

**TOWN OF NORTH EAST PLANNING BOARD  
MINUTES  
June 28, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, June 28, 2023 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30PM. Board members Chairman Culver, Charles Barrett, Scott Culbreth, Leslie Farhangi, Bill Kish and Dan Sternberg. Also in attendance were Chris Langlois (via Zoom), Lann Rubin, Lann Rubin Jr. and Deb Phillips, secretary to the planning board.

*182 Route 44 East LLC (North East Ford)  
Continued Public Hearing and Discussion/Site Plan Application  
182 Route 44  
Parcel #133889-7271-00-739225*

Chairman Culver requested a motion to open the meeting at 7:35PM.

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

**Minutes**

Chairman Culver requested a motion to approve the June 14, 2023 minutes.

Culbreth made a motion to approve the June 14, 2023 minutes. Motion was seconded by Farhangi and passed unanimously with Barrett and Kish abstaining.

Kish suggested indicating attendees who are on Zoom in future minutes.

**General Business**

There was none.

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

Kish made a motion to open the public hearing for North East Ford continued discussion/site plan application. Motion was seconded by Sternberg and passed unanimously.

**182 Route 44 East LLC (North East Ford)  
Continued Discussion/Site Plan Application  
182 Route 44  
Parcel #133889-7271-00-739225**

Chairman Culver said the public hearing would not be closed until the PB hears from the Zoning Board of Appeals (ZBA) relative to variances. The PB would be able to take action if the variances from the ZBA are approved.

Lann Rubin appeared before the PB with changes on the site plan. He said an added area by the road is reserved for future Town/Village sidewalks. He said the front setbacks were a concern with the ZBA so the EV chargers were moved back closer to the building. He said the overall maximum site coverage is normally 50; he had gotten a variance for 69.4 and his proposed plan goes to 69.3. He said the next step is to go to the ZBA for rear setback

and side setback variances. Chairman Culver said Rubin has reduced from four variances to two. Rubin said updates to the landscaping included how plantings would be for the small flowers, bushes and deciduous trees. He said Ryan Boyles, the property owner in the back, would like ranch-style fencing to separate the two properties. Rubin said he found equestrian-style fencing that matched the style of the building. Chairman Culver said the fencing would create a delineated border.

Farhangi asked about adding more trees. Rubin wants to keep the line of sight open of those coming from Connecticut but he would add two more.

Kish asked Rubin his thoughts on lighting. Rubin said Central Hudson has agreed to new lights with 3,000 and under Kelvin and will be LED. Three will be swapped out on the east side. Kish asked Rubin if Central Hudson would provide and cut sheet and Rubin was told no.

Barrett asked if everything was going to be underground. Rubin said not in Phase 1 but it will be in Phase 2.

Kish asked Chairman Culver if he is okay with him drafting language for the lighting. Chairman Culver said yes but we have to recognize that the key parts be Dark Sky compliant and below 3,100 Kelvin.

Chairman Culver said he wants to see is that the infrastructure that is needed for Phase 2 is being worked on in Phase 1. He suggested making the chargers the second step after getting the building up.

Kish said he has heard that the ZBA is pushing Rubin to do the plan in two phases because they have concerns about the charging stations. He said he is a proponent of doing as much of this as possible because he thinks the Town needs the charging stations. He asked if Rubin is forced to do it in two stages, would he power the addition through the existing building. Rubin said the pole would get moved and the wire would get connected near the EV chargers. Rubin said he would rather be allowed to trench around the back for the wires that would feed everything.

Kish suggested that Rubin ask the ZBA to treat the plan as one project. He said remediating the lights won't happen if the chargers don't get put in. Rubin said yes until the Conservation Advisory Council letter was received. Kish said he thought the CAC was encouraging solar.

Lann said the best strategy is to get both variances from the ZBA.

Chairman Culver said he feels the building is the driving force for the project. He asked if we are better off as a community making sure that the chargers that Rubin gets are the ones that are the most advanced.

Kish suggested having language that indicates the Building Inspector grants a Certificate of Occupancy without the chargers with the understanding that they would installed within 12 months of completion. Rubin said he was okay with that.

Chairman Culver asked if anyone on the PB had any objections against getting the commitment for the chargers but having a little gap in between that allows for basically the shake-out of what chargers are actually going to be the one the whole thing uses and that we also have the ability to look at the traffic pattern to see if we have gotten it right before the chargers are in place and if anything needs to be tweaked.

Barrett said he doesn't have a problem with that but asked if approval will be given for both phases by the ZBA.

Chairman Culver said if the PB tells the ZBA these are the PB's thinking, maybe instead of granting the variances in different time frames, they will grant both at the same time; the ZBA would grant the second variance knowing that the PB agreed with the idea of making sure that the PB is updated on technology.

Chairman Culver said his belief is that Rubin is going to try to go face-to-face with Central Hudson for better poles and a more description on the light. Rubin agreed.

Chairman Culver said the second phase would be the actual installation of the chargers but there is a firm commitment from Rubin and a plan from Rubin to put in the chargers, not just talk about them to get the building.

Langlois said it's not clear to him what the specific objections are of the ZBA to the chargers.

Chairman Culver said the PB can't finalize things until the ZBA approves the variances.

Culbreth asked if Rubin considered moving the addition 20 feet forward. Rubin said it doesn't work with the existing building.

Chairman Culver requested a motion to continue the public hearing.

Barrett made a motion to continue the public hearing. Motion was seconded by Culbreth and passed unanimously.

### **Public Comment**

There was none.

### **Close of Meeting**

Chairman Culver requested a motion to adjourn the meeting at 8:25PM.

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

Respectfully Submitted,

Deb Phillips  
Planning Board Secretary

APPROVED July 12, 2023