

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
May 24, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, May 24, 2023 in The Annex, 28 Century Boulevard, Millerton, New York at 7:30PM. Board members Chairman Culver, Charles Barrett, Leslie Farhangi, Bill Kish, Bill McGhee and Scott Culbreth (via Zoom). Also in attendance were Chris Kennan, Chris Langlois, Sara Doar, Julie Schroeder, Ed Eiffert, Gregg Pulver, Dave Lewis, Lann Rubin, Lann Rubin Jr., Tina Rubin, Ralph Fedele, Rob Cooper and Deb Phillips, secretary to the planning board.

Julie Schroeder and Aram Schroeder

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

5744 Route 22 and 5760 Route 22

Parcel #133889-7270-00-023809 and #133889-7270-00-031899

182 Route 44 East LLC (North East Ford)

Public Hearing for Site Plan Application @ 8:00 PM

182 Route 44

Parcel #133889-7271-00-739225

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

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

Minutes

Chairman Culver requested a motion to approve the May 10, 2023 minutes.

Kish made a motion to approve the May 10, 2023 minutes. Motion was seconded by Barrett and passed unanimously with McGhee abstaining.

General Business

Chris Kennan said a property owner on Mt. Riga Station Road is willing to sell 2/10 of an acre to the Harlem Valley Rail Trail (HVRT) for a parking lot. Once purchased, the HVRT will give it to Dutchess County. He gave an update on the purchase of the Jehovah Witness building for a new Town Hall and it is waiting for an approval from the Attorney General, the architectural renderings for the interior have been enhanced, it will be a courthouse and a town hall; the metal building is up for the new Highway Garage and the sheeting is in progress.

Kish asked Chairman Culver how he wanted to handle lead agency for North East Ford. .

Chairman Culver said since variances are needed, the Zoning Board of Appeals (ZBA) would have to be the first to take action.

Attorney Chris Langlois said SEQR needs to be completed before any agency can take an action. He said it would make sense to have the ZBA be lead agency.

Kish said he prefers an uncoordinated approach because the PB would issue a negative declaration and have the ability to run SEQR after the site plan is complete.

The PB agreed on an uncoordinated review.

Kish said the ZBA could circulate for lead agency.

Langlois said he is okay with it and agrees with Kish that the PB is in a better position to look at more broader impacts than the ZBA. He said the PB could review the project, issue a SEQR determination and then pause.

Lann Rubin gave a review of the site plan application for North East Ford that includes charging for EV vehicles, an addition of eight bays that would eliminate the storage of outside containers and infiltration chambers in the ground would have higher capacity.

Barrett asked if there any kind of fire suppression for the EV vehicles. Rubin said no; there is fire suppression that's already in place is fine.

**Julie Schroeder and Aram Schroeder
Public Hearing for Minor Subdivision/Lot Line Adjustment @ 7:40 PM
5744 Route 22 and 5760 Route 22
Parcel #133889-7270-00-023809 and #133889-7270-00-031899**

Chairman Culver requested a motion to open the public hearing for Julie and Aram Schroeder.

Farhangi made a motion to open the public hearing for Julie and Aram Schroeder. Motion was seconded by Kish and passed unanimously.

Julie Schroeder presented the PB with maps for the lot line adjustment.

Chairman Culver said he had spoken to Lynden Chase, land surveyor, and the map has been updated with hooks.

Chairman Culver requested a motion to close the public hearing.

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

The EAF was reviewed.

Chairman Culver requested a motion for a negative declaration.

Kish made a motion for a negative declaration. Motion was seconded by Farhangi and passed unanimously.

Chairman Culver requested a motion to approve the minor subdivision/lot line adjustment.

McGhee made a motion to approve the minor subdivision/lot line adjustment. Motion was seconded by Farhangi and passed unanimously.

Public Comment

There was no Public Comment.

**182 Route 44 East LLC (North East Ford)
Public Hearing for Site Plan Application @ 8:00 PM
182 Route 44
Parcel #133889-7271-00-739225**

Chairman Culver requested a motion to open the public hearing for site plan application of North East Ford.

