

**TOWN OF NORTH EAST PLANNING BOARD  
MINUTES  
March 8, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, March 8, 2023 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30PM. Board members Chairman Culver, Scott Culbreth, Leslie Farhangi, Bill Kish, Bill McGhee and Dan Sternberg. Also in attendance were Chris Kennan, Chris Langlois, Rob Cooper, Ralph Fedeles, Chris Richard, Chris Najdek, David Juarke and Deb Phillips, secretary to the planning board.

*Suburban Propane LP (Rob Cooper)*

*Public Hearing for Application for Minor Subdivision/Lot Line Adjustment @ 7:40PM*

*Route 22 and 6180 Route 22*

*Parcel ID# 133889-7272-00-063335 & 133889-7272-00-057307*

Chairman Culver requested a motion to open the meeting at 7:30PM.

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

**Minutes**

Chairman Culver requested a motion to approve the February 8, 2023 minutes.

Kish made a motion to approve the February 8, 2023 minutes as amended. Motion was seconded by Sternberg and passed unanimously with McGhee abstaining.

*Suburban Propane LP (Rob Cooper)*

*Public Hearing for Application for Minor Subdivision/Lot Line Adjustment @ 7:40PM*

*Route 22 and 6180 Route 22*

*Parcel ID# 133889-7272-00-063335 & 133889-7272-00-057307*

Chairman Culver requested a motion to open the public hearing at 7:40PM.

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

Rob Cooper gave a review for the existing lot line that goes through the building to be moved to the south. There would be one entrance to both parcels with an easement for Suburban Propane to have access to their parcel.

Neighboring property owner David Juarke asked about the application.

Chairman Culver clarified that it was just for a lot line adjustment. Any further action by anyone to build or develop it outside for what its use was is not going to change based on what the PB does at the hearing. All the PB is doing is moving the line on the property to allow the building to be a parcel of its own and the tanks below it will still be in operation. The PB believes that the loading dock will go away. The tanks and the fence will stay and the building will not increase in size. No more parcels are being created or reduced. No use changes, no building footprint changes, no proposed use or further development is part of this action. Both lots are owned by Suburban Propane. Cooper’s intent is to purchase the land that the building is on. If there is further action and site plan review, it will be advertised on the website, etc. The current owner wants to maintain the right-of-way on the driveway of the parcel that they are selling.

Chris Richard of Taconic State Park in Copake Falls and Rudd Pond said they would like to put screening to enhance the Rail Trail. They would like to be taken into consideration if there will be construction that might take place.

Chairman Culver said screening would be more of a subject for a site plan. After tonight, nothing on the parcel will be slated to change other than possibly the ownership. The screening does make sense and the PB encourages landscaping and screening on any site plan.

Kish said he took pictures during a site visit and would like them to be put in the record and make a copy available for Zoning Enforcement.

Chairman Culver said he noticed a gate near the tanks on a site visit. He suggested having the gate welded shut due to safety purposes so a loaded tanker is not crossing both lanes of traffic to exit the property. He doesn't want an easement that creates a circular driveway. He asked Langlois if the PB had the ability to add that to the lot line adjustment to tonight's meeting because it's a possible safety hazard.

Cooper said Suburban is going to modify the fence and suggested Suburban to come to the PB for a site plan.

Chairman Culver said it should be on the plat that this decision doesn't infer or allow further site work without a site plan.

Culbreth suggested Suburban to have two egresses with one for emergency use. Chairman Culver agreed and said one should be for emergency use only and have a sign on the gate indicating it's only for an emergency. Langlois said that makes sense.

Langlois said he had drafted two potential notes: (1) Clarifying the PB approval as the proposed lot line change only and does not constitute or reflect any finding or determination by the PB that the current or any future proposed use of the property is not permitted under the code but that the property is or is not in compliant with all applicable zoning requirements; (2) the only change he would make is to change property to each parcel.

Chairman Culver requested a motion to close the hearing.

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

Chairman Culver said the language will go on the final plat. He suggested the lot line adjustment be conditionally approved with the understanding that the final plat will be done and the language will be consistent with what the attorney said. As long as he is agreeable with what is on there, he would sign it. PB members agreed.

A SEQR review was waived.

Chairman Culver asked a motion for a negative declaration on SEQR.

Farhangi made a motion for a negative declaration on SEQR. Motion was seconded by Sternberg and passed unanimously.

Chairman Culver asked for a conditional approval for Suburban Propane subject to final approval occurring once the language is on the plat and is approved by the PB as long as it is consistent with what the lawyer has put forth.

McGhee made a motion for a conditional approval. Motion was seconded by Farhangi and passed unanimously.

## **General Business**

The PB discussed landscaping standards and concluded that:

- PB does not like that MDRA model as a template for standards.
- Suggested that these regulations go in the “standards for site plan approval” of the code.
- Landscaping regulations should apply to commercial and multi-family residential uses only.

Plantings:

- Avoid invasive and non native species.
- Encourage multi-season interest, not just plantings that only flower for a few weeks.
- These regulations do not apply to private homes, only for site plan projects.
- Include a list of prohibited noxious invasives.
- Include a list of recommended (but not required) native and climate-suitable species.
- Verify that plans provide sufficient water and other necessary resources to ensure survival of plantings.

### **Public Comment**

Ralph Fedele thanked Chairman Culver for his leadership.

Chris Kennan said the Town Board has made a proposal to purchase the Jehovah Witness property for a town hall.

### **Close of Meeting**

Chairman Culver requested a motion to adjourn the meeting at 9:00PM.

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

Respectfully Submitted,

Deb Phillips  
Planning Board Secretary

APPROVED April 26, 2023