

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
September 18, 2024**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, September 18, 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, Leslie Farhangi, Bill Kish, Scott Culbreth and Dan Sternberg. Also in attendance were Chris Langlois (via Zoom), Peter Sander, George Whalen III, George Whalen IV, Rob Cooper, Thomas Moore, Chris Kennan, Skyla Lawless and Deb Phillips, planning board secretary.

*Thomas & Catherine Moore
Minor Subdivision/Lot Line Adjustment
127-145 White House Crossing Road
Parcel #133889-7273-00-170932 & 7273-00-154972*

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

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

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

Minutes

Chairman Culver requested to approve the August 14, 2024 minutes.

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

*Thomas & Catherine Moore
Minor Subdivision/Lot Line Adjustment
127-145 White House Crossing Road
Parcel #133889-7273-00-170932 & 7273-00-154972*

Thomas Moore gave a review of his application. He is proposing to build a garage to the west of his house that needs a lot line adjustment to have sufficient setbacks and comply with zoning regulations. Two houses on the one parcel would then be on two separate parcels.

Chairman Culver said the property is in an A5A district and the end result is that both lots would be conforming and in compliance.

Chairman Culver requested a public hearing for October 9, 2024 at 7:30PM.

Farhangi made a motion to set a public hearing for October 9, 2024 at 7:30 PM. Motion was seconded by Sternberg and passed unanimously.

Chairman Culver requested escrow in the amount of \$300.

Barrett made a motion for escrow in the amount of \$300. Motion was seconded by Kish and passed unanimously.

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

Chairman requested a motion to reopen the public hearing for Bank of Millbrook/Elizabeth's Fine Jewelry.

Farhangi made a motion to reopen the public hearing for Bank of Millbrook/Elizabeth's Fine Jewelry. Motion was seconded by Sternberg and passed unanimously.

Peter Sander of Renna Engineering gave a review of the proposed site plan with the following improvements based on PB comments: a reconfigured lighting plan by reducing the intensity, Dark Sky compliant fixtures; new light for the sign; three signs are proposed – a monument sign in front of the site, replace two existing building-mounted signs (one is conforming and one is non-conforming) on the façade. Sander said according to the zoning code when a non-conforming area variance is reduced, it allows site plan approval by the PB based on the reduction of the non-conforming use. He said the proposed signs are smaller than what is currently existing. Sander also provided additional planting. He said part of the revisions of the Dutchess County Planning's comments were that if future banked parking areas need to be constructed, it will be done with permeable pavers. Sander said the existing parking island will be extended further south, a sidewalk will be connected to the existing sidewalk infrastructure at the CVS lot, a striped crosswalk for visual cues for incoming traffic and safety. He said additional stop bars and stop signs at all the major spots where cars may conflict and the drive-thru lane was narrowed down and included a stop.

Farhangi asked that the minutes reflect her opinion that one-way traffic flow would minimize potential conflict spots.

Chairman Culver asked Sander if he would agree to return if it doesn't work as planned.

George Whalen III said that was a fair statement; it impacts the bank if someone gets hurt.

Sternberg said he thinks the plan will function and that the risk is on the applicant.

Kish asked Attorney Chris Langlois if the PB has it on record that the PB says it if it doesn't work out, could that lead liability for the Town. Langlois said no. He said the suggestion was to start with two-way circulation and if it doesn't work, the applicant can come back to the PB with modifications. He said the other approach is to start with one-way circulation and if that doesn't work for the bank and the customers, the applicant can come back to the PB and ask to go to two-way.

Farhangi said she is prepared to approve the two-way circulation with the understanding that if it doesn't work, the applicant will come back to the PB. Sternberg and Culbreth agreed.

