

**The Town of Beekman Planning Board
Minutes of August 15, 2019**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, August 15, 2019 at the Beekman Town Hall. The following members were present: Chairman - Sean Johnston, William Magee, Rob Lopane, Doug Florane, Dave Anderson and Peter Poltrack. Michael Gallina and John Frustace were absent. Also present was Town Engineer - Dan Koehler and Secretary - Selene Haile.

Sean led the Pledge of Allegiance and noted the emergency exits.

The July minutes are being held until next month because there was some information about extension dates missing.

PUBLIC HEARINGS:

Furnia Court - Contractor Yard
Route 55
Grid # 6858-00-002921
Zone: C-2

Sean made a motion to open the Public Hearing. Seconded by Bill. All in favor. Motion carried.

There was no one present for this application.

Sean made a motion to adjourn the Public Hearing until next month. Seconded by Peter. All in favor. Motion carried.

Peter said he has looked at the plan and is concerned about the entrance. He feel trucks will need more swing room.

Rob asked what the turning radius is.

It was stated that tenants will be parking there so cars can't be moved. There was a discussion about where people will park with certain uses of the building.

Dan stated they have the building at 65 feet and the code is 60 feet so there is 5' of wiggle room. Peter said he thought that would make a difference.

Little Wolf Properties, LLC - Lot Line Realignment
Duncan Road
Grid # 6759-00-112874, 677590-00-114938
Zone: R-90

Brian Scoccoza - engineer for applicant approached the Board.

The applicant provided Notice of Mailings and Proof of Publication.

This is a simple lot line realignment

There is a possibility that UnionVale may purchase one of the parcels

There was a discussion at the last meeting about the property line and the fact that the deeds were different. They have decided to go with the neighbors deed and align theirs with that.

Dan stated there has been no new review, there are still a few comments open from his June letter.

Sean made a motion to open the Public Hearing. Seconded by Rob. All in favor. Motion carried.

J. Ralston - 85 Duncan Road stated she is the neighbor with the deed issue. The applicant's engineer explained that they were holding her deed as the correct deed. It is being drafted by a licensed Land Surveyor and will be an official County document. She stated she wanted to make sure she will have no problems down the road if she tries to sell her home.

Bill asked about Union Vale taking over one of the parcels. He stated it is currently zoned residential. He asked if they could make that park land without re-zoning.

The Town Attorney stated if they acquire the land and they want to make it park land they will have to make the appropriate application to do so.

Sean made a motion to closed the Public Hearing. Seconded by Peter. All in favor. Motion carried.

Sean made a motion to grant Preliminary Approval and Conditional Final Approval with the condition that the Engineer's comments of 6/19/19 are satisfied. Seconded by Rob. All in favor. Motion carried.

Bruce Oswald - Lot Line Realignment
268 Old Route 55
Grid # 6858-00-285155, 6858-00-300180
Zone: R-135

This is two parcels - 3.14 acres and 1.22 acres. The applicant would like to change the lot line. Also the applicant would like to build a porch on the existing house and that will require a variance. There was a question whether a variance is needed for the lot line realignment.

It was stated that a new lot is not being created.

Dan stated this is a swapping of area. This will make the situation better even though it will still be non-conforming.

The applicant was told to go to the Zoning Board and ask for an interpretation and to see if a variance is required.

Sean stated this was created before Zoning and asks what triggers having to go before the Board.

This is two non-conforming lots and they will still be two non-conforming lots. However, they will be more conforming.

Town attorney- You have to look at what is best. The issue is there are 4 houses on a lot and this will help the situation.

Dan stated the applicant could request the following waivers;

a. §130-12(H): Trees greater than 12" diameter

- b. §130-12(J): Hedgerows
- c. §130-12(K): Rock outcrops
- d. §130-12(L): Stone walls

Sean made a motion to grant the above waiver. Seconded by Dave. All in favor. Motion carried.

Sean made a motion to grant Sketch Approval. Seconded by Dave. All in favor. Motion carried.

Sean made a motion that this can go to Public Hearing next month. Seconded by Bill. All in favor. Motion carried.

Hot Ash Wood Site Plan - Dimitry Khorash
2537-2545 Route 55
Grid # 6759-00-650278
Zone: TC

The Town received a letter dated July 22, 2019 from Dimitry Khorsh.

Dan stated they stated they would like to move forward but not do everything the Town asked.

Rob stated that last time they were in front of the Board, they were going to do what the Town asked them to do.

Dave stated they are using a 40 year old map.

Dan stated they have no authority to waive a site plan. The Board can waive an element of a site plan, but not in its entirety.

The Board agreed at the last meeting the applicant was advised to get an engineer to move forward.

56 Melanie Lane - Slope
56 Melanie Lane
Grid # 6658-00-846913
Zone: R-45

This is an existing house and they would like to put a basket ball court and a patio type area. They are not present tonight.

The issue is that the Code discusses steep slope. If the steep slope is 10,000 square feet in area or more and if disturbed it they would have to come to Planning Board for site plan approval.

What he has seen so far he is not able to determine if it is 10,000 square feet or more so he has asked them to clarify.

They need to come before the Board with their plan. For the purposes of the Town Code the Board will want to make sure they aren't going to erode the slopes or impact the neighbors.

Proposed amendments to CH 155 - Definition of Kennel

This was previously allowed in the residential area. They are now limiting the definition.

They are now permitted in C2 and C3 with special permit.

The definition of kennel previous to this did not include a shelter. Technically if you sheltered rescue dogs you didn't fall into definition of a kennel.

The housing 4 or more dogs (in a structure) is the definition of a kennel.

Bill asked about having 5 hunting dogs that are kenneled. He asked if they fall into that definition. They are domestic animals. It was stated that would be alright and not considered a kennel.

It was asked what is the definition of domesticated animals.

This is if you are taking in dogs and getting new ones.

Dave said that dogs have to be registered in town. if you are not registered, you are not in compliance.

The Town Attorney stated that some Zoning Codes restrict the number of domesticated animals you can have.

This is regulating structures on property and keeping 4 or more animals in that structure in the Town.

This is not about pets in your house.

Is agricultural excluded from this. The Town Attorney said it is already excluded for Zoning purposes.

This does have an age provision for puppies (5 months).

It was stated that the Town does have a noise ordinance that addresses habitual barking dogs.

Peter stated he is against it.

Rob asked why restructure for new people who move in.

Town Attorney said they are redefining what a kennel is.

Sean appreciate the valid points that the Board has brought up.

Sean asked if this has already been enacted. Town Attorney stated it has already been voted on.

The Planning Board works with the code and they should be notified before it is ratified.

It was stated that the Board didn't give an official position last time but they were not notified it would be voted on the next month.

The Planning Board will need to take an official position.

If someone does an article 78, the Planning Board didn't review this they may have a leg to stand on. The Attorney stated he will have a conversation with Town Supervisor.

There is frustration from the Planning Board that the procedure wasn't followed. The Planning Board has to work with the code.

The Town Attorney said the Planning Board should take a formal position and send it to the Town Board.

Sean said the procedure needs to be followed. The Planning Board needs enough time before the decision is made to review it.

Rob made a motion to send a letter to the Town Board that they disagree with the decision. Seconded by Peter.

Peter - Aye

Dave - Aye

Doug - Nay

Rob - Aye

Bill - Aye

Sean - Aye

5 to 1. Motion carried.

Sean made a motion to close the Meeting. Seconded by Bill. All in favor. Motion carried.

Meeting adjourned.

Respectfully submitted.

Selene Haile

Secretary