

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
June 15, 2022**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, June 15, 2022 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30PM. Board members Chairman Culver, Charles Barrett, Leslie Farhangi, Bill Kish, Bill McGhee and Dan Sternberg. Also in attendance were Chris Kennan, Chris Langlois, Rion LoBrutto, William Jay Gieseler, Michael Harney, Catherine Fenn, Wesley Chase and Deb Phillips, secretary to the planning board.

*Paul William Realty Corp. (Harney Tea)
Public Hearing for Site Plan Application @ 7:40PM
5723 Route 22
Parcel ID#: 133889-7170-00-805867*

*NML Wilds, LLC/NML Farm LLC
Application for Lot Line Alteration
Route 199 and 136-44 Skunk’s Misery Road
Parcel ID#: 133889-7171-00-475093 & #133889-7170-00-232833*

Chair Culver requested a motion to open the meeting at 7:37PM.

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

Public Comment

There was no public comment.

**Paul William Realty Corp. (Harney Tea)
Public Hearing for Site Plan Application @ 7:40PM
5723 Route 22
Parcel ID#: 133889-7170-00-805867**

Kish asked Rion LoBrutto and Jay Gieseler which lights are typically on, which ones are on with motion sensors.

Kish said at the site visit, several pole-mounted lights were identified that cast light well above horizontal; they were closer to vertical than horizontal. If the photometrics were prepared with the lights at this angle, they would not show the actual light that would be cast on the ground. It does not show the glare and light trespass caused by the current lights. There is no indication of how the applicant intends to mitigate or correct the current pole-mounted lights. The other submission is a cut sheet for wall luminaire; there is no indication of what this applies to. I would guess that it’s intended to replace the problematic luminaires currently installed on the west side of the main building but guessing it was dangerous. The brightest spot shown on the overlay is right at the main entrance to the building, but at the visit, we noted that the only lights at the location were very old, recessed fixtures with clouded, plastic lenses. He said LoBrutto was unsure if they were still operable. He asked why does the overlay show about five-foot candles at that location.

Harney engineer Gieseler said there are three recessed lights at the front entrance. He assumed they were going to be on all the time; that’s the worst case scenario.

LoBrutto said two of the three are operable. He said the cut sheet that was requested was for the light that is going to be used on the proposed greenhouses. The cut sheet was on the lighting schedule of all three scenarios; that's the Acuity KAXW LED. Those are the same exact lights that are on the exit of the new building.

Kish asked LoBrutto if they are proposing any mitigation for the pole-mounted lights and proposing mitigation for the lights that are on the original building that are not compliant.

LoBrutto said the pole-mounted are the two in the back parking lot.

Kish said and also in the front parking lot and the entrance.

LoBrutto said the three in the front are straight down.

Kish said the mitigation would be to look at a light that was closer to 2,700Kw.

LoBrutto said he has no problem with tilting down the back one. Gieseler said it's a 65 degree angle from zero so it's covered.

Kish said for all those lights, you would stipulate that they would be directly horizontally and wouldn't be changed.

LoBrutto said the ones in the back, yes.

Kish asked he could say that about all the Central Hudson lights.

LoButto said there are only three lights.

Kish thought there five lights.

LoBrutto said on the pole-mounted one in the back, there are two lamps. The one on the north side is completely off; it's never been on. There's two in the parking area and one on the island in the front.

LoBrutto and Gieseler said there are five poles.

Kish said so the mitigation you've proposed would be that all of those lights would be directed at horizontal and left there at horizontal.

LoBrutto said when Gieseler did his survey, the western lights were not operable. Gieseler said the only one that was on was above the door.

Kish said we have some lights that are on the building like the one directly above the employee entrance is the problematic one.

LoBrutto said it's showing 2.0 and 2.4.

Kish asked if those would be replaced.

Chair Culver asked Langlois if every single light on this entire site subject to review in this site plan. I feel like we're rehashing every building on the site.