Kish said he reviewed the resubmission of lighting and his commented included: What the County responded with is very much in line with what the PB has been asking for; the County and the PB want the project to meet New York State law and not exceed the law and introduce light pollution. He said there are many over-lit areas in the plan with three 50-watt poles doing down the west side of the building and two 80-watt poles in the front of the building. Kish said the County said to have more lights but dimmer ones to reduce glare. He would like the 80-watt poles be replaced with 50-watt lamps and see a photometric for that; have a third 50-watt lamp maybe in the green area adjacent to the road. Kish said the 50-watt lamps in the triangle might give a less overall contrast.

Chairman Culver said the triangulation would give it a more balanced photometric overlay and should eliminate glare. He asked for the applicant's thoughts to consider that.

George Whalen IV said he wants a safe environment. He asked what if the PB followed Kish's suggestion where would the liability lie if it is not safe.

Chairman Culver said the PB would definitely consider a change if the plan was not safe.

Langlois said the PB's comments and feedback are unreasonable on the issue of lighting.

Kish said no one has defined safety except for New York State regulations and citing safety is not sufficient.

Langlois said the PB does have the ability to ask the applicant to propose alternatives so they can be evaluated in terms of which is better. He doesn't have a problem with PB members to ask for alternatives to be evaluated. Langlois said regarding the safety issue that once the ATM safety act requirements have been satisfied, anything that goes beyond that is a matter of discussion for the PB.

Chairman Culver asked Kish which piece of the photometric overlay is he concerned with. Kish said primarily the area within the one-foot candle minimum and outside that area.

Sander said the foot-candles have been reduced significantly from the original design. He said the areas that Kish is referring to are over-lit on sidewalk and pedestrian areas so that customers can withdraw money from the ATM.

George Whalen IV asked why a gas station be more lit than a bank. Kish said it is over-lit; Whalen said it exists and it is right across the street. Kish said he has no jurisdiction over that.

Chairman Culver said if the concern is that the gas station is over-lit, Kish is correct in saying it's not in the PB's jurisdiction. He said the PB has to consider is what the PB considers the over-lit part is mainly the sidewalk and the area toward the ATM.

Farhangi said the Dutchess County Planning's opinion should be weighted heavily.

Sander said Dutchess County Planning reviewed the second reiteration and hasn't seen the reduced lighting. He said the comments reflected in the letter is based on the overlay lighting that was provided on the old reiteration. Kish said the County said to change it between .1 and 1-foot candle.

Barrett asked if the lighting fixtures able to accept higher or lower wattage bulbs. Kish said they could be 50- or 80-watt poles, there are no bulbs.

Sander said that his applicants walked out of the meeting.

Chairman Culver said the PB has an obligation as a group to work together with an applicant to assist them through the planning process. He said we can't continue to challenge people and wonder why they get mad. He asked the PB where they stand on the lighting.

Farhangi said she wants to follow what the County said about the .1 to 1-foot candle through the pedestrian and parking area. Culbreth said he wanted to hear what Kish presented earlier as a proposal to modify the existing plan. Kish said he wanted to see what it would look like if the A-1 lights were replaced with 50 watts and if that was insufficient, create a photometric with a third A-1 type light at the edge of the grass where it meets the parking area and all be 50 watts.

Barrett asked what version the County Planning had looked at. Chairman Culver thought it was the second reiteration. Barrett said he would like clarification from the County Planning Department.

Farhangi said there is no controversy on the ATM; the problem in question is the pedestrian and parking areas. She said it doesn't matter what version the County Planning saw; they tell the PB what kind of lighting they recommend for parking and pedestrian areas.

Sternberg said he doesn't see the lighting as being problematic.

Chairman Culver said there is no excess lighting where there is banked parking. He asked the PB what areas are of concern for over-lighting.

Sander sketched on the map the 1-foot limits for clear representation. He said there no excess spillage on adjacent parcels or into the road; there are higher levels of lighting in parking areas adjacent to the bank. He also said there are full cut-offs and Dark Sky compliant fixtures.

Chairman Culver said if the concern of the bank is that if the parking area where the customers will be to use the ATM is the biggest bone of contention, where does the PB want to be with it.

