

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
February 28, 2024**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, February 28, 2024 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30PM. Board members Chairman Culver, Scott Culbreth, Leslie Farhangi, Bill Kish, Bill McGhee and Dan Sternberg. Also in attendance were Chris Langlois, Chris Kennan, Gary Murphy, Peter Sander, Lorna Mitchell, Camilo Rojas, Hilarie Thomas, Lynn Barrett, Liz Barrett, Walt Kubow, Nicholas Lopane, Petrina Lopane, Katherine Clark and Deb Phillips, secretary to the planning board.

Barrett Subdivision

Marilyn M. Barrett

Public Hearing for Minor Subdivision @ 7:35 PM

330-344 Indian Lake Road

Parcel #133889-7270-00-405067

McGhee Hill Road Subdivision

MGHR, LLC

Continued Discussion for Major Subdivision at 7:35PM

McGhee Hill Road

Parcel #133889-7170-00-414515

Buddhafield - Phase 4 Residence Site Plan Application

Rangrig Yeshe Inc.

Cooper Road

Parcel #133889-7169-00-183763

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

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

Minutes

Chairman Culver requested a motion to approve the February 14, 2024 minutes.

Culbreth made a motion to approve the February 14, 2024. Motion was seconded by Kish and passed unanimously.

General Business

Chairman Culver would like to have a training session with Attorney Chris Langlois to discuss shared driveways. Kish mentioned special permits and Farhangi inactive applications.

Barrett Subdivision

Marilyn M. Barrett

Public Hearing for Minor Subdivision @ 7:35 PM

330-344 Indian Lake Road

Parcel #133889-7270-00-405067

Chairman Culver requested a motion to open the Barrett public hearing.

Attorney Gary Murphy gave an overview of the subdivision. He said the proposal is to separate a 14.16-acre parcel with a residence to Liz and Megan Barrett. He said the lot line was moved to avoid a setback issue with a barn.

Chairman Culver requested a motion to close the public hearing.

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

SEQR was reviewed.

Chairman Culver requested a motion to declare a negative declaration.

Kish made a motion to declare a negative declaration. Motion was seconded by McGhee and passed unanimously with Farhangi recusing herself.

Chairman Culver requested a motion to approve the Barrett subdivision.

McGhee made a motion to approve the Barrett subdivision. Motion was seconded by Sternberg with Farhangi recusing herself.

McGhee Hill Road Subdivision
MGHR, LLC
Continued Discussion for Major Subdivision
McGhee Hill Road
Parcel #133889-7170-00-414515

Attorney Hilarie Thomas said her client had a conversation with Nicholas Lopane and it was determined that the tree clearing was on the Burkhart property and not of the applicant.

Chairman Culver asked PB members if they had questions on the drainage issue. There were none.

Chairman Culver asked Lopane if he had any concerns. Lopane said no as long as water will not flow onto his property.

Chairman Culver asked the PB members if they were satisfied with the answers received from the applicant regarding the drainage and run-off. Members agreed that they were satisfied.

Chairman Culver asked PB members if they were all in agreement with the environmental monitor issue. All were in agreement.

Chairman Culver asked Attorney Langlois if he was satisfied with the language on the plat. Langlois said yes.

Chairman Culver asked PB members if they reviewed SEQR.

Langlois said the last version was from March 2022.

Chairman Culver asked Langlois if there were any updates to the March 2022 version. Langlois said no.

Langlois said the updated environmental assessment form had no comments from the review engineer. He said the PB has Part 1 of the environmental assessment form which describes the existing character of the property.

He said the PB might not have Part 2 that presents the questions regarding potential impact that the PB needs to consider in determining whether or not to issue a negative declaration.

Chairman Culver asked Langlois if he thought the PB was at the point of a negative declaration.

Langlois said there are two ways to proceed: (1) narratively discuss and agree amongst themselves that based on the review of the project, what's being proposed, the various mitigation measures should be incorporated into the project, be generally confident that the project will not result in any significant adverse environmental impact and take a vote and issue a negative declaration; (2) there is a Part 2 to the EAF that is extensive that is used by the lead agency to identify potential impacts. Another way to proceed would be to ask the applicant or the reviewing engineer to give a proposed completed Part 2 that the PB would agree with or have questions.

Chairman Culver asked Langlois what would be the most prudent direction based on the size and scope of the project. Langlois said with a project of this magnitude where a long environmental assessment form has been prepared, the lead agency is required to have a completed Part 2 and that is the basis in which to make Part 3 determination.

