

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
September 8, 2021**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, September 8, 2021 at North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30 PM. Board members Chairman Dale Culver, Charles Barrett, Leslie Farhangi, Evelyn Garzetta, Bill Kish, Bill McGhee and Dan Sternberg. Also in attendance were Chris Kennan, Chris Langlois, Wesley Chase, Ralph Fedele, Sara Drury, Edith Greenwood, Hilarie Thomas, Peter Sander, Sam Busselle, Tom Parrotte, Karen Jacobsen and Deb Phillips, secretary to the planning board.

*Brooklyn Zen Center (Ancestral Zen Monastery)
Preliminary Discussion of Site Plan Application
87 Kaye Road
Parcel #133889-7272-00-479805*

*Honour Farm Minor Subdivision
David Lieberman (Contract Vendee)
Application for Minor Subdivision
399 Smithfield Road
Parcel #133889-7069-00-158638*

*McGhee Hill Road Subdivision
MGHR, LLC
Application for Major Subdivision
McGhee Hill Road
Parcel #133889-7272-7170-00-414515*

Chair Culver requested a motion to open the meeting of the PB at 7:35PM.

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

**Brooklyn Zen Center (Ancestral Zen Monastery)
Preliminary Discussion of Site Plan Application
87 Kaye Road
Parcel #133889-7272-00-479805**

Peter Sander of Rennia Engineering appeared before the PB for a preliminary discussion for site plan special use permit for Brooklyn Zen Center, a 13.73-acre parcel at 87 Kaye Road in the A5A agricultural district. Sander said the proposal is to convert an existing single-family residence into a Buddhist monastery with two phases: Phase 1 is to convert the existing residence into a monastery, construct three bunkhouses (ten bunks each) for lodging, relocate the exiting driveway, construct a parking area, build an addition on the existing residence for a three-season dining facility and convert an existing garage into a kitchen space; construction of workshop (to store farm equipment)/restroom facility; Phase 2 is to construct a two-story building for religious worship on the second floor and sleeping quarters on the ground floor, a covered walkway connecting the proposed uses, create an outdoor medication space and construct a small abbot’s residence.

McGhee asked if the use would be open year-round, would the project be off the tax roll and asked about the machinery shed. Sander said it would be used year-round, wasn't sure about the tax roll and said the machinery shed would be used for garden equipment, nothing massive on an agricultural scale.

Kish asked what measures would be taken to conserve the farmland. Sander said the applicant wants to keep it a natural setting. Kish also asked about putting sewage systems closer to the development. Sander said the health department has limitations on the location of the septic systems based on the steepness of the slope. Kish asked about an alternative to paving the parking lots. Sander said yes but paving has a longer longevity vs. porous pavers that have heaving issues.

McGhee asked about stormwater drainage. Sander said that hasn't been researched yet.

Chairman Culver said storm water drainage is of utmost importance because of the slope.

Sander said the bunkhouses would not be insulated. McGhee asked if they would have full foundations. Sander said it depends on what the building code would require.

Kish asked what dimensions for the bunkhouses; Sander said approximately 40'x20'.

Kish asked about the lighting. Sander said it would be tranquil and low-key. Kish asked for photometrics; Sander will provide them.

McGhee asked about solar; Sander said the hillside is not ideal for solar use.

Barrett asked about the compacted grass; Sander said it was for ease of access for emergency equipment.

Kish asked about the covered walkway. Sander said it would be an open-air covered walkway with a full roof and elevated boards instead of pavement.

Sander asked what the procedure is between the PB and Zoning Board because the plan requires special use permit. He thought the PB would be doing site plan review and it would go to the Zoning Board based on the PB's recommendations.

Chairman Culver said the PB and Zoning Board would have to decide who is going to be lead agency. He asked the PB its thoughts.

Kish said his preference is instead of having a coordinated review, have the two boards cross communicate and have common meetings.

Attorney Langlois asked if there was a completed application for a special permit before the Zoning Board.

Sander said yes and they met with the ZBA on August 19, 2021 with a public hearing.

Langlois said he asked because once the application is completed, the process is for the ZBA to refer it to the PB for a recommendation prior to making a formal decision to approve or disapprove the special permit. He wanted to know if the referral was underway.

