inches or greater in diameter.

Board members questioned whether the inventory adequately represented the existing tree population, particularly given the property's history of clearing and subsequent regrowth.

The Board requested additional detail regarding existing trees, consistent with subdivision application requirements, including:

- Tree locations and diameters
- Tree species, where required
- Identification of trees proposed for removal

It was noted that eight-inch trees are generally required at the preliminary subdivision stage, while the sketch-plan requirements differ.

The Board suggested that a site visit could help verify existing conditions and the extent of proposed tree removal.

Driveway and Access Considerations

The Board reviewed the proposed driveway locations and grading.

The applicant explained that limited fill would be required to establish suitable driveway grades, particularly for the proposed access from Schoolhouse Road.

The applicant stated that the driveway locations were selected to minimize grading impacts and maintain appropriate separation from the intersection.

The Board also requested clarification regarding the abbreviation AOA, which the applicant identified as the apparatus operating area.

Board Discussion and Direction

The Board acknowledged the level of detail provided in the preliminary plans and the applicant's efforts to avoid variances and minimize impacts to steep slopes.

The Board emphasized that additional environmental information, particularly regarding wetlands and existing trees, would be necessary as the application progresses.

The applicant was encouraged to coordinate with the wetland specialist and provide the resulting report to the Town and CAC.

No formal subdivision approval was considered or granted during this discussion.

Action Items/Outstanding Submissions

The applicant was advised to address the following items as the application proceeds:

- Retain a qualified wetland specialist to evaluate the property and identify any wetlands or watercourses
- Submit a wetland evaluation report for review by the Planning Board and CAC
- Provide a more detailed existing tree inventory, including diameters and species as required.
- Clarify the extent of proposed tree removals
- Continue to demonstrate avoidance of steep slope disturbance
- Provide additional information regarding proposed well and septic locations as the application advances
- Coordinate with the CAC regarding environmental review

Board Action

The application was discussed as an initial appearance and preliminary review. No motion or formal approval was made.

9. **Scanga Lot 9/Lakeside Estates** – Steep Slopes
   Stonecrest Ct
   Grid #6658-00-232977
   Zone R-90

Applicant Presentation

Brian Watts of Day Stokosa Engineering appeared on behalf of the applicant, who recently purchased Lot 9 in the Lakeside Estates subdivision. The applicant has prepared architectural plans and submitted an application for a building permit to the Building Department. The applicant was subsequently referred to the Planning Board for review under the Town's Steep Slopes regulations.

Mr. Watts explained that Lakeside Estates is an approved subdivision dating to approximately 2007. The subdivision remains partially under construction, with approximately four lots, including Lot 9, still undeveloped. The developer reportedly maintains responsibility for the subdivision road, with a performance bond still in place.

Mr. Watts questioned whether the proposed construction should be exempt from the Steep Slopes regulations because the subdivision had received prior approval and remains under construction.

He explained that the proposed development is generally consistent with the previously approved subdivision plat:

- The house is located generally in the position shown on the approved subdivision plan
- The driveway follows the previously approved location
- The septic system remains in its previously approved location
- The proposed grading generally conforms to the original subdivision plan
- The house is designed with a garage underneath, with the driveway providing access to the lower level

Discussion Regarding Applicability of Steep Slopes Regulations

The Board discussed why the application was referred for additional review despite the subdivision's prior approval.

Town representatives explained that the subdivision was approved before adoption of the Town's current Steep Slopes regulations. The Building Inspector reviewed the current application and determined that Planning Board review was required under the applicable provisions of the Town Code. This determination was also reviewed with the Town Attorney.

The Board discussed the distinction between approval of a subdivision and subsequent approval of construction on an individual lot. It was explained that the original subdivision approval established the lots but did not necessarily exempt future building permit applications from regulations adopted after the subdivision was approved.

The Town Attorney advised that, generally, applicants are subject to the regulations in effect at the time they seek a new permit, even when the property was previously part of an approved subdivision. Although certain exceptions may exist, they are uncommon and depend on the circumstances.

Board members acknowledged the applicant's concerns regarding the additional review and potential impact on the construction schedule. The Board clarified that its intent was not to make the lot unbuildable but rather to ensure that construction is undertaken in a manner that minimizes impacts associated with steep slopes.