Langlois said he's unclear about what lighting has been proposed for this site plan that's new and not there currently versus what lighting is already on the site. If it's already on the site, typically that's already been approved. An argument could be made that they're looking at the light impact from new lights. You have to look at that in conjunction with the existing lights. I would imagine it be the new lighting as opposed to the existing lights.

Kish said the reason why I'm focusing on lighting is the reason that Chris (Langlois) mentioned because there is new lighting proposed which will increase the overall light trespass. So we're increasing the amount of light that is going to be a part of the overall site and also these lights that are on here have been changed, adjusted, tweaked over the years and I don't believe there is any record of them being approved by anyone. I would want to try to look at this as a whole, not as simply the three additional lights that are being added. I'd like to try and improve the whole site so that it's a coherent view.

Farhangi said it seems like the applicant has been able to answer Kish's questions.

Chair Culver said I want to know if every time someone comes to us for any part of a site plan means we review everything that was ever there before, before we get to the rest of it.

LoBrutto said this photometric shows there is no light leaving the parcel.

Kish said actually this can show that. It only shows light that impacts the ground. If all of your lights are directed at the horizontal or below, there's not going to be any light trespass. If you can tell us that you'll fix those poles and you'll replace the light that's above the employee entrance and the other one that's like that, then I think you have improved the conditions which are problematic in a way that would allow it to be very easy to say that there won't be any additional environmental impact by the lights that are compliant that you're currently proposing.

Farhangi said it seems like they've already agreed to tilt the pole lights down that's not tilted correctly and there's no dispute over the fixture.

Sternberg asked if they understand what's being asked about the light fixture over the employee entrance.

Gieseler said the one you're talking about is angled alongside the building so it sprays outward. That's another one that could be tilted downward.

Kish said it would be best to replace it with ones like you used on the building. Gieseler said that's a real dark area of employee entrance.

Barrett said safety supercedes everything. He wants to make sure we're presenting something that's not going to be safe.

Kish said there are ways to increase the lighting in areas where it's required that will improve the safety while eliminating the light pollution issue.

LoBrutto said this is going to look like a college campus and we'll be adding lights.

Kish said it isn't a bad thing if it improves safety and reduces the overall light trespass. I'm hearing we can tilt the lights down but then that's going to make things dangerous.

LoBrutto said for a parcel this size, 21 acres, that a portion of it is developed, I don't believe we have too much light.

Kish said you don't have too much light; the problem is that the light is shining outward instead of where it needs to be.

LoBrutto said it's outward in a manner that's not trespassing off the site.

Kish said I can see if from the road so of course it is.

Farhangi said it sounds like the changes you are asking for was to tilt the lights down and they've agreed to do it. Therefore, if they do that, there will not be trespass.

Kish said they can replace the one light that's on the building.

Farhangi said but that one light they said could solve the problem by tilting it down. It may be better to replace it.

LoBrutto said he would replace it with this light.

Kish said if you stipulate you'll do all that and put it on the plan, then I think the lighting would be fine.

Gieseler said they would run the new scenarios on the lighting program and see everything angled down and see if we get enough spread to eliminate up to .5 candlepower where people park. If it's not safe, we will tilt them back up.

McGhee and Farhangi agreed that safety is number one.

Farhangi said it sounds like all the lighting issues are resolved.

Kish said I think so and if we record what was agreed upon, then it winds up on the planning and that's great.

Kish said if the lights are going to permanently set on a horizontal angle, the one light will be replaced with the same light that's on the new building, I wouldn't complain.

LoBrutto said he will replace the one light and turn the two down.

Chair Culver asked for a motion to open the public hearing.

Sternberg made a motion to open the public hearing. Motion was seconded by Farhangi and passed unanimously.

Chair Culver asked Langlois if he had any questions.

Langlois asked if Kish can e-mail specific language for the conditions of approval with conditions he mentioned in regards to light tilting of the angle and placement of the one light so that we're all on the same page as to what was discussed.

Kish agreed to prepare it and send it to the PB.

Chair Culver requested a motion to close the public hearing.

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

SEQR was reviewed by the PB.

Kish said there was a portion of this that relates to light pollution contingent on resolving all of this.

