

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
August 9, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, August 9, 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, Bill Kish and Dan Sternberg. Also in attendance were Chris Langlois (via Zoom), Lann Rubin, Lann Rubin Jr., Chris Kennan, Norman Jacobskind, Edward Ustico, Rich Stalzer, Kathy Chow, Andrew Stayman and Deb Phillips, secretary to the planning board.

*Norman Jacobskind/Rivendell Millerton RE LLC
Public Hearing for Minor Subdivision/Lot Line Adjustment @ 7:40PM
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*

*McGhee Hill Road Subdivision
MGHR, LLC
Motion to Declare Lead Agency
McGhee Hill Road
Parcel #133889-7170-00-414515*

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

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

Minutes

Chairman Culver requested a motion to approve the July 12, 2023 minutes.

Culbreth made a motion to approve the July 12, 2023 minutes. Motion was seconded by Barrett and passed unanimously.

**McGhee Hill Road Subdivision
MGHR, LLC
Motion to Declare Lead Agency
McGhee Hill Road
Parcel #133889-7170-00-414515**

Chairman Culver requested a motion to declare the Town of North East Planning Board as lead agency.

Kish made a motion to declare the Town of North East Planning Board as lead agency. Motion was seconded by Sternberg and passed unanimously.

General Business

Chairman Culver asked if PB members received emails about sexual harassment training. Kennan said he would have Lorna Sherman make sure emails were sent to PB.

Chairman Culver asked PB about training topics. Kish mentioned special permits. Chairman Culver suggested share driveway agreements; road cuts should be discouraged and encourage shared driveway agreements.

Attorney Langlois said it would be helpful if there had been past experiences with applicants before the PB that had not gone the way the PB wanted it to. He said he would put some material together.

Chairman Culver said it has come down to the share agreement and the shared maintenance; every time there is money involved, it needs to be more clearly specified.

Kish said he could deliver a training on Dark Sky lighting.

Chairman Culver suggested inviting the Zoning Board of Appeals (ZBA) to the training.

Barrett asked about solar. Chairman Culver suggested to Langlois about reviewing solar since state laws have changed.

Norman Jacobskind/Rivendell Millerton RE LLC
Public Hearing for Minor Subdivision/Lot Line Adjustment @ 7:40PM
182 Quarry Hill Drive and Quarry Hill Drive
Parcel #133889-7274-00-410020 and #133889-7274-00-490056

Chairman Culver requested a motion to open the public hearing for Norman Jacobskind/Rivendell Millerton RE LLC.

Culbreth made a motion to open the public hearing for Norman Jacobskind/Rivendell Millerton RE LLC. Motion was seconded by Barrett and passed unanimously.

Norman Jacobskind appeared before the PB to give a review of the lot line adjustment. He said there are two contiguous lots and he is enlarging the house that exists on one of the lot and to maintain a 50-foot side setback, he wants to take land from the second lot and add it to the primary lot. That would then make the two-acre grandfathered non-conforming lot become a conforming five-acre lot.

Chairman Culver requested a motion for escrow in the amount of \$250.

Culbreth requested a motion for escrow in the amount of \$250. Motion was seconded by Barrett and passed unanimously.

Kish asked about an updated plat. Jacobskind said hooks were put on the map.

SEQR was reviewed.

Kish asked if what the PB does is covered under the first question of SEQR: "Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule or regulation?"

Langlois said no; the PB does not involve any of those.

Chairman Culver requested a motion to declare a negative declaration.

Kish made a motion to declare a negative declaration. Motion was seconded Sternberg and passed unanimously.

Chairman Culver made a motion to approve the lot line adjustment.

Culbreth made a motion to approve the lot line adjustment. Motion was seconded by Sternberg and passed unanimously.

Chairman Culver made a motion to close the public hearing.

Culbreth made a motion to close the public hearing. 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 requested a motion to re-open the public hearing.

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

Lann Rubin said the ZBA approved the variances based on the following: (1) There will be no other questions with the County; (2) keep the plants alive that have been added (two dogwoods in the front surrounded by mulch and Russian sage), change the inkberries to boxwoods and change the plantings to boxwoods by the charging stations; and (3) match Kish's lighting verbage.

Kish said the lighting schedule that says existing fixtures to remain conflicts with the removal of existing fixtures. Lann agreed to cross it out on the map. Kish asked Rubin when he gets cut sheets from Central Hudson if he will submit them to the PB and the Building Department. Rubin said when Central Hudson sends cut sheets, there may be two or three different types they may use but they will all meet the 3,000 Kelvin. Kish said the PB needs the actual cut sheet for what will be used. Rubin asked if that can be a condition.

Chairman Culver said the conditions relative to the Certificate of Occupany would make the most sense. He said if the Building Department were to use the decision page from this action as their guide.

Lann said the ZBA asked to have the fence removed.

Chairman Culver asked for public comment on the application.

