

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

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, February 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 and Dan Sternberg. Also in attendance were Chris Kennan, Chris Langlois, Rob Cooper, Ralph Fedele, Rich Stalzer and Deb Phillips, secretary to the planning board.

*Empire Solar Solutions/Brett and Erin Middleton
Discussion re: ZBA Application for Ground-Mounted Solar System
43 Morse Hill Road
Parcel ID#: 133889-7069-00-622315*

*Robert Cooper/Suburban Propane LP
Application for Minor Subdivision/Lot Line Adjustment
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 7:33PM.

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

Minutes

Chairman Culver requested a motion to approve the December 14, 2022 minutes.

Farhangi made a motion to approve the December 14, 2022 minutes. Motion was seconded by Kish and passed unanimously.

General Business

Landscaping Standards for ZRC:

Chair Culver said the main thing he was concerned about is what the PB gives an applicant is that they are okay to be planted and will survive. He said to use what species Cornell recommends.

Kish liked that the standards had the ability follow up in two years. He suggested adding two tables: (1) species that are prohibited and not recommended; (2) species that are recommended.

Farhangi said not to have invasive species and encourage native plants but everything doesn't have to be native.

Chair Culver said the PB is not supposed to be designing the landscaping: to give an idea and what to work from. There are several choices to make in the proper zone when using Cornell recommendations. The PB is to make sure that the plan works and that the landscaping survives.

Kish mentioned in Fishkill parking lots that one tree for every ten parking spaces is required. His concern was irrigation for the trees.

Chairman Culver asked Langlois what ramifications would there be if the PB required any irrigation to a landscaping plan. Langlois said there is always a balance between under regulating and over regulating. One way to fix that is to provide that the PB shall have the authority to waive any of the requirements for landscaping upon good caution.

Chairman Culver asked if by creating waivers if it would cause any precedent to the next party who may say it's a financial burden. Langlois said the general rule of government is that you want to imply your rules, waivers and exemptions on a consistent basis for applicants under like circumstances.

Chairman Culver asked Rich Stalzer, Chair of the Conservation Advisory Council (CAC), if the CAC had come up with any recommendations. Stalzer said the CAC had a meeting February 7, 2023 and he asked for comments to be in within two weeks. He liked the recommendation of using Cornell guidelines.

Chairman Culver suggested the PB members to review and submit any thoughts before the next meeting to finalize the PB recommendations.

Farhangi asked about enforcement. Chairman Culver said the PB doesn't have the authority for enforcement and it will probably go through the Building Department for enforcement.

Kish said he thought there would be an enforcement section in the Zoning Code that would cover every recommendation. He suggested asking Will Agresta about enforcement.

Kish asked Langlois if he had language on the Harney lighting. Langlois said he reached out to Harney and they were supposed to submit a final site plan but he has not heard back yet.

Empire Solar Solutions/Brett and Erin Middleton
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The PB agreed they have all seen the application.

Robert Cooper/Suburban Propane LP
Application for Minor Subdivision/Lot Line Adjustment
Route 22 and 6180 Route 22
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Rob Cooper appeared before the PB for the minor subdivision/lot line adjustment of Suburban property. He presented the PB with the easement agreement of the shared driveway with Suburban and three descriptions of the property. He said the existing property line is to be eliminated and it will be moved. He said it was on record that the building was continually used. Cooper will email the easement to Langlois.

Chairman Culver said the use of the building is not part of this decision; the first piece is the subdivision and the second would be site plan and use of the building.

Kish asked about including the site plan review as a condition.

Chairman Culver said if the PB approves the subdivision, it doesn't grant permission for Cooper to work on the property; he would have to come to the PB.

Kish suggested a stipulation on the map that the subdivision/lot line is not a further okay of anything else; and (2) do a site plan review.

Langlois said that the PB has the authority to grant a lot line adjustment, not an endorsement of any building changes.

Kish said he wants to clear that the PB isn't granting further approval of any other decision at this time.

Langlois said he would draft the language.

Sternberg said there is confusion here; we are forgetting all this is currently Suburban/Cooper seeking a lot line alteration, nothing more.

Chairman Culver said this is unusual piece of property.

Chairman Culver said because of the non-conforming use, Kish's points are valid. He said the PB has to remain cognitive that this current application is strictly a lot line adjustment.

Langlois said there are two varieties of subdivision: (1) one with no improvements (the PB is not looking at proposed changes) and (2) one with improvements. The application is not proposing improvements so there is to obligation or right to require a site plan review.

Chairman Culver once it is subdivided, Cooper would have to come to the PB with any changes. Cooper agreed.

Chairman Culver suggested a site visit after the public hearing.

Chairman requested a motion for a public hearing on February 22, 2023 at 7:40PM.

Farhangi made a motion for a public hearing on February 22, 2023 at 7:40PM. Motion was seconded by Sternberg and passed unanimously with Culbreth abstaining.

Chairman Culver requested a motion for additional escrow of \$100.

Farhangi made a motion for additional escrow of \$100. Motion was seconded by Kish and passed unanimously with Culbreth abstaining.

Public Comment

There was none.

Close of Meeting

Chairman Culver requested a motion to adjourn the meeting at 8:30PM.

Farhangi made a motion to adjourn the meeting. Motion was seconded by Culbreth and passed unanimously.

Respectfully Submitted,

Deb Phillips
Planning Board Secretary
APPROVED March 8, 2023