Langlois said if there was a challenge, the standard of review would be whether or not the PB took a hard look in the relevant areas of environmental concern and supported their negative declaration of significance with a reasoned, written elaboration and the written part of it can be part of the minutes. His concerned is one-sentence motion hereby declaring a negative declaration without some support of reasons for that somewhere in the record might not pass muster if challenged.

The PB agreed to follow the counsel's recommendation.

Chairman Culver asked Langlois if the applicant should fill out the environmental assessment form or have the PB go through it with Langlois. Langlois said it would be time-intensive process to go through it at the table. He said what would be more productive is to have the applicant offer the PB a draft completed Part 2. He said having a starting document the PB could look at in advance of the next meeting and be prepared to discuss and act on would be a more efficient process.

Chairman Culver asked Thomas if she preferred that she create a draft or for the PB to have a meeting with the McGhee Hill application as the only topic and have the PB walk through it. Thomas and PB agreed to have a special meeting.

Chairman Culver requested a motion to have a special meeting March 6, 2024 at 7:30PM.

Kish made a motion to have a special meeting March 6, 2024. Motion was seconded by Farhangi and passed unanimously.

Buddhafield - Phase 4 Residence Site Plan Application
Rangrig Yeshe Inc.
Cooper Road
Parcel #133889-7169-00-183763

Peter Sander of Rennia Engineering appeared before the PB with an overview of Buddhafield. He gave a brief history of the project: the Buddhafield site is a 40-acre parcel that has a master plan approval from the 1980s. He said 2018 was the last time the PB had seen the plan. He said there is a phase approval with six different phases of development with Phases 1, 2 and 3 approved by the PB. He said Phase 4 is a site plan approval for a four-bedroom residence with 2,900 square feet on a higher elevation of the parcel. Included is part of the development is the extension of the existing gravel driveway, gravel parking and sewage disposal.

Chairman Culver said the overall plan had been approved.

Sternberg said the site plan was approved in 2018 and, in 2013, the Zoning Board of Appeals (ZBA) determined that the special permits were still good. He said that the site plan was to have been forwarded to the PB for consideration. He doesn't recall seeing a document that had PB approval.

Chairman Culver said it was approved in 2018.

Sander said this was a conceptual approval of the master plan build-out. He said during that time, the impacts of all the future phases were assessed with the idea that each individual phase would come back to the PB for a specific site plan approval. He said the 4BR residence was part of the 1988 master plan.

Sternberg said he was concerned if the special permits are still valid. Chairman Culver that it was reapproved in 2013.

Chairman Culver said the PB needs to accept that the original plan was approved and the applicant has come back to the PB each time they've had further progress. He said dust was kicked up in 2012 or 2013 about the special permit and the ZBA met and reapproved with what they previously approved so that is was new again per the PB's request.

Langlois said the special use permit which authorizes the use but not necessarily any development. He said there are two timing issues: there is usually a rule that says if you're granted a special use permit, you have to commence that use within a certain period of time after you get the permit. He said one of the things that got circulated was the ZBA decision from 2013 when the issue was did they commence and have a continued use and the ZBA said yes, they have. The other issue is, going back to the original ZBA decision, if there were provisions requiring that the special permit be renewed periodically.

Sternberg said he read the ZBA opinion that stated there was actual progress made on the development sought in Phase 1. His concern was that if events had not been held on the site in four years. Chairman Culver confirmed that events have been held there every year. He asked if work had been done on Phases 2 and 3.

Chairman Culver said they have been using the site and have an overall plan that has been approved.

Kish said he wanted confirmation on what the PB approved the last time. He asked if any supplementary information provided besides the one plat that was passed around.

Chairman Culver said the PB has the overall approval plan that can be referred to.

Kish asked if the PB has a complete package of what was presented five years ago or does the PB need to ask the applicant to bring it to the table. Chairman Culver said there are files from 1988 and on. He said the applicant came to the PB in 2018 to make changes to the gravel parking.

Farhangi asked about the visual impact from the road in Phase 4. Sander said there is a very thin vegetative buffer and the site can't be seen from the road.

Chairman Culver said every phase in 1, 2 and 3 have been approved but not completed. He would like the applicant to have at the next meeting is a list of what has been completed.

Kish suggested scheduling a site visit. Sander said he would have the requested list prior to the site visit.

Culbreth asked if Phase 4 could be approved before the first phases have been completed. Chairman Culver said approving a phase does not require it to be done, it gives authority for it to happen.

Chairman Culver recommended to replenish the escrow by \$210 to bring it to the original escrow of \$1,000.

Public Comment

There was none.

Close of Meeting

Chairman Culver requested for a motion to adjourn the meeting at 8:45PM.

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

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED May 22, 2024