Chair Culver requested a motion for a negative declaration on the SEQR.

Barrett made a motion for a negative declaration on the SEQR. Motion was seconded by Kish and passed unanimously.

Chair Culver requested a motion to approve the site plan as submitted with the notation and the changes in the lighting that will be provided as soon as possible.

Farhangi made a motion to approve the site plan as submitted with the notation and the changes in the lighting that will be provided as soon as possible. Motion was seconded by Kish and passed unanimously.

**NML Wilds, LLC/NML Farm LLC
Application for Lot Line Alteration
Route 199 and 136-44 Skunk's Misery Road
Parcel ID#: 133889-7171-00-475093 & #133889-7170-00-232833**

Wesley Chase appeared before the PB to review the lot line alteration application. He said the lot line alteration is to meet the setback and to deal with the Department of Health for septic.

Chair Culver said the applicants own both parcels and they need to move the line so that the house can be sited where they want it and the septic can be on their own property.

Kish asked about a federal wetland property.

Chase said if there was concern about that with the site that a note could be sent to the Building Inspector that on the map it shows the federal wetlands and the federal wetlands should be taken into consideration for the building permit. He said the matter before the PB has nothing to do with the site. It's a lot line alteration, an arbitrary line of two lines.

Chair Culver asked Langlois how much consideration does the PB have to give for the possible building site, or as this goes, do we just go on the line that they wish to move on their land.

Langlois said all you're being asked to do tonight is approve the lot line alteration.

Kish asked Langlois if there is a potential for this action to impact a critical environmental resource and wouldn't it need to be identified.

Langlois said the action is the lot line adjustment but site plan approval for a building then that action might have impact. The action of changing where the lines are located doesn't have any environmental impact.

Sternberg asked if on the present lot as it is or on the reconfigured lot in this zoning district there would not be a site approval required.

Chase said it would defer to the Building Inspector under the current code.

Chair Culver said if an applicant is building a single house on a large parcel and said parcel is owned, it doesn't have to come before the PB. You do have go to the Building Department. If you're moving a line on two large parcels, we can notate and discuss it's there but it doesn't have an impact on our action. They are not asking for a building permit.

Chase said he would be opposed to putting a notation on the map.

Langlois said that kind of note is helpful but it's not a condition to the lot line adjustment.

Chase will email a note to the PB.

Chair Culver suggested submitting the notation to Langlois for his review.

Chair Culver proposed that if the PB sets a hearing for June 29, 2022 to grant the applicant a hearing in a time and reasonable manner so they don't lose the summer.

Farhangi asked Langlois when is it appropriate to waive a public hearing.

Kish said we should never waive a public hearing; the public has a right to weigh in on it.

Langlois said the PB has the option to waive a public hearing at their discretion.

The PB agreed they were not in favor of waiving a public hearing.

Chair Culver requested a motion to hold a special meeting on June 29, 2022 at 7:30PM.

Farhangi made a motion to hold a special meeting on June 29, 2022 at 7:30PM. Motion was seconded by Barrett and passed unanimously.

Chair Culver requested a motion to put the lot line alteration up for a public hearing on June 29, 2022 at 7:40PM.

Kish made a motion to approve put the lot line alteration up for a public hearing on June 29, 2022 at 7:40PM. Motion was seconded by Farhangi and passed unanimously.

General Business

The PB received a request from the Village to be lead agency for the wastewater system project.

Chair Culver suggested sending a letter to the Village saying the PB is not challenging them and is okay with it.

Minutes

Chair Culver requested a motion to approve the May 25, 2022 minutes.

Kish made a motion to approve the May 25, 2022 minutes. Motion was seconded by Farhangi and passed unanimously.

Chair Culver requested a motion to approve the June 1, 2022 minutes.

Kish made a motion to approve the June 1, 2022 minutes. Motion was seconded by Farhangi and passed unanimously.

Chair Culver requested a motion to adjourn the meeting at 8:22PM.

Farhangi made a motion to adjourn the meeting at 8:22PM. Motion was seconded by Sternberg and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED July 13, 2022