

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
August 14, 2024**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, August 14, 2024 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30PM. Board members Chairman Culver, Chip Barrett, Scott Culbreth, Leslie Farhangi, Bill Kish, Bill McGhee and Dan Sternberg. Also in attendance were Chris Langlois (via Zoom), Peter Sander, George Whalen III, George Whalen IV, Lann Rubin, Lorna Sherman and Deb Phillips, secretary to the planning board.

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

*Bank of Millbrook/Elizabeth’s Fine Jewelry Ltd.
Site Plan Application
110 Route 44
Parcel #133889-7271-00-534237*

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

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

Minutes

Chairman Culver requested a motion to approve the July 24, 2024 minutes.

McGhee made a motion to approve the July 24, 2024 minutes. Motion was seconded by Chip and passed unanimously with Farhangi abstaining.

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

Lann Rubin of North East Ford appeared before the PB to discuss lighting. He said the lights were installed over every other door and they are set at 3,000 Kelvin.

Kish asked if the lights were ones that that were approved by the PB. Chairman Culver said they were the lights discussed that would be 3,000 Kelvin, full cut-off, Dark Sky compliant and whatever was available for Rubin to get. Rubin said the other lights on the site have been discontinued.

Kish asked about replacing the Central Hudson lighting. Rubin said Central Hudson installed the other pole and he asked Central Hudson to move the lights down lower which they said they would before the project is complete.

Kish said he thought the lights would be completely replaced with Dark Sky compliant. Rubin thought that was confirmed in the email from Central Hudson. Chairman Culver said that was correct and Central Hudson was aware of what Rubin intended to do and have a list of lights that were compliant.

Kish said prior to the site plan approval, Attorney Langlois was going to create language specifically described what was going to happen with the lighting. Langlois said it didn't sound familiar; Chairman Culver said the minutes from that meeting would be reviewed.

Chairman Culver asked Rubin if Ford has changed the program on the EV chargers. Rubin said yes; the new program requires two Level 2 chargers and North East Ford has four. He said Ford requires three NEMA plugs and North East Ford has six.

Chairman Culver asked Rubin's intention going with the chargers going forward. Rubin said he wants to be first in line when Ford circle back with it. He provided the PB with a checklist that is required and said he has exceeded every item.

Kish asked if the chargers were inside the building. Rubin said there are three that are outside, two in the customer parking, one is around the side by service and one is inside.

Chairman Culver asked about the electrical vault. Rubin said the vault had to be done when the chargers were put in.

Chairman Culver said the PB would review minutes to see if Langlois and Rubin worked on the lighting language, get cut sheets on the chargers and get more information on the lighting,

Kish recommended reviewing the history on the application and discuss what needs to be done to close things out.

Barrett asked about an overhead wire that needed to be trenched in; Rubin said he trenched from the pole to the new building instead of going overhead.

Chairman Culver said he and Kish would review the minutes and come up with any questions.

**Bank of Millbrook/Elizabeth's Fine Jewelry Ltd.
Site Plan Application
110 Route 44
Parcel #133889-7271-00-534237**

Peter Sander of Renna Engineering appeared before the PB with a revision of the application addressing the checklist of items that were addressed at the last meeting.

Chairman Culver asked Sander to go over the questions that the PB asked. Sanders' comments are below:

- Site plans have been shared with NYS Department of Transportation (DOT) and that the field engineer has no problems with the current layout of the entrance but the engineer requested additional sight lines to show that no curves in the road will obstruct views. The engineer said to do the permitting and the site lines. Chairman Culver asked if the engineer gave Sander any timeline on the permitting; Sander replied no but he would follow up on that.
- Central Hudson told Sander he needs to schedule a field meeting to review the guy wire location. Chairman Culver asked if DOT wants their determination on the guy wire before the DOT will grant it.
- The existing propane line is located on a set that has been expanded to include both grading, a separate lighting and landscaping plan and additional details requested. He said the reputed location of the existing propane line will not be touched.

- A split rail fence has been added between the proposed driveway and the drainage along the eastern property border.
- Sander said there is a new post and panel sign proposed to replace the existing sign.
- There are two small, low-wattage light fixtures proposed for each side of the panel sign.
- Additional internal traffic signage has been added to the site plan; One Way and Do Not Enter. Chairman Culver asked if the driveway will have striping with arrows; Sander said yes.
- Sander could not locate any access easements. Sternberg said he had a clean copy and would forward it to the PB.
- Langlois sent additional NYS Banking Dept. info to the PB on July 25, 2024.
- Additional requested grading, utility and landscaping plans have been included.

