

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
August 5, 2015**

A meeting of the Town of North East Planning Board (“PB”) took place on Wednesday August 5, 2015 at 7:30 PM in the Town Hall, Millerton, NY. PB members present were Chair Dale Culver, Charles Barrett, Bill Kish, David Shapiro, Evelyn Garzetta, and Leslie Farhangi. Board member Willem deVogel was absent. Also present was Edward Downey, of Downey and Haab, PLLC.

- **Public Hearing for the Application of Lionel Goldfrank III for a Minor Subdivision, Taylor Road**
- **Southern Realty & Development Request for Extension of Site Plan Approvals**

Chair Culver requested a motion to open the regularly scheduled meeting of the PB. A motion was made by E. Garzetta, seconded by D. Shapiro and passed unanimously.

Public Comment

There was no public comment

**Lionel Goldfrank & Hiddenhurst Farm, LLC
Public Hearing for a Minor Subdivision
Taylor Road
Tax Parcel #: 7269-00-647441**

W. deVogel recused himself from the public hearing.

E. Downey, lawyer representing L. Goldfrank III, stated that although he originally approached the PB to request a public hearing for a lot-line adjustment, upon his review of this application, he now believes that the proceeding is a minor division. Chair Culver agreed that as a new lot will be created an application for a minor subdivision is the correct path to follow.

Downey explained that Goldfrank III is owner of a 131.64 acre parcel bisected by Taylor Road. It consists of an 8.85 acre section north of Taylor Road with the remaining 122.79 acres south of the road. The contiguous neighbor to the west, Hiddenhurst Farm, would like to acquire the parcel south of Taylor Road excluding the existing equestrian complex. In addition to retaining the equestrian center, Goldfrank is interested retaining the right, for no less than 10 years, to use the gravel driveway which serves the center and connects to Goldfrank’s lands in Connecticut. The transaction would include a covenant restricting construct new buildings in a pre-defined space around the equestrian center.

B. Kish questioned as to how many parcels will exist once this minor subdivision occurs. E. Downey stated that as Taylor Road provides a natural subdivision of the land only two parcels will be the result of this minor subdivision. PB members read over a memo from W. Replansky, lawyer for the PB, dated July 22, 2015 which stated that he concurred with this interpretation.

Chair Culver requested a motion to close the public hearing. The motion was made by D. Shapiro, seconded by E. Garzetta and passed unanimously.

B. Kish made a motion to approve the application once SEQRA was reviewed to ensure that there will be no negative environmental impact. The motion was seconded by D. Shapiro and passed unanimously.

Chair Culver read SEQRA aloud to the PB members. PB members determined that this is a Type II action which is a negative declaration and therefore requires no further action on the part of the PB.

**Southern Realty & Development
Request for Extension of Site Plan Approvals
Tax Parcel # 7271-00-790170**

John Joseph of Southern Realty & Development "SRD", who did not attend this meeting, has requested an extension of site plan approvals as the SRD case is pending and will not be on the docket until at least September 27, 2016. On October 22, 2014 the PB granted SRD a 6 month extension to run from 10/23/14 through 4/23/15. On March 25 the PB granted a 3 month extension to run from 4/14/15 through 7/14/15. The PB meeting scheduled for July 16, 2015 was cancelled due to the inability to achieve a quorum.

Chair Culver stated that as he was unable to get an answer from W. Replansky, lawyer for the PB of North East he had instead posed the question of procedure to Salvatore Ferlazzo, P.C. of Girvin & Ferlazzo. S. Ferlazzo advised that when a board cannot achieve a quorum a motion is made at the next meeting referencing the date of the meeting at which the quorum did not occur and state that the intent of the board was to extend the approval due to the current litigation and the approval remains in full force and effect from July 22, 2015 until whatever date the board determines. The PB members then vote on the extension.

Chair Culver requested a motion that on July 22, 2015 the North East Planning Board was not able to achieve a quorum and the intent of the board was to extend the previous extension from a date of July 22, 2015 to November 1, 2015 therefore the PB votes to maintain the extension in full force and effect through November 1, 2015. The motion was made by B. Kish, seconded by E. Garzetta and passed unanimously.

General Business

Chair Culver requested a motion to appoint Salvatore Ferlazzo, of Girvin & Ferlazzo, as interim counsel to the PB for a 6 month period at a rate of \$175.00 per hour and send out an RFP with a desire to interview at least three candidates to search for permanent council. The motion was made by B. Kish and passed unanimously.

Minutes

Chair Culver requested a motion to accept the minutes of May 27, 2015 as submitted. The motion was made by D. Shapiro, seconded by B. Kish and passed unanimously.

Chair Culver asked for a motion to move to Executive Session at 8:10 pm. The motion was made by B. Kish, seconded by L. Farhangi and passed unanimously.

Chair Culver requested a motion to appoint as interim attorney Salvatore Ferlazzo of Girvin & Ferlazzo, Albany New York. The motion was made by B. Kish, seconded by L. Farhangi and passed unanimously.

Chair Culver requested a motion to adjourn the PB meeting of August 8, 2015 until August 26, 2015. The motion was made by D. Shapiro, seconded by B. Kish and passed unanimously.

Respectfully Submitted,



Claudia Stevens
Planning Board Secretary

approved 11/19/15
① Bennett
② Shapiro