Sander said ZBA Chairman Schroder was under the impression that the use would be religious but a board member wanted to double check and get determination from their attorney. He is waiting to get a response from the ZBA's attorney.

ZBA co-chairman Greenwood said the ZBA's definition is under church and member Jon Arnason wanted to make sure this type of activity fell under that definition.

Chairman Culver said he anticipates that the ZBA will refer it to the PB; it's in the process but not final yet.

Langlois asked if there was any discussion of SEQR with the ZBA or any resolutions passed. Sander there was a discussion whether the action would be considered a Type 1 or an unlisted.

Kish asked about which resources were referred to the yes response on the SEQR about the project containing or substantially contiguous to an archeological site; Sander said it is automatic that it get checked and he is not aware of any archeological resources with the general area. Kish asked for more specifics at the next meeting. Sander said there is a NYS DEC wetland that is significantly off-site. Kish asked for an overview map that shows the wetlands; Sanders said he would. Kish asked about buffering the parking lot that is adjacent to the road; Sander said there will be a thick row of evergreens. Kish suggested thinking of ways to mitigate taking state-wide important farmland out of potential farming circulation.

Chair Culver said the PB should hear from the ZBA after the ZBA meeting on September 16, 2021 and asked to receive \$5,000 escrow after that date.

Langlois said it would be helpful to zero in on hits for proximity to historic or archeologically significant areas because that may affect the SEQR classification.

**Honour Farm Minor Subdivision
David Lieberman (Contract Vendee)
Application for Minor Subdivision
399 Smithfield Road
Parcel #133889-7069-00-158638**

Land surveyor Wesley Chase appeared before the PB with the Honor Farm minor subdivision application located on Smithfield Road. The Honours are under contract to sell to a landowner across the street who has no intention of building. The house and barns are on Lot 2B consisting of 20 acres and the open agricultural land is on Lot 2A consisting of 70.77 acres. The existing house has existing septic and well site. Chase said Lot 2A will be over the five acres that won't require Dept. of Health approval. Chase said the highway access is an issue; he will be meeting with an engineer from the County Health Dept. on September 14, 2021 to discuss site distance and grading.

Chairman Culver said the size doesn't pose any problems and the only detriment is the access. He said the rest is straightforward; there is no proposed building envelope, everything is Board of Health approved and the house is currently occupied.

Attorney Hilarie Thomas said both lots are being sold to the same person who is using an estate planning device to purchase the larger portion and is purchasing the property to preserve his view. He wants to continue the property in agriculture as it is currently being farmed by McEnroe Organic.

Chase said with the County Highway permit, they are only going for a conceptual approval; if they ever had to build a driveway, it would be doable. The access will still be the same and no dirt will be moved or disturbance of the land.

Thomas said they would be willing to offer, as it could be conditioned with PB approval, a road maintenance agreement if the same access had to be used. She said they intend to continue from the current driveway.

Chairman Culver said if it were ever to be sold from the prospective buyer, it would have to be conveyed as a buildable parcel.

Chairman Culver requested a motion for escrow in the amount of \$500.

Kish made a motion for escrow in the amount of \$500. Motion was seconded by Farhangi and passed unanimously.

Chairman Culver requested a motion for a public hearing on September 22, 2021 at 7:40PM.

Farhangi made a motion for a public hearing on September 22, 2021. Motion was seconded by Garzetta and passed unanimously.

McGhee Hill Road Subdivision
MGHR, LLC
Application for Major Subdivision
McGhee Hill Road
Parcel #133889-7272-7170-00-414515

Attorney Thomas appeared before the PB for the applicant MGHR, LLC, who purchased a portion of the Kaplan property on McGhee Hill Road. The proposed plan is to subdivide the 148.07-acre parcel into ten new parcels plus the original parcel with parcels ranging in size from 7 acres to 30 acres. The property straddles the R3A and A5A zoning. Thomas said four highway cuts were proposed but none improved for driveways. She said shared driveways would be best and not create 11 single driveways.

McGhee asked if shared driveways meant shared maintenance would be in the deed; Thomas said yes a road maintenance would be referred to in the deed.

Farhangi asked if there could be more shared driveways.

