



TOWN OF  
**BEEKMAN**  
*New York*

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**Town of Beekman Zoning Board of Appeals  
Minutes of October 5, 2023**

The Town of Beekman Zoning Board of Appeals met for their regularly scheduled meeting on Thursday, October 5, 2023 at the Beekman Town Hall at 7:00 PM. The following members were present:

Chairman: Mersin Capollari, Stella Slattery, Linda Porter, Maria Rodrigues and Phil Capalbo.

Also present was Town Attorney – Jim Horan and Secretary – Aletha Bourke.

M. Capollari – Meeting called to order at 7:03pm  
Led the Pledge of Allegiance  
Indicated emergency exits and restrooms

M. Capollari – Review of agenda as written.

**M. Capollari - Motion to approve September 7, 2023 ZBA meeting minutes. Seconded by L. Porter. All in favor. Motion carried.**

**M. Capollari – Motion to open the public hearing. Seconded by S. Slattery. All in favor.**

**PUBLIC HEARING**

**1. Quigley Pool House – Area Variance**

11 Lyndsey Lane  
Grid # 6759-00-990432  
Zone R-45

Joanne Quigley – Summarizes details of variance. Asking for variance of 18 feet which shows on updated survey.

M. Capollari – Recent submittal. Continuation from last month. Need clarity/additional information on exact location of septic field. Right now the plan shows from the furthest point about 29 feet and an additional 23.5 feet from an approximate location of the SSDS field.

Joanne – Confirms that field is the approximate distance from the gravel pad where the structure will be located so the leach field is there at 29ft and 23.5 those two points.

M. Capollari – The board does not feel an approximation is sufficient. There is a septic tank cleanout slightly to the left of the brick patio based on the records. Suggests tubing structure with dye to determine closest point and indicate exact location on plan. Difficulty moving forward based on approximate locations.

Joanne – For clarity, you need exact distance of where the structure will be to the leach field as well as the cleanout to the septic.

P. Capalbo – Good on the cleanout. Just saying from cleanout you could put a dye in and where it comes up in the field first will give you the closest pipe on the field to tell you exactly how far away you're going to be. The approximation leaves the board exposed if there were conflicts with future projects. Prefers engineer stamp with an exact location. Minimum of ten feet for distance from septic to structure.

Joanne – Asks for clarity on distance to the septic and of 29 feet is not clear enough for the 10-foot setback.

M. Capollari – It's approximately 29 feet. It could be 9.

P. Capalbo – If the engineer was willing to say plus or minus 2 inches, or plus or minus 20 feet; board is exposed, not engineer.

M. Capollari – Will table until the next meeting so applicant can acquire additional information.

Joanne – Asks if there were any other questions the board needed answered.

J. Horan – Inquires about age of septic system.

Joanne – 2005. It was recommended that Department of Health be contacted, which was done. The schematics are sketchy at best as they're hand drawn. Someone needed to walk the land.

M. Capollari – Board saw DOH sketches and renderings and they are giving approximates. If, on the plan, it said withing 2-3 inches, within 2-3 feet, etc., the smaller the margin of error the better. The challenge based on town code is the word approximate. There is no variance or margin of error with the approximation.

J. Horan – Questions if the DOH sketch showed an expansion area and if applicant built the house.

J. Quigley – The block is new so the survey on file with the town and county is a proposed property map of the block. This survey would be the first updated survey for the property.

**M. Capollari – Motion to table discussion for 30 days. Seconded by L. Porter. All in favor. Motion carried.**

J. Horan – Questions if there are public comments.

P. Capalbo – Indicates that public hearing was held during the first meeting and everything was addressed.

**2. Casey Carport – Area Variance**  
49 Reilly Road  
Grid # 6660-00-242047  
Zone R-90

M. Capollari – Gives details of applicant seeking variance for structure to exceed 25% of principal.

Frank and Denise Casey, Applicants – This is a 3-car garage. As there are 5 drivers and not enough room in the driveway for all cars, like to add garage to get cars out of the driveway.

