

**The Town of Beekman Planning Board
Minutes of July 16, 2020**

The Town of Beekman Planning Board met for their regularly scheduled meeting on Thursday, July 16, 2020. The following members were present: Chairman - John Frustace Faye Garito, Peter Poltrack, Robert Lopane and Jayson Abbatantuono (on phone and at 9 PM in person). Also present was Town Engineer - Dan Koehler, Town Attorney - Paul Ackerman and Secretary - Selene Haile.

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

Rob made a motion to approve the May minutes. Seconded by Faye. All in favor. Motion carried.

Rob made a motion to approve the June minutes. Seconded by Faye. All in favor. Motion carried.

PUBLIC HEARINGS:

**1. HSC Poughquag, LLC
2537 Route 55
6759-00-650278
Zone: TC**

Dan stated the Planning Board circulated for intent to be Lead Agency.

There were only 2 responses and no one had any objections. The DEC noted there were State Wetlands which the applicant has noted previously and also noted potential for Indiana Bat however there are very few trees on property.

Peter made a motion for the Planning Board to be Lead Agent. Seconded by Rob. All in favor. Motion carried.

Caryn engineer for this application. She stated she went to the Zoning Board Meeting for discussion this month and will be there next month (August) for a Public Hearing.

She stated they would like to get SEQRA tonight.

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

Notice of Mailings and Proof of Publication were provided.

Caryn stated this application is for a proposed Dollar General. The property is 4.3 acres and will be subdivided into half. The 2.3 acres will be for a 9100 square foot retail store and the balance will remain with the owner with no changes. They did correct the jog in the property line since the last submission. They require a front yard setback variance.

They are proposing 28 parking spaces. The code requires 37 however they are asking the Board for a waiver and will land bank room for 9 spaces on the left side of the site.

The access is being reviewed by DOT and they hope to hear from them soon. They have proposed green space areas in the parking lot to help break it up. They are also proposing a monument landscaped sign. She showed the architectural picture of the building. They added columns, shutters and gooseneck lights to the building.

They are waiting to get a variance in order to move forward before they do any other work.

John asked if there was anyone in the audience present for this application. No one was present.

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

Peter asked "How far back is it from the edge of Route 55 to the parking area"? Caryn said "It is about 35 feet".

Peter said is concerned because Route 55 is a heavily trafficked road and if it needs to be widened he wants to make sure there is enough land available for a turning lane to be put in at some point.

Faye asked how many customers would be usually expected coming in and out. Caryn responded during peak hours 33 and Saturday morning around 52. This is trips in and out.

Faye asked about parking and why they aren't putting all of them in now. Caryn stated she didn't feel they were needed and they prefer to keep the green space but if they are needed they are available.

Rob said the idea for the town center is to have sideways. He said it would be to nowhere right now but it is something to ask the developer now.

Peter said he didn't think it would be a great idea. Rob said it is part of Town Center.

John stated all these are good points. He stated the Town Supervisor is working on forming a committee to review the Town Comprehensive Plan. The plan is to change or eliminate the Main Street concept on Route 55. There was a discussion about future turning lanes on Route 55.

John said he thinks they have enough parking spaces and he likes the green landscaping.

Rob said the current code idea is for mixed use and to have people walking on lawns so maybe not so quick to get rid of sidewalks.

Faye said she agrees we should have sidewalks.

Peter said he thinks Rob has a good idea about putting in the sidewalks. He stated there could be foot traffic in the area.

Rob said he suggests more plantings in the front. Peter suggested the line of site be considered when deciding on plantings.

Dan said the design standards and principals do ask for sidewalks. He said the applicant will have to address that. He said he does know of some towns that take money and put aside so when there is growth in the area it can be built. Other towns ask for bonds so they can be built in the future.

Dan said the applicant provided a short EAF form. He stated they have no questions on this.

He said the Board can have a discussion on each item.

Question 1) No

Question 2) Small

Rob said he feels the professional should prepare the Assessment Form and the Board should review it and make the determination.

He said he doesn't think the Board has the tools and is qualified to prepare the form. Faye said she agrees. Dan said he will do it moving forward.

