

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
July 12, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, July 12, 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, Bill McGhee and Dan Sternberg. Also in attendance were Chris Langlois (via Zoom), Lann Rubin, Kathy Chow, Robert Trotta, Ray Nelson, Ralph Fedele, Andrew Stayman, Chris Kennan, Cathy Fenn, Rob Cooper, Norman Jacobskind, Meg Winkler, Rob Bristow, John King, Rich Stalzer and Deb Phillips, secretary to the planning board.

*Norman Jacobskind/Rivendell Millerton RE LLC
Application for Minor Subdivision/Lot Line Adjustment
182 Quarry Hill Drive and Quarry Hill Drive
Parcel #133889-7274-00-410020 and #133889-7274-00-490056*

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

*Robert Trotta/Dollar General
Site Plan Application
Route 44
Parcel #133889-7271-00-664222*

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

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

Minutes

Chairman Culver requested a motion to approve the June 28, 2023 minutes.

Sternberg made a motion to approve the June 28, 2023 minutes. Motion was seconded by Culbreth and passed unanimously with McGhee abstaining.

General Business

There was none.

**Norman Jacobskind/Rivendell Millerton RE LLC
Application for Minor Subdivision/Lot Line Adjustment
182 Quarry Hill Drive and Quarry Hill Drive
Parcel #133889-7274-00-410020 and #133889-7274-00-490056**

Norman Jacobskind appeared before the PB to adjust a lot line to accommodate a 50’ setback. He said the property was grandfathered in a three-acre parcel and adding additional land will conform to the current code of five-acre zoning.

Chairman Culver said it is a non-conforming lot that will become a conforming lot and it will avoid the applicant going to the Zoning Board of Appeals (ZBA) for variance for a setback

Kish asked if the one lot was a buildable lot; Jacobskind said it is. He said northern edge of the pond is listed as a fen and asked that when the house is developed that it not be near the northern edge of the pond. Jacobskind said the building lot is quite a distance from the pond. Kish also asked to have the surveyor put hooks on the map when the property gets adjoined.

Chairman Culver requested a motion for a public hearing on August 9, 2023 at 7:40PM.

McGhee made a motion for a public hearing on August 9, 2023 at 7:40PM. Motion was seconded by Culbreth 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 requested a motion to re-open the public hearing.

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

Chairman Culver said the PB will not be closing the public hearing.

Lann Rubin said he is getting close to getting ZBA approval. He said two trees will be added that the ZBA requested and the EV chargers will be moved back. He spoke to Central Hudson about the pole and was told it opens a different problem. The metal poles that Central Hudson has are for walkways and have to be wired from the ground. Central Hudson said the trench for the EV chargers will work because the heavy cable has to be in one conduit and the other one needs to be six inches apart. CH said if Rubin has very low lights on the metal poles, it will make an area pitch black and that causes a problem for the back half of the inventory.

McGhee asked if the insurance company is on board with the lighting. Rubin said if he doesn't tell the insurance company and someone gets hurt, the insurance company will give him a hard time.

Chairman Culver asked for a photometric overlay to show where the dark spots would be if Rubin does go with the low lighting. Rubin said Central Hudson can't give the PB a cut sheet.

Kish said he found a brochure online of Central Hudson lighting. Chairman Culver asked him to circulate that with the PB.

Kish asked that the language read "all existing pole-mounted luminaires shall be replaced with equipment meeting the following specifications: all replacement luminaires shall be fully shielded, defined as a fixture constructed and installed in a fixed position in such a manner that all light emitted is projected below the horizontal plane from the luminaires lowest light emitting part. The color temperature for the replacement luminaires shall not exceed 3,000 degrees Kelvin and the light emitted by each luminaire shall not excel 15,000 lumens. The angle of the luminaire with respect to the horizontal plane shall be fixed and capable of being adjusted. The height of the replacement luminaire shall not be higher than the existing luminaires. Any additional modifications to site lighting shall be subject to Planning Board approval." Rubin said he had no problem with those conditions.

Chairman Culver said he likes the wiring for the lights to be underground. He also said everything is subject to the ZBA.

Chairman Culver requested a motion to continue the public hearing July 26, 2023.

Culbreth made a motion to continue the public hearing July 26, 2023. Motion was seconded by Farhangi and passed unanimously.

**Robert Trotta/Dollar General
Site Plan Application
Route 44
Parcel #133889-7271-00-664222**

Chairman Culver said it is a preliminary site plan application.

