

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
April 28, 2021**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, April 28, 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, Chris Langlois, Lann Rubin, Peter Sander, Robert Trotta 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*

*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. Barrett made a motion to open the meeting. Motion was seconded by Sternberg and passed unanimously.

Public Comment

There was none.

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

Peter Sander recapped the site plan application along with edits for the lighting being replaces with Lumecon-LDS-LAL fixtures with 3000 Kelvin temperature, removal of the split rail fence from the site plan and prohibiting hazardous materials in the storage containers.

Chair Culver asked the PB if there were any questions with the changes that were made.

Kish asked about communication with Central Hudson regarding the lighting.

Lann Rubin said the one light does not work and he is comfortable not doing anything with Central Hudson.

Chair Culver said the PB is comfortable with the light being out. He said the best direction for this in the future is that the PB apply the idea of all the lighting be under the control of the applicant and not get into site plans where Central Hudson is provider of some of the lights.

Chair Culver asked the PB if they were comfortable with the application and in the future attempting to maintain the control of the lighting that we want them to accomplish based on our Dark Sky initiative and the lumens that we allow and having that control directly in the applicant’s hands rather than a third-party provider if it’s a new installation.

Barrett had a concern that the applicant is having a safe situation.

Sander said there is more than enough lighting with the absence of the one light.

Chair Culver said during the site visit, Rubin was comfortable with the lighting that was there minus the light that was not lit.

Chair Culver asked Rubin about the plantings. Rubin said they were not in the highway right-of-way.

Chair Culver asked for a motion to approve the site plan as amended. Kish made a motion to approve the site plan as amended. Motion was seconded by Farhangi and passed unanimously.

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

Robert Trotta appeared before the PB representing Taylor Oil. He asked the PB to provide an opinion as whether his application would be approved and the PB said, based upon the letter from the Zoning Enforcement Officer, the PB felt it was appropriate for him to go to the ZBA.

Trotta said he is reluctant to go to the Zoning Board of Appeals (ZBA).

Langlois said until the application is an allowable use, the PB cannot take any action and that it has to conform with the zoning use. He recommended that Trotta file an appeal with the ZBA.

Chair Culver said the PB has provided a path and direction for Trotta to go to the ZBA on the advice of the PB's counsel and the letter received from the Building Inspector. The PB cannot go against the Building Inspector's interpretation.

General Business

Chair Culver the PB previously agreed that having the customer in control of lighting was the best direction.

Kish wanted to clarify it with language that would state the PB agrees that its policy for future applicants is that if Central Hudson lighting doesn't exist already on the site that the PB will not permit Central Hudson lighting on the site.

Chair Culver recommended saying a third-party provider instead of Central Hudson.

Langlois suggested that the PB's policy is that it flexes a strong preference that all features incorporated on a site plan be under the ownership or control of the applicant and not any third party. He will prepare language for the PB.

Minutes

Barrett made a motion to accept the April 14, 2021 minutes. Motion was seconded by Sternberg and passed unanimously.

Chair Culver asked for a motion for escrow from Trotta. Garzetta made a motion for escrow from Trotta. Motion was seconded by Kish and passed unanimously.

Close of Meeting

Meeting was adjourned at 8:03 PM.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED July 14, 2021