

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
April 17, 2019**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, April 17, 2019 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:42 PM. Board members Chairman Dale Culver, Charles Barrett, Leslie Farhangi, Evelyn Garzetta, Bill Kish and Bill McGhee. Board member Dan Sternberg was absent. Also in attendance were Phillip Gellert, Kirk Horton, Henry Klimowicz, Dan Martucci, John Perotti, Karin Roux from the Dutchess Land Conservancy and Deb Phillips, secretary to the planning board.

Phillip Gellert

*Public Hearing for Application for Minor Subdivision at 7:40 PM
1409-1415 Boston Corners Road
Parcel ID #7273-00-204841*

*Dutchess Land Conservancy
Re: Perotti Homestead Farm LLC
5-15 Homestead Farm Lane
Parcel ID# 133889-7069-00-953630*

Chair Culver requested a motion to open the regular meeting of the PB at 7:42 PM. The motion was made by McGhee, seconded by Garzetta and passed unanimously.

Public Comment

There was no public comment.

Phillip Gellert

*Public Hearing for Application for Minor Subdivision at 7:40 PM
1409-1415 Boston Corners Road
Parcel ID #7273-00-204841*

*Dutchess Land Conservancy
Re: Perotti Homestead Farm LLC
5-15 Homestead Farm Lane
Parcel ID# 133889-7069-00-953630*

Phillip Gellert presented the board with a book and a letter from the Department of Environmental Conservation, “Engineering Investigations at Inactive Hazardous Waste Sites, Phase I Investigation, White House Crossing, Site No. 314062, Town of North East, Dutchess County, Final – August 1986.” The letter from 1990 stated there was no hazardous waste at the site proposed for a subdivision. He mentioned the landlocked piece was sold March 28, 2018. Mr. Horton said there was a boundary line change made for that property that was made by the approval of the Planning Board.

Chairman Culver said the PB attorney would contact the board and get a rendering if the board had any questions. The attorney said the board could conditionally approve it subject to the attorney's review of it; based on what he saw and if the piece isn't being developed, this is a simple subdivision.

Chairman Culver asked if anyone in the public has an interest.

Henry Klimowicz said his understanding is there was toxic waste dumped on the property by K&E and deep wells were dug that are no longer visible. He doesn't know if the DEC letter from 1990 was the last one made relating to the property.

Chairman Culver said if the lawyer is not comfortable with it, we will be back at the table. He asked the board if they are comfortable moving forward or continue the hearing after hearing from the lawyer. If the hearing is left open and the lawyer has any questions, then we have the forum to answer them. If we close the hearing, we don't necessarily have the best answer. He asked Mr. Gellert if he objected to coming to next meeting on May 1. He would like to protect Mr. Gellert and the town by getting a clear, concise answer.

Mr. Gellert had no objection.

Kish made a motion to continue the public hearing on May 1 at 7:40 PM; seconded by Barrett and passed unanimously.

The board took possession of the DEC book to give to Sal Ferlazzo on April 18, 2019 and it will be returned to Phil Gellert on May 1, 2019.

Karin Roux of the Dutchess Land Conservancy appeared before the board with John Perotti, one of the owners of the Perotti Homestead Farm. She appeared before the board to request a letter in support of an application for a conservation easement by the Perotti Homestead Farm. She indicated that the NYS Department of Agriculture and Markets has a strict policy on conflicts of interest and if anyone had a conflict of interest to recuse themselves. Leslie Farhangi recused herself. She gave a little background on the DLC. The DLC does not have funding to purchase development rights. One of their funding sources is the NYS Department of Agriculture and Markets. The NYS Dept. of Ag & Markets announced last year that they would only be opening their statewide competitive rounds every other year. One was opened in 2018; the next projected one would be in 2020. A new program called the Option Agreement Program has been launched to serve as a stepping stone for the in-between year and to hasten the time it takes to complete a conservation easement which could take two to four years. The landowner and the land trust work together to reach an agreement on a land plan. Once the property meets certain criteria, the Dept. of Ag & Markets will provide a small stipend for the landowner to enter a three-year commitment to sell their development rights when full funding is available. For the three years, the Perottis have agreed to continue farming as they have been, not sell the property and not develop the property. She said the Perotti Homestead Farm is a good applicant for the program. The property consists of 348 acres; only 271 acres would be considered for the property easement. The Perotti's plan is to retain the right to eventually sell the 271 acres within the family and to sell it as two

separate farm units. Each unit would be able to build houses and barns. She said it is all subject to local zoning. The conservation easement does place restrictions but the landowners still have to abide by local zoning. The property remains on the tax rolls; there is no obligation for the town to reduce the assessment. The Dept. of Ag & Markets requires three things: (1) the endorsement from the county Ag and Farmland Protection Board (received); (2) endorsement from the Town Board (received); and (3) a letter from the Planning Board that speaks to development pressure on conversion of active farmland to non-farm use. She mentioned the population increase in the rural areas of the Town of North East.

Bill Kish made motion to authorize Dale to draft a letter to the Planning Board in support of the Option Agreement Program; seconded by Evelyn. All were in favor, motion carried.

Dale mentioned that on the outline provided that Lo-Nan is located in the Town of Gallatin, not Ancram.

Dan Martucci of Precision Auto Storage appeared before the board to request a car dealer's license at his facility on Route 22.

Chairman Culver said he spoke to Ken McLaughlin prior to the meeting. Mr. Martucci is seeking to act as an agent for his clients to transport cars. The real crux is to have a dealer plate so that he can transport cars that aren't registered out to be repaired, etc. The only real thing that will occur on the property that is different from now is that by state regulation, a sign would have to be on the building showing that he is a dealer. Building Inspector Ken McLaughlin is fully supportive of this; it's not a change of use because it's not becoming an auto dealership.

McGhee said his understanding is that to have a dealer plate, you have to sell so many cars per year.

Mr. Martucci said if you are selling five or more cars, you are required to have the plate. He said the plate wouldn't be taken away if you don't sell five cars.

Chairman Culver suggested looking it up online. He proposed to get language from McLaughlin and Martucci that stipulates things that the board doesn't want and that will go on the amended site plan.

Henry Klimowicz wanted more clarity about segmentation on the Gellert property.

Chairman Culver will ask the lawyer.

General Business

Minutes

Planning Board members read through minutes.

Farhangi made a motion to accept the minutes of March 27, 2019 as presented. The motion was seconded by McGhee and passed unanimously.

Kish asked if the Planning Board can be given an opportunity to be involved in an informal site plan review for the town highway garage; he reviewed the material and says it's incomplete.

Chairman Culver said we can ask them for things but they are under no obligation to give them to us. He mentioned the Munroe Balancing Act. The town is under a time constraint and wants to get things done this year.

It was agreed to provide the Town Board with a list requesting the following:

- Signage
- Lighting, photometrics and cut sheets
- Elevation
- Vegetative buffering
- Landscape details
- Stream remediation

Farhangi made motion to close the Planning Board meeting at 8:30 PM. The motion was seconded by Garzetta and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED May 1, 2019