SEQRA Determination

The Board discussed the appropriate environmental classification for the proposed single-family residential construction.

Motion by: Rob Lopane to classify the application as a Type II Action under SEQRA
Seconded by: Eric Verhave
Vote: Unanimous
Result: Motion carried

Site Plan and Steep Slopes Review

The Board reviewed the proposed site plan and discussed the existing topography and proposed improvements.

The Board noted that the property contains several areas of steep and extremely steep slopes. Members observed that the proposed house and driveway locations appear to represent a reasonable configuration given the topographic constraints of the property.

The driveway location was discussed, including the possibility of relocating it to the opposite side of the house. However, members noted that doing so would likely result in additional disturbance to steep slopes on the other side of the property.

The applicant's representative explained that the driveway would generally be constructed with fill and that the proposed house configuration was selected to minimize disturbance while accommodating the existing elevations.

Drainage and Grading

The Board discussed the proposed drainage swale shown on the site plan.

The applicant's representative indicated that the swale was intended to direct clean stormwater around the house and prevent runoff from adversely affecting neighboring properties located at lower elevations.

The Board emphasized the importance of ensuring that:

- The proposed swale is properly stabilized
- Drainage does not result in concentrated discharge onto neighboring properties
- Appropriate erosion and sediment controls are installed and maintained
- Disturbed areas are stabilized promptly during construction

Tree Preservation and Vegetation

The Board expressed concern regarding the extent of proposed clearing and tree removal.

The property was described as currently wooded and vegetated. The applicant acknowledged that a substantial portion of the property would be disturbed and that a specific tree-removal count had not yet been prepared.

Board members emphasized that tree preservation is an important component of the Town's Steep Slopes regulations because tree roots help stabilize soils and reduce the potential for erosion and sedimentation.

The Board discussed the importance of identifying existing trees and determining which trees could reasonably be preserved, particularly:

- Trees located within or adjacent to steep slope areas
- Trees along property boundaries
- Trees that may provide screening between neighboring residences
- Trees that contribute to long-term soil stabilization

The applicant indicated that preserving existing trees where practical was desirable, both to reduce construction costs and to maintain the natural character of the property.

The Board also noted that tree removal near property boundaries could potentially affect trees located on neighboring properties.

Erosion and Sediment Control Requirements

The Board's engineering representative indicated that the submitted site plan generally provides an adequate representation of the proposed grading and site layout.

However, the plans should be supplemented with additional erosion and sediment control details.

The Board discussed the requirements of the Town's Steep Slopes regulations, including provisions requiring stabilization of disturbed steep slope areas within two days.

It was noted that these requirements may be more stringent than general state erosion and sediment control standards.

The Board emphasized that appropriate erosion prevention and stabilization measures are particularly important given the downhill location of neighboring properties.

Environmental Considerations

The Board asked whether any wetlands or watercourses were present on the property.

The applicant's representative indicated that, to the best of his knowledge, no wetlands or watercourses were identified and that steep slopes appeared to be the primary environmental concern.

The Board noted that additional attention should be given to vegetation preservation, soil stabilization, drainage, and the potential impacts of construction on neighboring properties.

Referrals and Required Follow-Up

The Board discussed the appropriate referrals and additional information needed to advance the application.

Board Actions

Conservation Advisory Council (CAC)

- Refer the application for review and written recommendations concerning steep slopes, tree preservation, erosion and sediment control, and related environmental considerations

Highway Superintendent

- Refer the application for review and comment

Revised Site Plan

- The applicant should continue advancing the site plan to address the requirements of Town Code §155-9 and the applicable Steep Slopes regulations

Erosion and Sediment Controls

- Provide additional details demonstrating how disturbed areas will be protected and stabilized during construction

Tree Preservation

- Provide additional information identifying existing trees, proposed removals, and trees intended to remain

Drainage

- Ensure that the proposed drainage swale is adequately stabilized and that stormwater runoff will not create adverse impacts on neighboring properties.

CAC Recommendations

- Address the written recommendations received from the Conservation Advisory Council.

Board Discussion and Conclusion

The Board reiterated that its objective was not to prevent development of the previously approved residential lot but to ensure that construction is consistent with current Town requirements and that potential impacts associated with steep slopes are appropriately addressed.

