

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
September 13, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, September 13, 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), Chris Kennan, Hilarie Thomas, Rob Cooper, Emily Edelman, Walter Kubow and Deb Phillips, secretary to the planning board.

*Robert Trotta/Dollar General
Site Plan Application/Review MDRA Memo
Route 44
Parcel #133889-7271-00-66422*

*McGhee Hill Road Subdivision
MGHR, LLC
Ongoing Site Plan Discussion/Escrow
McGhee Hill Road
Parcel #133889-7170-00-414515*

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

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

Minutes

Chairman Culver requested a motion to approve the August 9, 2023 minutes.

Kish made a motion to approve the August 9, 2023 minutes. Motion was seconded by Sternberg and passed unanimously with Farhangi abstaining.

General Business

There was no general business.

Chairman Culver said he was concerned with the Trotta application not being complete and the PB will wait to hear from the applicant.

Kish said he would like the applicant to reply in written form and not verbally.

Chairman Culver said he would like the application to be complete before getting any replies.

**McGhee Hill Road Subdivision
MGHR, LLC
Ongoing Site Plan Discussion/Escrow
McGhee Hill Road
Parcel #133889-7170-00-414515**

Walter Kubow appeared before the PB with a plat that the land surveyor had prepared. He said storm water management areas were added and easements with road maintenance agreement so that all the landowners that share the road have a shared responsibility for the maintenance. There are a few storm water maintenance practices that are on the lots near the homes that can have changes made. Chairman Culver some of those issues could be avoided by moving the building envelopes. Kubow said each lot has a building envelope that represents a developable area that is within the 50' setbacks, away from the wetlands and the steep slopes. Chairman Culver asked if the envelopes are much larger than the house will be; Kubow said correct.

Barrett asked if it was all deeded. Hilarie Thomas said it was included on the plat which would also be referred to in the deed.

Chairman Culver said the building envelope would give flexibility to where the home would be sited.

Kubow pointed to areas on the map where no tree clearing would be allowed.

Sternberg asked if the tree-clearing restrictions be included in the HOA (Homeowners Association). Thomas said there is no HOA and is not required for this size development.

Kish asked for a verbal description of how the maintenance agreement crosses property lines and would be handled for the driveways in the covenants. Thomas said there is a driveway maintenance notion for Lots 1, 2 and 3 would be a shared maintenance up to where each individual driveway splits off and within that it also requires those three lots to agree to share the maintenance of the driveway and any storm water. Kish asked how any disputes would be resolved; Kubow said in a court.

Farhangi said she would like the restrictions to be enforceable.

Chris Langlois said the requirements would be memorialized on the approved subdivision and there should be mutual covenants in each of the deeds so that neighbors taking title from a common grantor has standing to enforce the restriction.

Kish asked who could have standing to enforce the restriction(s). Langlois said the person looking to enforce it would have to have taken title from the same common grantor. The Town's ability to enforce comes from the subdivision approval on the limitations of the homeowners' agreement.

Chairman Culver asked Langlois to confirm that every decision that the PB makes here that has a covenant or whatever, the Code Enforcement Officer can enforce what the PB provides as approval. Langlois agreed.

Kish would like to have another visit along with the wildlife biologist that Rudikoff brought the first time before the weather changes. Langlois said that is fine as long as the applicant has no objections and that the opportunity should be made to all PB members.

Sternberg asked Langlois if he had a chance to review the draft declaration. Langlois said he hasn't seen anything. Thomas said she would provide that to Langlois.

Sternberg asked if there was a reference to the declaration of covenants on the plat; Kubow said no. Sternberg said the PB engineer requested that there be a declaration be referenced on the plat. Kubow said he would take care of it.

Chairman Culver said the next step would be setting up the visit with wildlife biologist. He said at the next PB meeting would be discussing a public hearing.

Barrett asked what the grade requirement is for the project because of the steep slopes on the property. Kubow said 15-16% and 1% equals 100 feet.

Public Comment

There was no public comment.

Close of Meeting

Chairman Culver requested a motion to adjourn the meeting at 8:05PM.

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

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED November 8, 2023