Kish thought driveway for Lot 6 could be extended to service to Lot 5 and 4.

Chairman Culver said planner Agresta would analyze it; he is familiar with the topography.

Thomas said Lot 8 runs along a tributary and they are trying to avoid crossing it.

Kish asked if the current owner of the property and the applicant planning on constructing on the lots. Thomas said that is to be determined and, at this point, they are looking to subdivide.

Kish asked Thomas if she would be willing to discuss envelopes. Thomas said that would come down to that fact that there are certain areas where that would not be possible. Thomas said right now they are looking to subdivide, not build. She said the owner could sell a piece as a vacant lot.

Kish said when the PB looks at subdivision plans with building envelopes, it's not a guarantee that someone will construct anything. It says if you construct something, this is the area in which you are permitted to construct on. Thomas said they are not looking to put building envelopes on at this time.

Sara Drury, an engineer for a project with Chazen Companies, said they are looking to subdivide the land right now; the parcel is in preliminary phases and they have not evaluated the soils on the site, they don't know if a building envelope is actually buildable depending on the soils, we would need to have a well and septic on the site. There are a lot of initial investigations that need to be done; we don't want to put any building envelopes in right now. Once we are through the subdivision process, we will look at is it feasible to put a building on rather than showing buildings. Right now, the applicant just wants to subdivide the land. Building on the land would depend on future applications.

Kish said we (PB) may be helping you by not creating a lot that would support septic and well. Those investigations mentioned would be better done sooner than later.

Chairman Culver said the PB would ask for the planner's recommendations.

Kish asked Thomas if she considered any kind of option for a conservation subdivision; Thomas said no. Kish asked if she would prepare one if asked; Thomas said no. Kish said it's within our right; Thomas said it's not something we are considering.

Farhangi said if it's within our rights, she would want to ask for one.

Chairman Culver said for the PB planner to review the application; he's not sure the PB is on solid footing for everything that's been discussed. Culver stated he would like our attorney's advice on some of our requests first.

Thomas said this is our preliminary meeting to determine questions from the PB; she could go back her client to discuss a conservation easement.

Thomas said with clustering, they could put a large amount of houses on the lot and that is not what they're trying to do. The goal is to subdivide the property into ten new lots in excess of what the zoning code requires; seven to 30 acres per parcel.

Langlois asked if there were existing gravel driveways; Thomas said there is field access from Lot #1.

Thomas said there is a lot in the rear that the buyer is in contract to purchase.

Langlois asked about the proposed shared driveway between Lots #1 and #2 if it would be servicing a third-party property that is not part of the subdivision; he wants to make those rights are established and secure.

Kish asked if the rear parcel is land-locked; Thomas said yes but there is a current easement and right-of-way.

Kish asked if Thomas would make a statement that they will not be subdividing. Thomas said no, that is not part of the application. Currently, that property in the rear holds an easement over her client's property. Her clients are in contract to purchase that property that will give them the rights on the front property to create the shared driveways.

Chairman Culver said it's not part of the application but the PB has to protect the access to the rear parcel

Kish asked Langlois since the PB knows that the adjoining property is under contract negotiations, is it reasonable for the PB to expect that the adjacent parcel will also be similarly developed and the PB should look at it as a Comprehensive Plan. Langlois replied no; there is no present plan or intention to develop or subdivide in the immediate future.

Chairman Culver said the next step is to collect escrow to formally create a paper trail of questions, have Agresta look at the application and for the PB to make a site visit. The PB agreed on \$5,000 for escrow.

Public Comment

No public comment.

General Business

No general business.

Minutes

Chair Culver asked for a motion to accept the minutes of the July 14, 2021 meeting.

Kish made a motion to accept the minutes of the July 14, 2021 meeting. Motion was seconded by Farhangi and passed unanimously with Garzetta, Barrett and McGhee abstaining.

Kish made a motion to accept the minutes as amended of the April 28, 2021 meeting. Motion was seconded by Sternberg and passed unanimously.

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Close of Meeting

Chair Culver asked for a motion to adjourn the meeting at 8:45 PM.

Farnhangi made a motion adjourn the meeting. Motion was seconded by Kish and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED September 22, 2021