CAC Chairman Rich Stalzer said he is concerned about the impact on the wetland, the entire project is in the wetland buffer, the building is within several feet of the actual delineated wetland. He said his biggest concern is any discharge into the wetland. He asked if a storm water management plan has been filed or a wetland protection plan.

Chairman Culver requested a motion to close the hearing. Sternberg made a motion to close the hearing. Motion was seconded by Barrett and passed unanimously.

Chairman Culver said one of his concerns is with the public use of chargers is the traffic pattern. He recommended the installation of the chargers where the second phase of the plan; a six-month delay on that part of the project might make the rest go smoother.

Kish said his concern is what the PB can do to allow for flexibility.

Langlois said the PB can approve the site plan that allows the electric chargers but the PB can't force the applicant to go forward with the project as circumstances change. He said the PB could approve the site plan as a whole and the whole that the PB is approving involves electric chargers. He said if for some reason the electric chargers are no longer part of the plan, the applicant would be in violation of the site plan.

Chairman Culver said one of the PB's initial concerns was about traffic flow. He suggested having a break between the site preparation, the building and actual adding of chargers; six months of making sure what you have on paper actually works. He asked Langlois of doing that in two pieces where it's conditional on the chargers. Langlois said it could be conditioned like but you have to be very specific as to what the conditions are that you want to see satisfied. He asked what conditions does the PB want to see before the applicant can proceed.

Chairman Culver said he would like to see the site prepared, infrastructure laid for the chargers but the ability to become certain that it is right as far as the public part where there will be access, etc. and there wasn't something that was missed in the process of designing it to begin with.

Kish would like the PB to get cut sheets for the final chargers so they can be approved. Chairman Culver said the PB currently doesn't know what the chargers are going to look like; approving them would mean that the PB said it's okay but the PB doesn't know what okay is.

Chairman Culver asked Langlois if he could craft language for that. Langlois said the point Kish raised about the cut sheet is the easy condition of site plan approval, conditioned upon the applicant returning and submitting to the PB with cut sheet showing the chargers to be installed prior to installation.

Kish asked if that prevents construction from starting regarding the issuing of a building permit; he said usually it's site plan approval, building permit and then Certificate of Occupancy. He doesn't know if the PB has to make the Building Department take on the responsibility of not issuing the Certificate of Occupancy until the PB gets cut sheets of chargers, infrastructure and lighting.

Langlois said the spirit is the applicant will get the building permit but won't install the actual chargers until he has come back to the PB and shown what the chargers will look like and the PB has said that's okay.

Chairman Culver told Langlois that North East Ford will be returning to a PB meeting with the charger material and the PB will discuss it. Langlois said all of this is on one site plan and either the PB is approving it or not approving it. In a different world, the site plan is approved to the extent of the building but deferred with respect to the chargers until such time that the applicant come back but you can't approve half the site plan. The next best thing is the site plan is approved on the condition that applicant shall not proceed with the installation of the chargers until such time he returns and gets final approval from the PB as to the design and appearance of the units.

Barrett asked about a storm water plan. Rubin said what is proposed in the plan is to have the drains that come off the building go into collection chambers.

Chairman Culver said McGhee had spoken to him earlier in the day and was concerned if any additional water ports proposed. Rubin replied no; the new addition will have no water ports. Chairman Culver said there would be concerns with septic if water ports were being added. He said it might be a good idea to cover that.

Chairman Culver asked Langlois if any wording about septic since there is no plumbing at all in the proposed new building. Langlois said that since the applicant has specifically addressed that and confirmed that there will be no additional sinks, drain or water ports, that is sufficient.

The PB did a review of SEQR. (The PB did not have a hard copy; it was read by Langlois).

Chairman Culver requested a motion for a negative declaration.

Culbreth made a motion for a negative declaration. Motion was seconded by Sternberg and passed unanimously.

Langlois listed the conditions: Removing current fixtures and replacing, lighting verbage added to the plat, lighting cut sheets when available from Central Hudson, applicant not proceeding with installation of any EV chargers until the applicant returns to the PB with cut sheets for the specific units proposed for PB review and approval. Chairman Culver asked Langlois to put together an email regarding the conditions.

Langlois prepared language for a motion to approve the site plan subject to the following two conditions: (1) that he applicant submit to the PB cut sheet(s) from Central Hudson showing the lighting fixtures to be installed; (2) that the applicant not install any EV charger units until such time as the applicant returns to the PB with cut sheet(s) depicting the unites proposed to be installed, and the PB approves same.

Chairman Culver requested a motion to approve the site plan subject to the above two conditions.

Chairman Culver requested a motion to close the public hearing.

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

Kish made a motion to approve the site plan subject to the above two conditions. Motion was seconded by Barrett and passed unanimously.

Kish suggested having a wildlife biologist take a site walk before winter on the McGhee Hill project.

Close of Meeting

Chairman Culver requested a motion to adjourn the meeting at 8:55PM.

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

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED September 13, 2023