Chairman Culver asked if the PB was going to designate trees or bushes to be removed that are currently there. Sander said they have identified which of the existing trees that are going to be removed. Farhangi asked if there is any spot that doesn't interfere with sight lines where replacement trees could be planted. Kish said he would like trees to be somewhere on the property that could grow to a substantial height and to ensure shade for cars that park on the site. Chairman Culver said to see what could be possible.

Kish said the site plan is one of the more complicated traffic patterns that the PB has reviewed. With the connectivity with CVS and the one-way flow around the building, he thinks the PB would do well to have the plan reviewed by a town traffic engineer to seek comment and approval. Sander asked what the concerns are; Kish said it is safety and ensuring that the traffic flows well.

Langlois asked Kish if he was concerned with internal traffic circulation or also on the adjoining parcel for people coming in and out. Kish said it's both internal and connectivity to CVS.

George Whalen III asked the PB if they should be concerned with ingress and egress off of Route 44 as opposed to what's going on at the site which is the bank's liability issue.

Kish asked Langlois if the PB should be looking at internal traffic flow. Langlois said evaluating the internal traffic flow is a prerogative of the PB. He said usually the traffic engineer looks at volumes, delays, traffic count, vehicle trips and determining whether the road can support it. He suggested determining if there is a professional who can assist the PB and maybe get a proposal and decide if the cost is worth the effort.

Chairman Culver asked Sander if he has anyone that he works with relative to traffic; Sander said not offhand. He said most of the studies are based off public roadways and interior design falls onto the civil engineer designing the site. He said he doesn't see how the traffic pattern of the site could be improved more than what is currently shown.

Farhangi mentioned Salisbury Bank in Sharon, CT where it is one-way and has no problems with the proposed traffic flow.

Chairman Culver asked Langlois if his firm has anyone that he has worked with in the past who could look at the issues and see if it is worth diving into. Langlois said he has some engineer relationships that he can see whether or not there is such a thing as somebody who could come in to evaluate an internal traffic situation. Chairman Culver asked for Langlois to talk with an engineer; Langlois said he would have a meeting with an engineer the next day.

Sander said he could provide a vehicle-tracking analysis.

Langlois asked if the applicant knows how many cars can be lined up for the teller window before the last car starts interfering with the exit lane. Sander said he doesn't but can get the information for the PB.

Kish listed his concerns: Asked for zoning bulk requirements for signage that would confirm compliance; the PB was in agreement with down lighting for the sign; thought the applicant is missing some requirements for the banking law. He said there are two different modalities that can be used to meet the banking law requirements with the first one would give three different lighting levels and an alternative option of two levels: He wants to know which lighting level the applicant is trying to meet.

Langlois said when the PB received information from the applicant, their representative gave us an opinion letter from the Dept. of Banking, he wasn't sure if the representative had that paper that Kish was reading from. Kish said he would give a copy of the law to the applicant.

Kish said he would like to know if the values on the lighting plan are in foot candles and where are they measured at five feet above the ground or underground. Sander said he would check with the engineer that developed the lighting plan. Kish said the light levels are supposed to be measured on a horizontal plane five feet above the ground except for the furthest one out which is supposed to be measured on a vertical plane. He listed requirements for adequate lighting, one of them being any defined parking area. He said the PB needs to know which parking spaces are defined as part of the ATM facility. He said the lighting plan is very glary and the contrast between the dim area and the bright area is where the danger comes in.

Chairman Culver asked if the PB forwarded the information (??) to Rennia Engineering or the applicant. Langlois said he sent it to Chairman Culver and Lorna Sherman.

Sternberg asked Langlois if the PB is responsible to ensure that the applicant is in compliance with NYS Banking Law; Langlois said no. He said that because this is a bank with an ATM, there are certain minimum requirements the applicant has to meet which may conflict with what the local code provides in terms of lighting.

Chairman Culver suggested that the applicant read through the information and come back with a plan.

George Whalen IV said they did follow up .

Sander said they would indicate the boundaries that the foot candles need to be met at.

Langlois said the problem with the memo from the Department of Banking is that it is from 1998 and between 1998 and today, the legislature amended the requirements so they don't match up with what is in there today. He said to look at the memo and compare it to the updated definition of adequate lighting to see what has changed.

Chairman Culver said Rennia Engineering should review the updated law and bring a plan that is consistent with what the law is asking for.

Chairman Culver said he would like to open a public hearing at the next meeting to get input from the public and take any issues into consideration.

Chairman Culver requested a motion to schedule a public hearing on August 28, 2024 at 7:35PM.

Kish made a motion to schedule a public hearing on August 28, 2024 at 7:35PM; Motion was seconded by Sternberg and passed unanimously.

Public Comment

There was none.

Close of Meeting

Chairman Culver requested for a motion to adjourn the meeting at 8:40 PM.

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

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED September 18, 2024