P. Capalbo – Ask applicant to review the 5 questions.

Denise – Reads question #1. Assumes that means ugly and obnoxious. No. Reads question #2. Answers no as the house is so small it can't build much bigger than a shed. Reads question #3. Didn't think the variance was substantial. Apparently, it might be. Reads question #4. Answers no. Reads question #5. Answers No.

P. Capalbo – Comments that there are other houses in the neighborhood that have the same or bigger garage.

M. Capollari – Asks if there are questions from the board.

M. Rodrigues – Would like to know what type of structure, solid walls, like the industrial type of metal you see on 55? Is it secured to the ground? Ventilation, storage area, besides cars.

Frank – Its not a rounded structure. It looks like a regular garage. Three garage doors. Will have a concrete pad. Put a notch in the pad, and the steel structure is welded, and it's fixed to the concrete and the side comes down past the concrete. Its just a single story, 3 car garage.

S. Slattery – How tall is it compared to your home? Will it be taller than your home.

Frank – 15ft to the highest point in the center.

P. Capalbo – Your house is well over that.

M. Capollari – These are prefabricated, carport style garages?

Frank – They basically create what size your're asking for, premake it, weld it, bring it on site, then it's erected stood up wall by wall and sheathed on the outside.

M. Capollari – So it's a 3-car garage. Are the 3 cars side by side?

Frank – Yes, the 3 doors will face the road.

P. Capalbo – Any intentions down the road of plumbing, electric, or living space?

Frank – No living space. Will definitely run electric for lights. No plumbing.

M. Capollari – How did you come up with 1,050 sq ft for 3 cars?

Frank – Basically, enough room for each car and a workbench in front across the building for storage. Average car is 16-17ft long. By the time you close the garage, leave a foot or two behind it and work bench in front, that's what we came up with.

S. Slattery – There doesn't seem to be a home next to you. Looking towards the front.

Frank – We're on a corner lot. There's only one neighbor that touches our backyard. Our next neighbor I think is on 12 or 13 acres up the hill.

M. Rodrigues – Your property on that side does slope down.

Frank - Yes

P. Capalbo – There is a question because we have steep slope laws or rules on the zoning and the wetland zoning also so there's some concern. Anything over 15 degrees, looking at the Dutchess County parcel map online they actually give you the wetland and the stream in there, and I think they might give slopes.

Frank – We're roughly where the garage would sit, about 170 feet before the bridge where the stream runs through at the bottom.

P. Capalbo – Given the 75 ft setback and then the distance from the house gives us how far you are from the stream.

Frank – It's probably about 175 ft from where the garage is to the stream. It's pretty far away.

P. Capalbo – And that slope, that angle?

Frank – If you look at the front of the house where the driveway is, once you get past the driveway it drops off steeper, so that's why we wanted to keep the building close to the house.

P. Capalbo – Looking at the parcel map online, it looks like you're at about 11% which puts you in a fine spot. Besides stream, steep slopes, septic, all that is usually included on the engineering plans so we can tell how far away you are and verified with stamp.

Frank – The survey shows, if you look at the stream to the edge of my driveway, they have it roughly 205 ft.

P. Capalbo – The wetlands go so far up from there also. The buffer is in there also and usually that line is on the plan also. The location of the septic, like we talked about with the other applicant, it's behind the garage somewhere. Do we have an idea about how far? We know we need to be at least 10 feet.

Frank – I have it hand drawn on this one if you want to take a look. It's the same as what you have but it will show you where the fields are and the tank. (presents drawing to board members and indicates locations). Here's your tank and then there's four legs that are 50ft a piece.

P. Capalbo – And you're 80 feet from there?

Frank – I think the 80 feet was from here to here (indicates on drawing). This could be jugged forward or backwards to gain whatever distance I need. So depending where the building goes I can get 10 ft.

P. Capalbo – Basically we are looking for someone to put a stamp on it and say that is where it's going. He has the 10 feet.

M. Capollari – When was the house built?

Frank – 1963. The septic has been 6 or 7 years ago. We applied for a variance for that addition (points out on drawing) and never did it. It was too much money.