Farhangi made a motion to open the public hearing for site plan application of North East Ford. Motion was seconded by Barrett and passed unanimously.

Chairman Culver recommended that this is the beginning of the public hearing and it will remain open.

McGhee asked if North East Ford will be getting used EV vehicles. Rubin said he has one already.

Chairman Culver asked for public comment from the audience.

Rob Cooper said he is excited about the expansion.

Lann Rubin, Jr. said he is excited about the chargers that will be going in.

Dave Lewis said he has worked with Rubin and he is an asset to the community.

Ed Eiffert said he has purchased 25 vehicles from North East Ford in the last three years, Rubin brings back the personal hometown handshake and he is an asset.

Chairman Culver said the PB has received the report from Matthew D. Rudikoff Associates. He asked Rubin to discuss mitigations or corrections he had.

Kish asked Langlois about his understanding of the DEC referral and if it is something that the PB legally has to do. Langlois said the applicant has to comply with the New York State Law and Regulations regarding wetlands. The applicant would need to check with the DEC.

Chairman Culver said the proposed site is currently being used for the dealership. Langlois said they are changing the footprint, not expanding it.

Chairman Culver asked Rubin to go down the list from Matthew D. Rudioff Associates, Inc., dated May 20, 2023 and hear his comments.

Zoning and Site Considerations:

1. Site Utilization:

- a. Rubin said he got an updated topographic map from 2021 from the surveyor; not sure why that is an issue.
- b. Rubin said Peter Sander, engineer with Renna Engineering, disagrees with separation of two parcels. The PB agreed it should be referred to the Building Inspector.
- c. Rubin said it's not difficult to address.
- d. Rubin said it ties in with 1a. Kish is confused why it relates to 1a. He asked Rubin if there is going to be enough parking on the lot and storage of vehicles that are being repaired or being sold. Rubin there will be enough parking; he is gaining eight spaces because they will be inside being worked on. Chairman Culver asked Rubin if he doesn't have a problem with 1d because he won't be displacing vehicles and he won't be seeking to expand outside of that area. Rubin said that is correct. Chairman Culver asked Langlois if that is a reasonable solution to 1d. Langlois said the point of 1d is two-fold: (1) the objection is that the applicant is currently parking vehicles within the setback area; (2) if EV chargers will be going in, Rubin may lose some existing spaces. Rubin asked Langlois if he is allowed to park vehicles in setbacks. Langlois said he was looking at the code language cited in 1d - yards shall

not be used for the storage of, among other things, vehicles. Kish suggested putting a pin in this and look at what's in the current code.

3. Variances:
 - a. Rubin said the PB is working on clarity with their code. Chairman Culver said the issue of EV chargers is going to be brought to some conclusion with the Zoning Review Committee (ZRC).
 - b. Rubin said the plan has been revised many times and not only is it most efficient for storage, not only for EV vehicles and items from outside. Langlois said items in the Variance section should be discussed with the ZBA. Langlois suggested skipping the Variances section.
4. Proposed EV Chargers
 - a. Rubin said he addressed the EV chargers earlier.
 - b. Rubin said the level 3 chargers have two plugs and level 2 chargers have one plug.
 - c. Rubin said the precast bumpers are proposed at each EV charging station. He said a continuous curb should not be difficult to address.
 - d. Rubin didn't have any issues with construction details. Kish asked if the EV chargers would be lit up. Rubin said he would agree to sign off to unlit chargers if available. Chairman Culver asked Langlois about restricting the chargers to not having an illuminated sign. Langlois said the applicant might not have the option to as what the chargers look like. Chairman Culver asked Langlois if the PB can write language so the chargers don't have a self-illuminating sign. Langlois agreed.
5. Dumpster Enclosure
 - a. PB agreed it should go to the Building Inspector.
 - b. Rubin had no issue with it.
6. Stormwater

Rubin disagreed with the entire section. He said storm water typically is only required to be addressed when disturbance is greater than one acre. Chairman Culver said the PB would research that. He said h is only imposing 2/3-acre disturbance. He said the infiltration chambers address that.
7. Lighting