Kish said be fully compliant with New York State regulations and have, wherever possible, to have the rest of the parking area as close as possible to what Dutchess County and best practices say which is around a foot candle.

Farhangi asked Sander if the lights would be on all the time; he said yes. He said the lights under the canopy over the drive-thru window might be able to be turned off or put on a timer or a motion-activated dimmer.

The plantings were discussed with no issues.

Farhangi asked about the sign. Sander said it would be letters mounted onto the building in replacing what is already there.

Kish said having two signs is not in compliance and that it should be brought into compliance. Chairman Culver said Building Inspector Ken McLaughlin said if it is a reduced non-compliance, it's moving in the right direction.

Chairman Culver asked the PB their opinion on the two signs. Farhangi, Culbreth, Barrett and Sternberg said they are fine with two signs and Chairman Culver said he is okay with the reduction in size.

Chairman Culver did a recap of the meeting: The two-way was discussed and if there was impact later, the applicant agreed to come back; everyone was okay with the plantings; and signage.

Chairman Culver said there is a time concern on the application wanting to get work done on the site in this year and sooner rather than later.

Kish asked if Central Hudson was going to remove the pole by the road. Sander said it is on Central Hudson's work list to remove it.

Chairman Culver asked what lighting should be on the canopy over the drive-thru. Sander said he would look into and thought there is an ability to dim them or put on a motion-activated sensor. Farhangi, Culbreth, Barrett and Sternberg agreed with dimming the lighting or a motion light; Kish said a timer would be best.

There was discussion about a pole near the road. Chairman Culver and Barrett were not in favor of it. Sternberg said the PB has reached a point where it can rely on the applicant's good will and intentions and the applicant has a reasonable interest in security and not interesting in over-lighting.

Chairman Culver said on the plantings, on the site visit, on the PB discussions, the only item that the applicant kept stressing on was the safety issue and that seemed to be the only piece of it that over-arched any request for mitigation. He said he has concerns with overriding someone that has been in banking for 40 years.

Kish said the PB needs to stick to the Comprehensive Plan that says to reduce light pollution in the Town and he is not in favor of the proposed application.

Barrett said the PB has the ability to compromise in a situation like this and he thinks it is a good one for this site.

Langlois said the applicant did an improvement over the area that the PB didn't like which was the area of the 30-foot candle, minimum area of the arc, the 10-, 11- and 12-foot candles. The direction was to come back with a plan that reduces those. He said the applicant did that at this meeting with improved lighting as to what the PB asked. Langlois said there has been a compromise and an improvement.

Chairman Culver asked if there was anyone in the audience that would like to speak while the hearing was open.

Rob Cooper said they should have some leeway for the lights to be a little brighter because it is a bank.

Chairman Culver requested a motion to close the public hearing.

Farhangi made a motion to close the public hearing. Motion was seconded by Barrett; Culbreth, Barrett, Farnhangi and Sternberg voted yes and Kish voted no. Vote total was approved 4-1.

Chairman Culver asked if anyone else wanted to say anything about the lighting.

Chairman Culver made a motion to approve the site plan application with the changes that have been made.

Farhangi made a motion to approve the site plan application. Motion was seconded by Sternberg; Culbreth, Barrett, Farnhangi and Sternberg voted yes and Kish voted no. Vote total was approved 4-1.

Sander thanked the Board.

General Business

Kish asked to have training on exterior lighting.

Farhangi said Townscape has offered design services as a resource to applicants.

Public Comment

There was none.

Chairman Culver asked if the members were available to meet 15 minutes before the 7:30 PM meeting on October 9, 2024 to have an attorney-client session.

Kish asked that the PB receive training on exterior lighting.

Farhangi said that Townscape has, in the past, offered design services to an applicant as a resource.

Close of Meeting

Chairman Culver requested for a motion to adjourn the meeting 9:05 PM.

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

Respectfully Submitted,

Deb Phillips
Planning Board Secretary

APPROVED October 30, 2024