Board Members discuss steep slopes and applicant's drawing.

M. Rodrigues – On this map it says there is an additional that is not built. What is the actual square footage of your house?

Frank – I think it's around 1200-1500 sq. ft. on the upper floor.

M. Rodrigues – What do you mean on the upper floor? How many floors is there, not including the basement? So you have about a 1200 sq ft. house.

M. Capollari – The principal structure is 2498 total.

M. Rodrigues – What principal structure? He's saying its 1200.

M. Capollari – And then the downstairs is an additional 1000.

M. Rodrigues – Finished basement?

Frank – The house is 24 by 40 or 42.

Board Members attempt to calculate accurate square footage.

P. Capalbo – All for big garages, especially detached big car garages because you just never have enough space in the driveway. We run into this problem a lot where everything's scaled off the main structure on the property and 3-car garage is not that much to ask for.

J. Horan – According to the assessor's card, it's 1840 sq.ft.

M. Capollari – On the application, we have 2498 sq. ft. That is the entire structure with unfinished basement and everything.

P. Capalbo – The house sits over a single car garage. Is that the other 600 sq.ft?

M. Capollari – How did you come up with that number? 2498?

Frank – Don't know where that number came from.

M. Capollari – On the application, the principal structure is 2498 sq. ft. That had to have gone on the application.

P. Capalbo – The assessor will say 1840.

L. Porter – Maybe they added the addition into that because that doesn't add up.

M. Rodrigues – Confirms it is the house on the corner with the dog barking outside.

M. Capollari – If what we're looking at on this parcel is correct, one level is 1178. If we double that, two levels plus the garage, we're in the ballpark.

P. Capalbo – There are a couple of ways we can go. We can take a vote on it and make it conditional to a map that has the exact location of the field/shed on the property or we can bring them back after they have it done and then vote on it. Like he said, he can move the shed a little either way to get the 10 feet. We know he can get it. We need to accurate recording that lays it out.

M. Capollari – There are a couple of things as we are discussing here. First, is to have a very accurate representation of where the structure is going to go. Secondly, an accurate representation of where the septic fields are so we can make a determination on how far you are from those. It could completely on the other side of the property, we just need to be able to see it and make that determination. Third, this data is from 2008. I know land doesn't change much over time but the property does and homes and structures and other things that are built on there over the years. If you have anything more recent.

Frank – That would cost thousands of dollars. The only other structure on the property is the shed that you can see from the road. No addition on the house.

M. Rodrigues – You taking down the shed?

Frank – Moving shed temporarily until garage is up.

L. Porter – Is the shed on cinder blocks?

Frank – Gravel pad.

M. Capollari – So we're all clear, there are two things we need. 1. An accurate representation of where the structure will go and 2. An accurate representation of where the septic fields are on the property.

Frank – Okay. What are you going to accept as far as the septic? How do we proceed with that?

L. Porter – You said you put in new fields. How long ago? Who put in the files? They may have a record of it and it shouldn't cost you.

Frank – You can see where it is just by standing in the yard. Don't know how much more accurate it could be.

J. Horan – There also may be an issue with grading as far as stormwater requirements. Suggests deferring to building department.

M. Capollari- We're going to defer to the building department to find out exactly what they need for compliance to move forward.

P. Capalbo – If we get to them within the next couple of days, we'll have the information well within 30 days. If we hold the public hearing part of it now, we don't have to come back to that. We can give them a 30-day continuance. The building inspector can let you know what is needed and we can bring you back in 30 days and put a motion on it.

**M. Capollari – Motion to open the floor for public comments. Seconded by P. Capalbo. All in favor. Motion carried.**

No public comments.

**M. Capollari – Motion to close public comment. Seconded by P. Capalbo. All in favor. Motion carried.**

M. Capollari – We're going to keep the discussion open until November 2, 2023.

**M. Capollari - Motion to adjourn meeting. Seconded by P. Capalbo. All in favor. Motion carried.**

Meeting Adjourned 7:38 pm.

Respectfully submitted.

Aletha Bourke  
Secretary