Members acknowledged the applicant's position that the proposed house and driveway locations are largely dictated by the existing topography and that the proposed layout appears to minimize disturbance to the extent reasonably practicable.

The Board agreed that additional review of tree preservation, erosion and sediment controls, and drainage was appropriate before proceeding further.

The application was referred to the Conservation Advisory Council and Highway Superintendent for review. The applicant was advised to address the applicable site plan and steep slopes requirements and return to the Board following completion of the referral process.

Application remains under review. No final site plan approval was granted during this meeting.

10. **Beekman Farms New Build** – Site Plan
    414 Clapp Hill Rd
    Grid # 6659-00-284282
    Zone R-90

Applicant Presentation

James Pancetti appeared on behalf of the owners of Beekman Farms. Mr. Pancetti introduced himself to the Board, explaining that he was unable to attend the previous meeting.

He stated that the family has owned the property for approximately 20 years and has long intended to establish a family residence on the property. Approximately five years ago, the family acquired an

additional parcel and is now proposing to construct a home that would accommodate multiple generations of the family.

Mr. Pancetti acknowledged concerns raised during the previous meeting and noted that members of the Board had conducted a site walk to become familiar with the property and proposed house location.

He also addressed outstanding violations associated with the farming operation on the property. He explained that the property is leased to a farmer and that the owners are now working more directly with the farmer and the Building Department to resolve outstanding compliance issues and ensure that the operation is consistent with Town requirements.

Public and Board Concerns Regarding Farming Operations

A Board member raised concerns regarding livestock repeatedly escaping from the property and creating a potential traffic safety hazard, noting that a cow had nearly been struck by a vehicle.

Mr. Pancetti apologized and indicated that this was the first time the specific concern had been brought to his attention. He agreed to contact the farmer and address the fencing and animal containment issues.

The Board also discussed previously identified violations involving accessory structures, including an older structure and a recreational vehicle (RV) located on the property.

Mr. Pancetti stated that the farmer had been in contact with the Dutchess County Agricultural Board and the Building Department to determine the applicable requirements. He emphasized that the property owners ultimately expect the operation to comply with Town Code and that they are working with the farmer to resolve the outstanding matters.

The Board emphasized that it supports agriculture as an important part of the community's heritage and comprehensive plan. However, it also stressed that agricultural operations must be conducted responsibly and that property owners and farmers must be considerate of neighboring residents.

The Chair specifically stated that the outstanding violations must be resolved before the Board can approve the proposed project.

Applicant's Presentation and Revised Plans

Jack McManus of Insight Engineering, Surveying and Landscape Architecture presented the revised submission.

He explained that the applicant had focused on addressing previous Board comments concerning the proposed house location and driveway configuration.

Additional materials submitted included:

- An alternative driveway layout plan
- An aerial exhibit showing existing vegetation surrounding the proposed house location
- Additional information concerning the property's Ridge Line Overlay designation
- Revised plans addressing comments from the previous Board review

Mr. McManus noted that a site walk had been conducted with members of the Board to evaluate the property, existing conditions, driveway access, and proposed house location.

The applicant expressed the belief that the revised submission adequately addressed the Board's previous concerns regarding the house location.

Board Site Walk Report and Driveway Location

The Chair provided a summary of observations from the site walk.

Members traveled to the upper portion of the property and reviewed the proposed driveway route. The Chair noted that the applicant's preferred driveway alignment generally follows existing previously disturbed farm roads and paths.

The Chair expressed support for utilizing these existing disturbed areas rather than creating an entirely new driveway through undisturbed portions of the property.

It was acknowledged that portions of the existing farm roads encroach into the buffer area of a mapped wetland and that the proposed driveway alignment would require further consideration of these impacts.

The Chair observed that the wetland designation in one area was not readily distinguishable from the surrounding field vegetation during the site walk. The area appeared to contain similar vegetation, although the Chair acknowledged that soil conditions or other factors could explain the wetland designation.

The Chair further observed that alternative driveway alignments would likely create additional impacts to steep slopes. Given the topography, finding a less steep alternative route appeared difficult.

The Chair stated that, in his opinion, using the existing disturbed farm roads was a reasonable approach to minimizing additional disturbance.

Proposed House Location and Ridge Line Protection

The Board discussed the proposed house location near the upper portion of the property.