Question 3) No

Question 4) No

Question 5) Small impact

Question 6) No

Question 7) No (100 gallons a day of water - own well and septic)

Question 8) No

Question 9) Small impact (the applicant has incorporated the wetlands into the design - no impact on wetlands)

The applicant note the wetlands have been delineated and the wetland boundary are off the property.

Question 10) Small impact

Question 11) No

Dan stated the Board can declare that there is no impact or a negative declaration.

Peter made a motion to grant a Negative Declaration. Seconded by Faye. All in favor. Motion carried.

2. Kindred Creeks Farms Inc.

2901 Route 55

6858-00-185588

Zone: C2 & R-135

Mr. Cartwright approached the Board.

Dan stated in May the Board circulated to be Lead Agency. There were no objections to the Town of Beekman being Lead Agency.

Faye made a motion to declare the Planning Board Lead Agency. Seconded by Rob. All in favor. Motion carried.

John made a motion to open the Public Hearings. Seconded by Peter. All in favor. Motion carried.

Notice of Mailings and Proof of Publication were provided.

The applicant stated there is no development of the land. They will only be holding small events. They will be mostly on weekends.

This will be catered events in tents. This will not be large events. They have 67 parking spaces. He lives on the property so he is not looking for large events.

They are also proposing a farm stand however they will need to go to the Zoning Board next month in order to place it where they would like to.

They do not need septic or well. All caterers at the functions will be approved by the Board of Health and are licensed.

Once everything was explained to the Board of Health they had no issue.

John asked if there were any questions from the audience. There was no one present in the audience.

Rob made a motion to close the Public Hearings. Seconded by Peter. All in favor. Motion carried.

**Dan said this is an unlisted action however it is in the Ag district there is not an impact that would necessitate it being a type I action.
The applicant provided a short EAF.**

Dan went over his answers:

Question 1) No

Question 2) No

Question 3) Small (tent views)

Question 4) No

Question 5) Small (period of times - weekend traffic - 67 parking spaces on gravel/grass)

Question 6) No (generators)

Question 7) No

Question 8) No

Question 9) No

Dan said the Whaley lake stream runs along but there are no permanent structures so there is nothing to impact. There is no construction to impact any of those water bodies.

Rob said Dan is providing excellent rational why but you are putting No. He said his opinion is moderate to large impact may occur means there is a stream and you are putting up a tent and there may be an impact to aesthetic resources. He feels you should then go to part 3 and explain why you think it won't be for example it is a temporary structure. It may seem like it could be however it is only happening on weekends and that why it doesn't end up being an impact. He thinks that's how the question is supposed to be answered. He stated that's the way it is answered in Westchester County.

Rob said there is a water body right where this is occurring. That is where you answer part 3.

Peter said he disagrees. He feels that the way things are proposed a small impact will occur. He said he feels the information they are being given that it is a small impact.

Rob said there is guidance in SEQRA law not just how you feel. He said if there is a water way you should identify it as moderate to large and explain in part 3.

Dan said if you read what the State says this would be a moderate large impact. He read the description of the lists as moderate to large impacts.

Rob said there is a water way and a flood plain.

Town Attorney said you need identify the impact and then once that is identified you need to say how to mitigate it. He said a generalization of an impact without what the impact is going to affect, he doesn't think it up to them to raise and address.

Rob said it says may occur - is there potential. Rob said that is the way the county responds.

The Town Attorney said if there was a bridge being built for access over the waterway or something like that he would agree and they could be addressed. He said unless there is a definite thing that is going to impact them he doesn't agree.

Rob said he is proposing a tent in that area. He said there will people walk around in that area.

The Town Attorney said he would have the Town Engineer address that and if it needs to be addressed there would be a part 3. The engineer would have to decide if that issue is moderate/large.

Dan said they aren't going to have machinery down there. Dan asked for example about a dance floor. The applicant said they would be brought down by hand truck and assembled by hand.

Rob said there are 60 people going to be in this area. There are plants there that help the stream and prevent erosion. He feels there are natural resources there. He said it needs to be answered in Part 3.

Faye asked if most people get out of the car and go into the tent or do they go to the surrounding property. The applicant said yes they go into the tent and they are not all over the property.

Rob said he thinks question 9 and 10 should be moderate to large.

Faye said she thinks the impact is minimal - there are no structures just people. The parking is away from the area.

