

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
February 25, 2015**

The regular meeting of the Town of North East Planning Board took place on Wednesday, February 25, 2015 in the Town Hall located at 19 N. Maple Ave, Millerton, New York. Board members Chairman Dale Culver, Evelyn Garzetta, Bill Kish, Leslie Farhangi and David Shapiro were present. Board members Charles Barrett and Willem deVogel were absent. Also present were John and Cindy Heck, Richard Renna, William McGhee, Alex Kramer, Mike Taylor, Peter Greenough, Carol Lyman, Michael Lyman, and Cathy Fenn.

- **Leemilt's Petroleum Inc. (Getty Realty Corp), 107 Route 44
Discussion of Application for Getty Site Plan**

- **Charles and Kirby Barrett, 625 & 639 Smithfield Road
Discussion of Lot-Line Adjustment Application**

David Shapiro made a motion to open the regular meeting of the Planning Board at 7:32 pm. The motion was seconded by Bill Kish and passed unanimously.

Public Comment

There was no public comment

**Leemilt's Petroleum Inc. (Getty Realty Corp)
Application for Getty Site Plan
107 Route 44
Tax Parcel #: 7272-00-564263**

Rich Renna appeared before the Planning Board on behalf of Leemilt's Petroleum (Getty Realty Corp) to present a proposed site redevelopment plan. Mr. Renna supplied PB members with an existing site survey as well as a plan detailing the proposed changes. Mr. Renna stated that the existing building on the site will be demolished and replaced with a Dunkin Donuts and a 6-bay auto repair facility, most likely a Mavis Tire. Mr. Renna further stated that this site is comprised of two parcels, one in the Town of North East and the other in the Village of Millerton. In the proposed design, the Dunkin Donuts will be situated on the Village of Millerton parcel with the remainder of the project built on the Town of North East parcel. The Town of North East parcel is further split into two different zoning districts, the BD-1 and BD-2 districts. The proposed Mavis Tire building is designed to be built entirely in the BD-1 district and measures a little less than 5,500 Sq. Ft. The overall site, including the Town and Village, is 1.66 acres. The Town of North East Zoning Code requires a front yard set-back of 80 feet and rear yard set-back of 50 feet in the BD-1 district. Therefore, the building proposed for the town parcel will require variances for both the front and rear yard set-backs. Mr. Renna stated that due to the dimensions of this property, there is virtually no area upon which to build, therefore he believes that variances will be granted otherwise the

lot is considered unbuildable. According to the proposed site plan, the Getty Project will request a reduction in the front set-back of 80 feet to 59 feet and the rear set-back of 50 feet to 28.8 feet.

Chairman Culver commented that any variances the applicant might seek are under the purview of the Zoning Board of Appeals. Mr. Rennia replied that he is aware of this fact but wanted to explain the design of the site plan to the PB as the PB does have input in the consideration of the location of the buildings.

Rich Rennia stated that he planned to put the septic system for both buildings in the lawn area of the BD-2 district. Chairman Culver commented that if the septic were to be put in this area that area could not be used in the future for further development by the applicant. Mr. Rennia stated that although copies of the proposed site plan he had distributed to the board did designate the BD-2 area as "Site for Future Development" this was a typo leftover from an earlier design. Mr. Rennia added that according to the Town of North East Zoning Code, up to 20% of a lot may be used for development and the current site plan only develops 10% of the lot. Therefore, additional building could occur but he believes that the portion in the BD-2 district will be used only for the septic system.

Board member Bill Kish and Chairman Culver both noted that the lots in question have water running through them. Chairman Culver stated that last spring it had been observed that water was emanating from the ground in the BD-1 lot. Mr. Rennia suggested that failure to maintain the drainage ditch in the lot on the village side may have led to an increased flow/backlog of water.

Bill Kish asked if an engineering plan to deal with a possibility of subsurface water that might need to be moved off-site was a component of Mr. Rennia's analysis. Mr. Rennia responded that he believed that the issue is caused by water draining from the hillside behind the proposed buildings. He envisions a back curtain drain to skirt the water around the property. Chairman Culver asked where Mr. Rennia intended for this water to go. Mr. Rennia stated that the water would flow to the state system and from there into the Kelsey Brook. Mr. Rennia stated that there are catch basins and an open culvert that currently deal with the water in that area. He spoke of creating an internal to system to catch the water and then pipe it to the existing state system. Bill Kish commented that this was a way to deal with surface water but his concern was subsurface water that may be present. Mr. Rennia explained that those tests had to wait until the ground unfreezes but he imagined that a series of cut-off trenches could be used to control subsurface water. Mr. Rennia stated that the site plan proposes to remove the existing curb cuts and replace them to ensure that the water drains properly to the catch basins.