The applicant is proposing to locate the house somewhat inward from the edge of an existing field and within a wooded area.

The Chair noted that the proposed location appeared to be within an area containing numerous dead or declining trees, although some healthy trees would also be affected.

The Board discussed the relationship between the proposed house location, tree removal, and the Town's Ridge Line Overlay regulations.

Members acknowledged that moving the house closer to the edge of the field could potentially increase its visibility from surrounding properties and distant viewpoints.

Conversely, moving the house farther into the wooded area could help reduce its visibility and better protect the surrounding ridge line views, but might require additional tree removal.

The Chair requested additional information regarding the trees surrounding the proposed house location, including:

- Tree species and general condition
- Tree size and caliper
- Number of trees proposed for removal
- Identification of healthy trees that could be preserved
- Whether adjustments to the house location could minimize impacts to existing vegetation

The Board indicated that additional information was necessary before making a final determination regarding the proposed house location.

Conservation Advisory Council Comments

The Chair referenced the Conservation Advisory Council (CAC) comment letter dated approximately September 14.

The Chair noted that the CAC had provided several recommendations concerning steep slopes, disturbance limits, stormwater management, and tree preservation.

The Board emphasized that the CAC's comments were intended to help minimize environmental impacts rather than prevent the project from proceeding.

Particular concerns included:

- Limiting the overall area of disturbance
- Minimizing tree removal
- Ensuring appropriate construction methods for the proposed driveway
- Incorporating swales and other measures to slow and direct stormwater runoff
- Preventing erosion and sedimentation
- Protecting existing vegetation and natural drainage patterns

The applicant acknowledged the comments and indicated that many had already been addressed or were awaiting confirmation of the final house and driveway locations.

The Board directed the applicant to review the CAC letter carefully and respond to the recommendations as the application progresses.

Discussion Regarding Previous Solar Proposal and Continued Agricultural Use

A Board member recalled that the property had previously been the subject of a proposed solar development.

Discussion followed regarding the previous proposal and concerns raised by neighboring residents about the visibility and potential impacts of a solar installation.

The Board distinguished the current application from the prior proposal, noting that the current application involves a single-family residence rather than a larger-scale development.

The Chair asked whether the owners intended to continue farming the property.

Mr. Pancetti confirmed that continued agricultural use was the family's current intention.

The Board acknowledged this intention and noted that the current application should be evaluated based on the single-family residential proposal before it.

Fire Advisory Board Comments

The Town's planning representative reported that the Fire Advisory Board had reviewed the project again at its October 8 meeting.

The Fire Advisory Board expressed appreciation for the applicant's willingness to incorporate emergency vehicle pull-offs along the preferred driveway alignment.

The proposed fire truck turnaround was also viewed favorably.

The Fire Advisory Board reviewed alternative driveway layouts and did not consider them to provide a better or more practical means of emergency access to the proposed residence.

The Board acknowledged these comments and the applicant's efforts to address emergency access requirements.

Driveway Paving Requirements and Zoning Board of Appeals Referral

The Town's planning representative discussed the driveway paving requirements under Town Code §155-56.

It was explained that if any portion of the driveway exceeds a 4% slope, the applicable code requires the entire driveway to be paved.

The applicant's current proposal provides for a primarily gravel driveway, with paving limited to the steeper portion approaching the house.

The planning representative explained that the Planning Board does not have the authority to waive this requirement and that the applicant would need to seek a variance from the Zoning Board of Appeals (ZBA).

The Board discussed whether it was appropriate to refer the application to the ZBA before completing further site plan review.

Members expressed support for the applicant's proposed approach of limiting pavement to those areas where it is necessary because of the steeper grades.

The Chair noted that paving the entire driveway could create additional stormwater runoff and that limiting pavement could be preferable from an environmental standpoint.

The Board agreed that it could provide a favorable referral to the ZBA indicating general concurrence with the proposed driveway configuration, including the applicant's intention to pave only the necessary portions of the driveway.

The Board also discussed whether a potential adjustment to the house location would materially affect the proposed paved driveway area. The applicant indicated that the steep portion of the driveway would remain generally the same regardless of a modest adjustment to the house location.

Board Discussion Regarding Tree Preservation and House Placement

Before proceeding with the referral, the Board reiterated that additional information was needed regarding existing trees surrounding the proposed house.