Peter said he already made his comments.

Jayson's phone disconnected from the conversation.

There was a discussion about the farm stand.

The Town Attorney said he didn't think you could say the activity will result in a moderate to large impact and explain in part 3 how it doesn't. If it is the Board's determination that foot traffic that is created by this project will have a moderate to large impact on the natural resource than the Board is obligated to say how it will mitigate that impact and direct the applicant to put on the plan those mitigation processes. He said he would defer to the engineer what impact foot traffic would have.

Rob said he feels that part 3 explains the impact. The Town Attorney disagrees with that logic. He feels if you think the impact is small than you are done.

Dan said he doesn't see it as being anything above a small impact. He doesn't see any mitigation. He said it is grass right up to the stream, there are no wetland grasses.

John asked if this was sold to someone who wanted to do bigger type events what would happen. The Town Attorney said they are limited to parking capacity. There is also no bathrooms and running water which would also limit anything bigger.

The Town Attorney recommended the Engineer finish the questions and the Board can take a vote.

Question 10) Dan stated it is a small impact

Question 11) No

**Faye made a motion that we accept the analysis presented by the Town engineer. And declaring a Negative Declaration.
Seconded by Peter**

**John - Aye
Faye - Aye
Peter - Aye
Rob - Nay**

3 in favor. 1 against.

Rob said he is not opposed the Negative Declaration he is just opposed to the way the form is being filed out.

The Board tried to get Jayson back on the phone, however he did not hear the conversation so he would not be able to vote without knowing what has been discussed.

Dan said the Zoning Board will not be able to make a determination because there is no Negative Declaration.

The Town Attorney asked if this could be resolved tonight. Rob said he recommends a moderate on question 9 and 10 and provide a rational on part 3.

Pete asked what his rational is, Rob said it is a temporary structure. If you can confirm there is no vegetation by the stream, which Dan confirmed. He stated that should be in Part 3.

Peter and Faye disagree. Faye said “Where could you find something with less of an impact”?

John said he is concerned about delaying the applicant’s project and the impact on him financially.

Pete said the active vote stands and no declaration has been declared and it could be heard next time there is a full board.

Town Attorney said procedurally that is correct. The Board has to decide whether to adjourn until the next meeting or amend the motion.

A decision was made to wait for Jayson to weigh in since he is on his way to the meeting. The Board will go over what the issues are. This item is tabled temporarily.

Jayson arrived to the meeting at 9:00 PM

The Board reconvened for this application at 9:30 PM

John stated they were going thru the environmental assessment form.

It was agreed it should be filled out by the professionals and the Board should review.

There was a disagreement about questions 9 and 10.

Rob felt based on his experience the way you are supposed to answer moderate to large and explain on the back in part 3 the reasoning and mitigation. He feels if there is a potential for an impact you should answer moderate to large.

He said he thinks the Board all agrees on the Negative Declaration but how they get there is the issue. He said he voted against it because he felt two of the boxes should be moderate to large impact.

Pete said he disagrees it should be small impact. He said on the first column it asks if a small impact may occur. He feels the applicant has indicated that if there is an impact it is going to be a small impact.

Faye feels the intended use makes the impact would be small. John agrees.

Has to be decided whether the Board would like to re-vote on this.

Jayson said he was present last month for the application. He knows there are temporary structures. He said from what he was presented with last time and what is now being discussed he feels he has most of his questions answered.

Dan said for Robs purposes Question 9 and Question 10 - he felt would be moderate to large.

Jayson asked about parking. Mr. Cartwright showed him on the drawing. They are not disturbing anything.

Faye said they are not altering property at all.

The Town Attorney asked just for the record what is the moderate to large impact that may occur. Rob said for example for the one that says flooding, he is proposing a structure even if only temporary in the flood plain.

This could be an event. He said he agrees it is temporary but he thinks it should be explained.

Peter said he thinks Rob is overthinking it. He said there are a lot of structures in flood plain.

Rob said there are several different natural feature that require the Board to say there may be an impact.

A discussion went back and forth about the issue of question 9 and 10.

Town Attorney said that if the Board identified as moderate to large impact and it made no requirement for the applicant to fix it that would be an issue. He said if you identify something as moderate to large impact you must ask the applicant to mitigate that.

