

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
April 14, 2021**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, April 14, 2021 at 7:30PM via ZOOM. Board members Chairman Dale Culver, Charles Barrett, Leslie Farhangi, Evelyn Garzetta, Bill Kish and Dan Sternberg. Also in attendance were Chris Kennan, Christopher Langlois, Lann Rubin, Peter Sander, Rion LoBrutto, William Geiseler, Peter Stavropoulos, Robert Trotta, Joe Baffuto and Deb Phillips, secretary to the planning board.

*182 Route 44 East LLC (North East Ford)
Site Plan Application
182 Route 44
Parcel #133889-7271-00-739225 and #133889-7271-00-715223*

*Paul William Realty Corp. (Harney Tea)
Site Plan Application
5723 Route 22
Parcel #133889-7170-00-805867*

*Taylor Oil
Supplemental Planning Board Application
6073 Route 22
Parcel #33889-7171-12-980713*

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

Public Comment

There was none.

**Taylor Oil
Supplemental Planning Board Application
6073 Route 22
Parcel #33889-7171-12-980713**

Chris Langlois had a letter from Zoning Enforcement Officer Ken McLaughlin dated April 13, 2021. At the request of the applicant, McLaughlin revisited the original determination from 2017. The question was if allowing fuel to be dispensed by others than employees was a permitted accessory use. In 2017, McLaughlin determined it was not a permitted accessory use. Langlois said unless the applicant is proposing to have only employees dispense fuel, the applicant’s recourse is to go to the Zoning Board of Appeals (ZBA) to appeal McLaughlin’s determination or to apply for a use variance.

Roberta Trotta said the Building Inspector’s report has it in the BD3 Zone. He said it’s not in the BD3 Zone, it’s a highway business. He asked the board to consider passing a resolution agreeing to that or pass a resolution disagreeing to that.

Langlois said the PB isn’t to agree or disagree with the Zoning Enforcement Officer. The issue needs to go the ZBA for a final determination. He said there is no basis for the PB to do anything at this point for a resolution.

Chair Culver asked Langlois what path there is for the applicant.

Langlois said there is a path for the applicant under the town law Section 267a. Anybody who disagrees with a determination by an Administration Office is entitled to appeal that determination to the ZBA within 60 days. If that approach is taken, the applicant will have an opportunity to present his views on the proper determination by the ZBA. The ZBA can render a determination either agreeing with McLaughlin's interpretation of disagreeing. If the ZBA disagrees and concludes this is a permitted accessory use, the applicant can come back to the PB and have the site plan application finalized.

Trotta said this puts the applicant in a very tenuous position. The letter was written years ago by the Building Inspector. He doesn't want to go to the ZBA and be told time has expired. He said when he submitted the application, it was a principally permitted use for a wholesale business that was totally different from the first application. He asked the PB to act on it, deny it or grant it. He said he sent the PB language to establish it as a wholesale use, a principal use and it was perfectly alright.

Chair Culver asked Langlois if reissuing the letter starts the 30-day process.

Langlois said it's up to the ZBA if it's timely. The reason McLaughlin was asked to reissue the letter was to start the 60 days.

Chair Culver said the PB's position is whether it creates the window of opportunity for Mr. Taylor to go to the ZBA. The deadline was missed with the previous letter.

Trotta asked the PB to put that in the form of a motion.

Langlois said it is not this Board's place to decide whether the application by the ZBA will or won't be timely. In order to regenerate this thing and give you the opportunity to have whatever the Building Inspector's determination was, to have the Building Inspector issue a new letter with a 2021 date or if you wanted to go to the ZBA.

Chair Culver told Trotta that the PB is trying to give him the opportunity to go to the ZBA. The PB will review the letter further regarding the BD3. The letter and the date give you the 60-day time frame.

Trotta asked it to be clarified in the form of a motion.

Langlois said the ZBA has the final say, not the PB.

Chair Culver said to Trotta that the PB has to follow direction from the PB counsel and Trotta has the opportunity to go to the ZBA. He said if Trotta is not given the opportunity to be heard, he would like to hear back.