Members discussed the competing considerations of minimizing ridge line visibility and preserving healthy trees.

The Chair indicated that if the applicant could demonstrate that the proposed house location was selected to minimize tree removal and that the affected trees were primarily dead or declining, the Board could be more comfortable with the proposed configuration.

The Board requested that the applicant provide sufficient detail to evaluate whether the house location could be adjusted to reduce impacts to healthy existing trees.

The Board indicated that the proposed driveway alignment was generally acceptable for purposes of advancing the application to the ZBA, subject to the necessary variance and continued site plan review.

Board Action

Referral to Zoning Board of Appeals

Motion by: Rob Lopane to refer the application to the Zoning Board of Appeals with a statement that the Planning Board was in general concurrence with the proposed driveway location and overall project configuration as submitted, including the proposal to pave only selected portions of the driveway where necessary
Seconded by: Jayson Abbatantuono
Vote: Unanimous
Result: Motion carried

Outstanding Items and Next Steps

The Board advised the applicant that the next step would be to proceed with the Zoning Board of Appeals referral and return to the Planning Board following the ZBA process.

The Board also reiterated that the applicant must address the outstanding CAC comments.

The following items remain outstanding:

Zoning Board of Appeals

Obtain the necessary variance concerning the driveway paving requirement under Town Code §155-56.

Driveway Configuration

Continue advancing the preferred driveway layout, including the proposed limited paving of steeper sections.

Tree Inventory

Provide additional information regarding tree species, size, condition, and the number of trees proposed for removal.

House Location

Further evaluate whether the proposed house location can be adjusted to minimize impacts to healthy existing trees while maintaining appropriate ridge line protection.

CAC Comments

Review and address the Conservation Advisory Council's written recommendations, including disturbance limits, stormwater management, steep slopes, and vegetation preservation.

Outstanding Property Violations

Resolve the outstanding violations associated with the farming operation and accessory structures before final project approval.

Agricultural Operations

Address concerns regarding livestock containment and fencing to prevent animals from entering neighboring properties or roadways.

Emergency Access

Continue incorporating the Fire Advisory Board's recommendations regarding emergency vehicle pull-offs and the fire truck turnaround.

Meeting Disposition

The Planning Board voted unanimously to refer the application to the Zoning Board of Appeals with a favorable statement of general concurrence regarding the proposed driveway location and project configuration, including the proposed limited paving.

The application remains under Planning Board review. No final site plan approval was granted during this meeting.

EXTENSION

1. **Lennar-Plum Court Lot 9** – Lot Line Adjustment
   Plum Ct & Tillman Dr
   Grid # 6758-02-721807, 723793 & 717817
   Zone PH

Applicant Presentation

Noel Wolfson appeared on behalf of Lennar New York, LLC, requesting a 90-day extension of the subdivision/re-subdivision approval granted by the Planning Board on November 21, 2024.

Ms. Wolfson explained that the applicant is continuing to work toward satisfying the conditions of the approval and requested additional time to complete the remaining requirements.

The Board recalled that the application involved correcting a prior survey error that resulted in an improperly configured lot boundary, including a boundary that extended into an existing residence.

The proposed re-subdivision is intended to correct the property configuration by:

- Incorporating two small parcels adjacent to Lot 9 into Lot 9.
- Adjusting the frontage associated with Lot 9 along the private drive.
- Conveying a portion of the property near the roadway to LAR New York, LLC for eventual dedication to the Town.

Discussion Regarding Outstanding Conditions

The applicant's representative explained that one of the remaining requirements involves a conveyance from the owner of Lot 9 to Lennar New York, LLC.

The owner of Lot 9 must obtain approval from the existing mortgage holder before the conveyance can be completed.

Ms. Wolfson advised that the property owner is actively working to obtain the necessary mortgage-holder consent and that the parties are reportedly close to resolving the matter.

The Board discussed whether the applicant had been making sufficient progress toward satisfying the outstanding conditions.

The Town's planning representative indicated that Michael Caruso, attorney for the owner of Lot 9, had provided a detailed summary of recent efforts to advance the application.

It was noted that the parties had encountered additional administrative complications involving banking and title matters, including the need to engage a new title company.

The Board was satisfied that the applicant and property owner were actively working toward resolution and that the application was not being unnecessarily delayed.