Ray Nelson, Trotta's architect, appeared before the PB for Robert Trotta. He said it the building would pretend to be two stories but it would be a one-story building. He said there would be lot line adjustment to get a 50-foot rear yard. The building would be 12,00 square feet and he said Dollar General wanted parking for 40 cars.

McGhee asked how would trucks get in and out. He mentioned there is a problem in Amenia with the trucks backing in.

Nelson said the driveway would be moved to the middle so it would be shared between the two lots.

Kish asked what is on the property that has all the vents on. Nelson said it is the septic system. Trotta said it was for McDonald's. Trotta said it runs along the front.

McGhee asked if it would build their own septic field. Trotta said yes.

McGhee asked if the building would be right next to the sewer system. Nelson said yes. McGhee asked what the setback for that was; Nelson said 20 feet.

Kish said the dumpster pad is within the 150-foot buffer and it looks like parking spaces on the adjacent property.

Farhangi asked about signage. Nelson said it would be a ground sign and there will be no sign on the building.

Chairman Culver asked what is the timetable to go to the ZBA. Nelson said he hasn't gone to the ZBA yet. Trotta said it doesn't a lot of sense to make an application to the ZBA unless he has gotten some understanding from the PB.

Kish asked what variances would be needed. Trotta said he thought a setback variance.

Chairman Culver said there also has to be an application for the lot line adjustment.

Trotta said if the plan was agreeable to the PB, the next step would be to go to the ZBA for an application for the variance and lot line adjustment. He said there would be 3,000 square feet of the store for fresh produce.

Sternberg asked if they Dollar General would be building it or if Trotta would. Trotta said the developer would; he would sell the land to them.

Kish asked why the building would have a 17-foot ceiling on the interior. Nelson said so it would look like a two-story building.

Kish said to look at the invasive species list and recommended species lists for the area.

McGhee asked how the property falls into the 100-year flood zone. He said permeability would be lost with the blacktop and the building. Ray said there would be a storm water retention area.

Attorney Chris Langlois said he understands that Trotta doesn't want to get a variance approved based on a certain concept and only to have the PB change the concept in a way that might be a problem in what the ZBA approves. He said there are some large features (location of the building, the dumpster pad, the parking) that should be given a thumbs up before the applicant goes to the ZBA.

Chairman Culver said it would be sent to the PB planner to get his feedback to see if the plan as it stands is worthy of going forward.

Chairman said escrow would be sent to the planner and the PB would get his feedback. When the feedback is received, the PB can schedule a meeting.

Chairman Culver requested a motion for escrow in the amount of \$4,000.

Farhangi made a motion for escrow in the amount of \$4,000. Motion was seconded by McGhee and passed unanimously.

Kish is concerned that the building department might have issued a pole sign permit with referring it to the PB. Chairman Culver suggested asking the office.

Sternberg said he is uncomfortable with looking at a site plan on behalf of someone who is not going to be the owner, the builder or the operator. Chairman Culver said it is not uncommon to look at a site that is owned by someone else with a proposal that they will purchase; they are bound by the site plan.

Langlois said the PB is looking at a site plan that is transferrable; whatever the PB approves, it will be binding on the new owner. He said his rights are transferrable and so are the responsibilities. He said the PB is looking at the property, not the applicant.

Kish asked if the ZBA are within their rights to grant variances on conditions. Langlois said he doesn't think the ZBA would have the authority to impose conditions.

Chairman Culver said the PB's impact is exterior and on the soil; it's not interior.

Barrett asked if the Town Board could get involved in and negotiate. Langlois said he doesn't know what role the Town Board has to offer.

Chairman Culver there are a lot of concerns with the project; he asked if it changes the dynamic in attracting a traditional supermarket, does it impact the Comprehensive Plan in the direction of what the Boulevard District was going to have. He said this particular type of store might undercut the future plans for development.

Sternberg asked Langlois if one of the criteria has consistency with the town character and Comprehensive Plan. Langlois said yes but not in terms of the question of use. The use will be determined by the ZBA and the Town Board.

Public Comment

Rob Cooper asked is the Zoning Review Committee is trying to promote residential space over top on the second floor. Chairman Culver said the ZRC is looking at mixed use, bringing housing onto the Boulevard but not to turn it into a residential neighborhood. It's looking to provide more units along with retail. He said he felt the more core density with population that is created, it is more likely to have a successful food store.

Cooper said it looks like we have a two-story building here but no plan for the upstairs. Chairman Culver said it is a faux two-story building.

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 August 9, 2023