**182 Route 44 East LLC (North East Ford)
Site Plan Application
182 Route 44
Parcel #133889-7271-00-739225 and #133889-7271-00-715223**

Chair Culver asked for a motion to open the public hearing for North East Ford. Garzetta made a motion to open the public hearing for North East Ford. Motion was seconded by Sternberg and passed unanimously.

Peter Sander of Rennia Engineering gave a recap of the application that consists of a 2,432 square foot building addition off the rear of the existing building to service large vehicles; paving of the existing parking lot; two electric vehicle charging stations; and storm water improvements. He said the Zoning Board of Appeals granted a variance for rear property line setback.

Kish said the photometric values on the current plan are higher than the 2014-2015 plan. He asked if the methodology has changed.

Sander said the same calculations were used.

Kish asked why there is a discrepancy.

Sander said there is a difference in the light fixtures which was addressed at the last meeting vs. what was approved on the original site plan. The RAB fixture that we are proposing is a little brighter.

Kish said the two Central Hudson lamps on Parcel #2 adjacent Route 22 has 6.6 lumens on the new plan and the old plan has 3.5 lumens.

Sander said he is not sure why there is a discrepancy unless that this was a 2014 project, it could have been inputted differently but the current values are accurate.

Kish said on the old plan, there was split-rail fencing specified. He asked if it was ever installed or if it was removed.

Rubin said there is no fencing along the road.

Chair Culver said it was not part of the landscaping on the previously approved plan.

Sander said he looked at the old plan and it called for split-rail fence.

Kish said the PB had asked to be part of the plan to have a hard boundary in front of which no cars could be parked.

Kish said the minutes of July 23, 2014 stated that all lighting is to be fully shaded with no tilt. He said the two Central Hudson lights on the eastern side are tilted up. He recommended the tilt to be horizontal.

Rubin said he would Central Hudson about it.

Kish one of the lights on Parcel #2 was not working during the site visit but that area was lit sufficiently and recommended removing the light to the east and keeping the center light.

Kish said the elevation of the new building extends higher than the existing building and asked if the left face would be visible from the road.

Rubin said they chose a grey color just like the brick to blend in.

Kish asked what items are in the storage containers. Rubin replied bed liners, running boards, odds and ends parts, tents for events and excess tires.

Kish asked that language be put on the site plan for no hazardous materials be stored in them.

Chair Culver said that would be stipulated in the site plan.

Barrett asked if Central Hudson dictates the lumens for lighting.

Sander said Central Hudson has standard fixtures; their selection is very limited.

Barrett said the lighting on the right side where the drop-off is located seems to be a key safety issue.

Sander said that section will be plenty bright.

Kish recommended two 2700 Dark Sky compliant lights that he researched.

Chair Culver requested a motion to close the public hearing. Farhangi made a motion to close the public hearing. Motion was seconded by Garzetta and passed unanimously.

Chair Culver said the PB needs to have the stipulated language on the site plan to relative materials stored in the outside containers. He asked Rubin if he is going install an acceptable lighting fixture. Rubin agreed.

Paul William Realty Corp. (Harney Tea)

Site Plan Application

5723 Route 22

Parcel #133889-7170-00-805867

Chair Culver requested to open the public hearing. Sternberg made a motion to open the public hearing. Motion was seconded by Barrett and passed unanimously.

Lobrutto gave a recap of the application for a 10,400 square foot accessory storage building and a 1,300 square-foot lean-to for farm equipment.

Chair Culver asked the Board if there were any concerns. There were none.

Chair Culver asked for a motion to close the public hearing. Farhangi made a motion to close the public hearing. Motion was seconded by Sternberg and passed unanimously.

Chair Culver asked for a motion to grant approval for the site plan application. Garzetta made a motion to grant approval for the site plan application. Motion was seconded by Farhangi and passed unanimously.

General Business

There was none.

Minutes

Farhangi made a motion to accept the March 24, 2021 minutes with Kish abstaining. Motion was seconded by Sternberg and passed unanimously.

Sternberg made a motion to accept the March 29, 2021 minutes. Motion was seconded by Garzetta and passed unanimously.

Close of Meeting

Chair Culver requested a motion to adjourn. Garzetta made a motion to adjourn at 8:33 PM. Motion was seconded by Barrett and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED April 28, 2021