Rubin said he doesn't have control over what colors are used for lighting. He said a work order has to be to put in to have the Central Hudson poles removed. He said the lights that are on the sides is what is going to illuminate the chargers. Chairman Culver said the PB will probably ask Rubin to come with avenues that are better. Kish said Rubin could ask Central Hudson to remove the poles on the east side and suggested Rubin to install his own light poles that he would own and have total control over. Chairman Culver suggested Rubin look at alternative solutions.
8. Building Architecture

Rubin said he would try to make the cupolas a little bigger.
9. Sidewalks and Landscaping
 - a. Rubin said he would consider sidewalks if sidewalks in the comprehensive plan were extended from the boulevard to connect with ones on the Ford property. Chairman Culver said he is fine with making an applicant make the delineation for where it would be, knowing where the PB would want it to meet the other sidewalks. He said he is not comfortable putting the burden on the applicant to build sidewalks that are going to go nowhere. He asked the PB if they are okay with delineation but with a specification that it be floating enough that it would be able to meet the next property. Langlois agreed with the sidewalk delineation. The PB agreed with delineation also.
 - b. Rubin said he will do more landscaping.
10. General Site Plan Revisions

Bullet #1: Rubin said the "impervious surface coverage should be detailed" is not required.

Bullet #2: Rubin said minimal grading is required.

Bullet #4: Rubin said the vehicle circulation exhibit for a fire truck is tied into the proposed parking plan.

Bullet #5: Rubin said he would FOIL the health department to see if there are any plans for the existing septic. Chairman Culver said the site would be included in the proposed sewer district. Langlois said Rubin would not be adding to the septic load.

Bullet #6: Rubin said it was previously discussed.

Bullet #7: Rubin said the EV vehicles will show the location of chargers. Rubin said if it became an issue, he would come to the PB with an application.

SEQRA

11. Kish said that was for the PB.

12. Short EAF

Question 2: Rubin said he did revise the Short EAF.

Question 5: Rubin said that is the most important part of this to be able to continue. ??

Question 5b: Chairman Culver said part of this is to create a narrative. He mentioned the positive aspects relative to the Comprehensive Plan: provides economic development, creates higher level of paying jobs, stimulate more traffic to the Boulevard District, hopefully develop more of a core density that might support the additional redevelopment of the retail strip that is referred to as the supermarket site. He said a growing business out there on that end, in congruence with the Comprehensive Plan, it addresses the vision of the Comprehensive Plan. He said this is one of those projects that does a lot more for the future. Barrett said the EV chargers bring a service to the town. Chairman Culver said some variances are needed.

Question 10 and 11:

Question 15: Rubin said a very important part of this project is the timing of completion. He said he only saw one tree that might have to be removed (regarding the Northern long-eared bat). He said if needed, he would put the building off until November 1 (referring to tree removal to avoid disturbance to summer roosting habitat) but he must have the building completed by September 1, 2024.

Chairman Culver said looking at the interior storage vs. the exterior storage, if there was a downside, it would be possibly petroleum products but he said two things will happen: the more EVs means less petroleum and moving to interior storage is going to eliminate any outside storage issues.

Chairman Culver said there are a few points that need to go to the Building Inspector and they need to discuss the request from the ZBA Chair about the PB's view of the impact of the project.

Rubin said he would add to the plan the location of septic, future sidewalks, traffic flow, decide on tree species, alternative solution for lights and dumpster fencing. The PB asked if the cupolas could be a little bigger.

Chairman Culver asked Rubin to reach out to the Fire Department relative to the site and the lane markings for emergencies.

Chairman Culver requested a motion to continue the public hearing until June 14, 2023 or the next meeting that happens.

Farhangi made a motion to continue the public hearing until June 14, 2023 or when the next meeting that happens. Motion was seconded by Barrett and passed unanimously.

Close of Meeting

Chairman Culver requested a motion to adjourn the meeting at 9:36PM.

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

Respectfully Submitted,

Deb Phillips
Planning Board Secretary
APPROVED June 14, 2023