

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
January 13, 2021**

The regular meeting of the Town of North East Planning Board ("PB") took place on Wednesday, January 13, 2021 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30 PM and via ZOOM. Board members Chairman Dale Culver, Charles Barrett, Bill Kish, Bill McGhee and Dan Sternberg. Also in attendance were Peter Clair, Edie Greenwood, Chris Kennan, Chris Langlois, Rich Rennia, Peter Stefanopoulos, Robert Trotta and Deb Phillips, secretary to the planning board.

Peter W. Clair/Kenneth J. Travis

Public Hearing for Application for Lot Line Adjustment at 7:40PM

5644 Route 22

Parcel #133889-7170-73541 and #133889-7170-00-770393

Taylor Oil Inc.

Supplemental Planning Board Application

6073 Route 22

Parcel ID #133889-7171-12-980713

Chair Culver requested a motion to open the meeting of the PB at 7:30 PM. Motion was made by McGhee; motion was seconded by Kish and passed unanimously.

Public Comment

There was none.

Minutes

McGhee made a motion to approve the October 14, 2020 minutes as written. Motion was seconded by Sternberg and passed unanimously.

Chair Culver said the minutes of December 9, 2020 were there for historical purposes for what occurred because there was no quorum due to audio problems. He suggested a motion to **accept** the December 9, 2020 minutes so there is a record of what occurred, even though there was no business conducted. He suggested not voting on them and just to accept them.

Sternberg made a motion to accept the December 9, 2020 minutes as written. Motion was seconded by Kish and passed unanimously.

Kish made a motion to approve the December 22, 2020 minutes as written. Motion was seconded by Sternberg and passed unanimously.

General Business

Chair Culver suggested for the PB members to think about spring training. He suggested in the future with ZOOM meetings to start the hearings at 7:35 PM. He also suggested the PB members to brush up on solar and wind regulations.

Peter W. Clair/Kenneth J. Travis
Public Hearing for Application for Lot Line Adjustment at 7:40PM
5644 Route 22
Parcel #133889-7170-73541 and #133889-7170-00-770393

McGhee made a motion to open the Clair/Travis application at 7:40 PM. Motion was seconded by Kish and passed unanimously.

Clair gave an overview of the application for a lot-line adjustment. He said is it a non-conforming lot and would still be a non-conforming lot with the addition of the parcel he wants to acquire. It would be more usable and would keep cars farther away from Route 22.

Chair Culver asked the PB members if they had any questions with the application. There were none.

McGhee made a motion to close the Clair/Travis public hearing. Motion was seconded by Sternberg and passed unanimously.

Kish made a motion to approve the Clair/Travis subdivision. Motion was seconded by McGhee and passed unanimously.

Taylor Oil Inc.
Supplemental Planning Board Application
6073 Route 22
Parcel ID #133889-7171-12-980713

Attorney Robert Trotta spoke to the PB on behalf of Taylor Oil for the application. He gave a review of the original application. He said the application process began in 2017. The application was originally submitted to the PB; from there it went before the Zoning Board of Appeals (ZBA) for a specially permitted use with highly flammable material. The Building Department back then issued a letter dated September 12, 2017. In the letter from the Building Department , that since the sale of gasoline and diesel fuel was not specifically permitted, it was omitted. Trotta said they do not accept the Building Department's evaluation because this is a wholesale use and the application specifically states that. He (Trotta) considers Taylor Oil's business as a wholesale use.

Chair Culver asked a question for Attorney to Langlois relative to this application in where the Building Department had given a rendering. It's a little difficult for the PB to have any standing to go against what the Building Department said. He said the application has been referred to the ZBA and he's uncomfortable to guess what the right procedure is for the next step. Chair said he would refer this matter to Langlois.

Trotta asked the PB to make the determination as a principal use.

Chair Culver said he was uncomfortable doing anything after the rendering of the Building Department's letter without legal representation.

Trotta said he sent papers to the Building Department and has not had a response.

Langlois said he reviewed Trotta's letter of October 9, 2020 to the PB. He was focusing on the letter of September 12, 2017 from the Building Department from the Zoning Enforcement Officer. He asked Culver if any point between 2017 and now has the Building Department ever issued a supplemental or different opinion than that or has the applicant appealed that determination to try and get it reversed. Langlois said if that's not a correct interpretation, it should be set aside. Langlois said he's not sure if the PB jurisdictionally can go forward and

grant the applicant what it's looking for on this application because of that letter that we have on file. He said we need to resolve that letter and if the Building Department can reevaluate that letter or tell us where we stand on it. He said the PB is not in a position where they can pretend that the letter is not out there.

Culver doesn't want to be in a position where we take any type of action that possibly hampers the Taylors in the future based on our actions either aye or nay relative to the letter. He suggested that there be communication with PB Attorney Langlois, Trotta, Tom Taylor and the Building Department.

Barrett, Kish and Sternberg agreed with Chair Culver's suggestion about communication with all parties involved.

Trotta said the PB has an obligation to go forward to grant or continue the application. Trotta said before he became involved, the ZBA approved with what the Town had sent up there and sent it back to the PB for approval on the sale of gasoline.

Rennia said they had started with the PB and then went to the ZBA for the special use permit. The ZBA took lead agency. The question for approval was could they (Taylor) have their corporate fleet fuel customers dispense gasoline themselves. He said the single issue that the Building Department looked at was that they wanted to have the gas pumps like they do in other locations where their corporate customers come in with a special card to swipe to get fuel for their trucks. The customer could be the Town of North East or someone that has a fleet of vehicles. They key is can that customer actually pull up dispense the gas themselves. He said the Building Department said Taylor would have to have their employee there to dispense it for them. He said that doesn't make sense to have a Taylor employee there 24/7 in case of a snowstorm and the Town of North East needs to fill up their trucks.

The PB was in agreement for all parties to communicate.

Close of Meeting

Barrett made a motion to adjourn the PB meeting at 8:12 PM. The motion was seconded by McGhee and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED February 24, 2021