Request for Extension

The Board discussed the requested 90-day extension.

It was noted that the existing approval remained valid through November 17, 2026, and that the applicant had appeared before the Board in advance of the next scheduled meeting to avoid a lapse in approval. The Town's planning representative confirmed that a 90-day extension would extend the approval through February 15, 2027.

The applicant indicated that the additional time should be sufficient to complete the outstanding requirements.

No Board members expressed objections to the requested extension.

Board Action

Motion by: Faye Garito to grant a 90-day extension of the subdivision/re-subdivision approval for Lennar Plum Court, Lot 9, extending the approval through February 15, 2027
Seconded by: Eric Verhave
Vote: Unanimous
Result: Motion carried

The applicant thanked the Board, and the matter was concluded.

PRE-APPLICATION

2. **Gardner Subdivision**
   738 Beekman Rd
   Grid # 6658-00-299350
   Zone R-45

Applicant Presentation

George Cronk, representing the applicant, presented a preliminary sketch assembled from existing maps. A formal survey and further engineering work would follow if the proposal appeared feasible.

Proposed subdivision

The applicant proposed:

- Dividing the approximately three-acre property into two similarly sized parcels.
- Retaining the existing house on the front portion.
- Creating a rear or flag lot for the son's proposed residence.
- Extending the existing driveway to provide access to the rear property.
- Preserving a stand of pine trees to provide privacy between the two homes.
- Avoiding steep slopes and identified wetland areas.

Preliminary soil investigations reportedly indicated sandy soils suitable for development, although further septic investigation would be necessary.

Zoning and variance concerns

Major zoning obstacle identified

The principal concern was that the proposed rear lot/flag lot is not permitted in the R45 zoning district under the town's zoning code, Section 155-41.

The board discussed the following requirements:

- Rear lots are permitted only in the R90 and R135 districts.
- The flagpole portion must have a minimum width of 40 feet.
- The existing property has approximately 110 feet of road frontage.
- The proposed configuration would allocate approximately 80 feet to one parcel and 30 feet to the other.

Consequently, the proposal would require more than an ordinary frontage variance.

The board also questioned whether the application would require a use variance because rear lots are expressly prohibited in the R45 district. The town attorney indicated that this was a legal question requiring further review.

A use variance would impose a substantially higher approval standard than an area variance.

Planning Board discussion

Building Inspector review

The board suggested obtaining an initial zoning compliance determination from the Building Inspector before spending substantial money on engineering, escrow deposits, and formal application preparation.

However, an unfavorable determination could trigger a deadline to appeal that interpretation to the Zoning Board of Appeals.

Potential alternative driveway configuration

A board member suggested locating the driveway along the opposite property line.

This could potentially accommodate the required 40-foot flagpole width, although it would not resolve the underlying prohibition against rear lots in the R45 district.

Environmental considerations

The board identified several issues that would need further investigation:

- Wetland boundaries and potential impacts.
- Existing trees and proposed tree removal.
- Steep slopes along the property boundaries.
- Septic system location and suitability.
- Driveway safety and sight distance.
- Existing topography and rock outcroppings.

Board sentiment

At least one board member expressed no personal objection to the concept of a rear lot, provided the applicant could obtain the necessary variances and demonstrate that environmental and neighborhood impacts were acceptable.

However, other comments emphasized the significant zoning obstacles.

The board members were not aware of any previous approval of a comparable rear-lot variance in an R45 district.

Recommended next steps

The discussion suggested the following course of action:

- Obtain a zoning compliance review from the Building Inspector.
- Have the applicant's own land-use attorney evaluate whether a use variance or area variances would be required.
- Determine whether an alternative driveway configuration could satisfy the 40-foot requirement.
- Evaluate whether the proposal has a realistic path through the Zoning Board of Appeals.
- If proceeding, prepare a formal survey and supporting environmental, septic, and engineering documentation.

Final disposition

Discussion concluded – no approval or denial

The application was presented solely for preliminary discussion.

- No formal subdivision application was approved.
- No variance was granted.
- No formal referral to the Zoning Board of Appeals was made.
- The applicant was advised to investigate the zoning issues and consider the financial and procedural risks before proceeding.

The applicant thanked the board, and the meeting subsequently adjourned.