Chairman Culver stated that there was talk in the community regarding what might have been used to fill in the ground on the parcel in BD-2. He asked if testing the ground is part of the analysis when looking at putting in a septic system. Mr. Rennia replied that test holes would be dug at a depth of at least 7 feet. David Shapiro asked if these holes would be dug throughout the property or just in the area of the proposed septic system and if these stops would be checked for ground contamination. Mr. Rennia replied that any site that has

formerly housed a gas station would contain some level of contamination. Mr. Rennia stated that he himself had checked the DEC website and although there had been spills on this property but all have been closed up by the DEC.

Chairman Culver asked if Mr. Rennia anticipated any problems when the concrete pad is removed. Mr. Rennia replied that this had also come up during the meeting with the Millerton Village PB and he thought it a possibility that there may have been drains in the floor of the former gas station that led to a drywell. He stated that anyone who builds on this site will want to begin with a clean site. Additionally, lease contracts prohibited the leasing of a contaminated site.

Chairman Culver discussed the increase in traffic that will occur with a drive through window and asked if Mr. Rennia planned to address that in his studies. Mr. Rennia responded that the site plan will be reviewed by the New York State Department of Transportation (NYS DOT). The DOT will consider the entrances exiting onto Route 44 as well as the storm water. Chairman Culver stated that a significant increase in the pavement areas will result in an increase of storm water accumulation. Mr. Rennia replied that since this is under an acre of disturbance DEC regulations don't kick in as far as storm water. The NYS DOT will not allow any increase in flow through their existing drainage structure unless it can be proven that they can get it all the way through. However, as the applicant doesn't have any control over the other side of the street, they will have to do something on-site to slow and retain the water.

Planning Board member Bill Kish stated that it is the Planning Board's goal to have all projects on that side of the road install sidewalks.

Chairman Culver stated that PB concerns regarding this project included the issues of surface water, traffic, and referral to the Zoning Board of Appeals for variance consideration. Mr. Culver stated that he had spoken to Lance Middlebrook; Chair of the Village of Millerton Planning Board, regarding which board will seek the role of Lead Agency. Chairman Culver asked the Town of North East PB members if they were interested in seeking the role of Lead Agency in this application as the larger portion of the property falls within the town limits. PB members agreed that they would like to circulate for Lead Agency for this application.

Board member David Shapiro made a motion to ask for an initial escrow of \$5,000.00, to be replenished upon the depletion of 50% of the starting balance. The motion was seconded by Bill Kish and passed unanimously.

Planning Board members discussed, at length, alternate designs for the proposed Mavis Tire building, changing the orientation of the Dunkin Donuts and other features of the proposed site plan. Mr. Rennia stated that he would inform the applicant of the PBs' comments and concerns. Mr. Rennia also stated his desire to meet with the town's experts once an escrow has been established. Planning Board members agreed that no further action would be taken until escrow has been established.

Charles and Kirby Barrett
Lot-Line Adjustment Application
625 & 639 Smithfield Road
Tax Parcel #'s: 7070-00-864110 & 7070-00-788094

Charles Barrett, who is currently a member of The North East Planning Board, did not attend this meeting. Several months earlier he presented the board with a rendering of a proposed lot-line adjustment for his adjacent parcels at 625 & 639 Smithfield Road. Planning Board members determined that the application was complete and a public hearing could be scheduled.

David Shapiro made a motion to schedule a Public Hearing for Charles Barrett's proposed Lot-Line Hearing for March 25, 2015. The motion was seconded by Bill Kish and passed unanimously.

General Business

Minutes

Evelyn Garzetta made a motion to accept the Minutes of June 25, 2014 as presented. The motion was seconded by Leslie Farhangi and passed unanimously.

Evelyn Garzetta made a motion to accept the Minutes of July 23, 2014 as presented. The motion was seconded by Leslie Farhangi and passed unanimously.

Evelyn Garzetta made a motion to accept the Minutes of August 27, 2014 as presented. The motion was seconded by Leslie Farhangi and passed unanimously.

Evelyn Garzetta made a motion to adjourn the meeting until March 4, 2015. The motion was seconded by Leslie Farhangi and passed unanimously.

Respectfully Submitted,



Claudia Stevens
Planning Board Secretary

Approved 6/3/15