Faye made a motion to accept the engineer presentation of all 11 items. Seconded by Peter. All in favor. Motion carried.

Peter - aye

Faye - aye

Rob - no

Jayson - aye

John - aye

4 in favor. Motion carried.

Faye made a motion to grant a Negative Declaration. Seconded by Peter. All in favor. Motion carried.

The applicant will go to the Zoning Board for a variance for the farm stand. The farm stand will be more visible near the road.

Rob made a motion to approve a letter with a favorable recommendation to the Zoning Board. Seconded by Faye. All in favor. Motion carried.

DISCUSSION:

**1 Safe Haven Animal Shelter & Wildlife Center
186 S. Greenhaven Road
6657-00-106399
Zone: C-3**

Charles May engineer approached the Board.

Came to Board and told to go to the Dutchess County Health Department for approval. They have approval pending a Negative Declaration.

They received comments today from Dan. They will be submitting plans to Dan

They were given permission to put up donated modular building on the site. The building has a foundation a building permit.

They need a Negative Declaration so they can get the full approval from the Health Department for the entire project.

Once they get that they will be placing the septic and well in locations that were pointed to on the map. They will utilize the existing parking lot facilities. They can house 9 dogs in the modular building. In phase 2 the modular building will be a wildlife center.

Mr. May showed the plan and pointed out different parts on the drawing. They need to submit the drainage report and have

Dan review it. He said once the EAF has been circulated they can proceed.

Dan explained the Board allowed the placement of the donated building. He stated he asked for a new application to be submitted due to the amount of time since this has started. Also there are many new members on the Board. They are basically starting from the beginning again. He said the best thing they can do is to circulate for intent to be Lead Agency to get this on its way.

Dan said the area which is used for temporary parking was an area that has contaminated soil that was brought in. They had to thru the DEC to get a remedial action plan. There is a storm water area proposed right near this area. The soil has not been removed it was capped with asphalt which is what the DEC recommended.

Dan said he has asked the applicant to make sure the DEC is okay with storm water being located right next to that area.

He said he is concerned about leaching and there are wetlands off site. The Town wants to know if this plan is okay with the DEC.

It was asked what the contaminates were - it is chromium, mercury, lead

It was brought in loose construction material

Mr. May said that the DEC signed off on. They do not recommend removal of soil, they recommend capping it and not touching it.

Dan said the report shows there were levels of chromium, mercury, lead and barium exceed the NYS guidance values.

There are metals of concern in the soils. He said he is worried about heavy metals and storm water.

Dan said he wants the DEC to know there is storm water in the area. The DEC will have to make the determination whether anything is going to leach into the aquifer. Dan said this is also a phased approach application. He said they may want him to do the asphalt capping sooner rather than later.

There was a discussion about monitoring. It was discussed it could ask for future monitoring and it could be a condition of approval.

John made a motion for the Planning Board to circulate for the intent to be Lead Agency and subject to the EAF being updated to address Dan's latest comments before it is sent out for circulation. Seconded by Faye. All in favor. Motion carried.

2. Norsk Spa, LLC.

The Town Attorney stated he has done business with the applicant and therefore he is going to recuse himself.

The applicants approached the Board. They stated they have been looking for land for the last 1 1/2 years.

They have found a piece of property at 57 Greenhaven Road. it is commercially zoned. It is very peaceful and quiet and it has great access to roadways

They are proposing a Nordic Spa which currently only exist in Canada.

It is a spa on farm land which is in harmony with land and nature.

They will have a hot pool, cool pool, sauna, and steam room. They will also have a beer garden and a bistro. They will be able to accommodate 200 people. This is not loud and ostentatious. They are looking for a farm look.

This is based on wellness and relaxation. There will be Adirondack chairs around fireplaces.

This property is 44 acres and has been used for agriculture. They intend to maintain the farmhouse, barns and garage.

This is zoned C-3. There are 3 separate parcels. This is a permitted use as outdoor recreation.

The applicants may live in the farmhouse.

The Board thought it was a very good use of the property.

Rob made a motion to adjourn the meeting. Seconded by Peter. All in favor. Motion carried.

Meeting Adjourned

Respectfully submitted

Selene Haile

Secretary