

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
March 30, 2016**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, March 30, 2016 in the Town of North East Town Hall, 19 North Maple Street, Millerton, New York. Board members Chairman Dale Culver, Bill Kish, David Shapiro, Evelyn Garzetta, Willem deVogel and Leslie Farhangi were present. Board member Charles Barrett was absent. Also in attendance were Sal Ferlazzo, William Agresta, Cindy Heck, John Heck, Lance Middlebrook, Lisa Cope and Julie Schroeder.

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

Chair Culver requested a motion to open the regular meeting of the PB at 7:35 PM. The motion was made by Kish, seconded by Shapiro and passed unanimously.

Public Comment

Chair Culver stated that he had received communication from Brad Rebillard, real estate broker, requesting that minor subdivision maps approved in November be resigned. Rebillard appeared before the PB on November 19, 2015 on behalf of Robert O’Brien/Federal Property LLC for a public hearing on an application for a minor subdivision. The application was approved however Rebillard did not file the maps with the county clerk’s office within the established time frame of 62 days from the date of approval.

Shapiro made a motion to re-sign the approved minor subdivision maps of O’Brien/Federal Property LLC. The motion was seconded by deVogel and passed unanimously.

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

Richard Renna appeared before the PB board on behalf of Getty Realty Company. Renna stated that as has been discussed in previous meetings, Getty has not operated as a service station on this parcel for more than a year. The site consists of two parcels, one in the village of Millerton and the other in the Town of North East. The Getty Realty Corp seeks to completely rebuild this site, get rid of the existing building and construct two separate buildings; a Dunkin Donuts located in the village and a Mavis Tire located in the town. The only change to site plan since last Renna was last before the board is the inclusion of three access points on the property. Originally the site plan only called for two. Renna reminded the board that the last submission consisted of the site plan, the long form EAF, and elevations for both buildings. Renna stated that the proposed Mavis building will be

constructed in Colonial style identical to a newly constructed Mavis in New Milford, CT. The building will have 6 bays with glass doors across the front, an asphalt shingled roof, Rennia stated that he will bring photos of this building to the next meeting to give members a feel for the finished product. Rennia stated that the franchisee in this project is the same as the one in New Milford.

Ferlazzo, counsel for the PB, stated that the PB had submitted an application for Lead Agency to the DEC on March 25, 2016. So far the PB has received a letter from a program person at DEC as well as a letter from DOT stating that neither agency had issue with the Town of North East assuming the role of Lead Agency. Currently we are waiting for a response from the commissioner of the DEC.

Will Agresta, Planner for the Town of North East, stated even if the PB was not Lead Agency they were still involved in SEQRA. Agresta read through a memo he prepared and sent to the PB members. Among his points of concern are that there are two different zoning areas involved, BD-1 and BD-2. Agresta stated that a motor vehicle station is only permitted in BD-1 but in this case there is more open land in the BD-2 section. Potentially there are many set-back issues within this plan. Agresta also believes that Mavis is not a service station as it does not sell gas.

PB members discussed needing a clear understanding of what the code allows and how to interpret the definition of Motor Vehicle Station. PB members agreed that they cannot go much deeper into site plan review as variances will be required for all proposed structures. Agresta stated that nothing further can be done until SEQRA is reviewed and as SEQRA must be reviewed by Lead Agency all involved agencies must await the determination of Lead Agency before moving forward with this application.

Minutes

Farhangi made a motion to accept the minutes of February 24, 2016. The motion was seconded by Garzetta and passed unanimously.

General Business

PB members briefly discussed topics of interest for a training session with Ferlazzo. Topics discussed as those of interest included Storm Water, Hudsonia, and a discussion regarding rules governing shared driveways.

At 8:30, Chair Culver requested a motion to adjourn the Planning Board meeting until April 27, 2016. The motion was made by deVogel, seconded by Farhangi and passed unanimously.

Respectfully Submitted,



Claudia Stevens
Planning Board Secretary

Approved Aug 3, 2016
① Kish ② deVogel