

TOWN OF NORTH EAST PLANNING BOARD
MINUTES
August 23, 2017

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, August 23, 2017 in the Town of North East Town Hall located at 19 N Maple Ave, Millerton, New York at 7:30 PM. Board members Chairman Dale Culver, Evelyn Garzetta, Bill Kish, Willem deVogel, Bill McGhee and Charles Barrett were present. Leslie Farhangi arrived at 7:40 PM. Also in attendance were Wesley Chase, Margaret Josephine Culver, Rebecca Valk, Mike Taylor, Josh Douglass and Rob Cooper.

Mary Louise Culver (Josephine Culver)
Application for Minor Subdivision
460 Indian Lake Rd
Tax Parcel #: 7270-00-539336

Stephen Leven
Application for Minor Subdivision
527 Indian Lake Rd
Tax Parcel #: 7270-00-554506

Leemilt’s Petroleum Inc. (Getty Realty Corp)
Discussion of 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 7:31 PM. The motion was made by Barrett, seconded by Kish and passed unanimously.

Public Comment

There was no public comment.

Mary Louise Culver (Josephine Culver)
Application for Minor Subdivision, 460 Indian Lake Rd
Tax Parcel #: 7270-00-539336

Stephen Leven
Application for Minor Subdivision, 527 Indian Lake Rd
Tax Parcel #: 7270-00-554506

Kish recused himself from the application as he owns property adjacent to this parcel.

Wesley Chase, land surveyor, appeared before the PB on behalf of applicant Josephine Culver POA for her mother, Mary Louise Culver. Applicant Culver was before the PB several months earlier with an application for a minor subdivision for a separate parcel. The parcel currently before the PB consists of approximately 500 acres. The applicant seeks to subdivide a 75.84 acre piece from the

main parcel to create a new lot and subdivide a 2.21 acre piece to be sold and incorporated into an existing adjacent 5.01 acre parcel owned by Stephen Leven. Chase stated that the proposed 75.84 acre lot contains flood plains and Federal Wetlands and all potential building areas more than meet the 100 foot buffer requirement. This land is zoned both LC and R3A. Leven's application is being addressed simultaneously as the proposed 2.21 acre parcel must be immediately incorporated into Leven's 5.01 acre parcel otherwise a substandard/non-conforming parcel will be created. Chase stated that he had found some typographical errors on the map presented to the PB and will make those corrections and bring them to the PB at the next meeting.

Valk, lawyer representing applicant Culver, addressed the issue of segmentation under SEQRA. Valk stated that segmentation is when an action is divided into smaller parts in order to avoid certain environmental reviews. It is the position of applicant Culver's counsel that there is no segmentation as applicant Culver has no future plans to create any additional lots from this parcel. Valk stated that case law has found that in order to support a position of segmentation any future plans must be more than hypothetical. Valk submitted a letter, countersigned by applicant Culver, stating this position to the PB secretary to file with the Culver application.

Chair Culver stated that the 2.21 piece must be merged at the time of the action as the PB may not create a non-conforming lot. Valk stated that a draft of the deed covering this issue will be presented to the PB at the time of the public hearing.

Garzetta made a motion to schedule a public hearing for the applicant Culver & Leven applications on September 6, 2017 at 7:30 PM. The motion was seconded by Barrett and passed unanimously.

General Business

Chair Culver noted that until further notice, Getty will be on all forthcoming agendas so that it may be legally discussed until the application is no longer before the PB.

Chair Culver stated that the Zoning Board of Appeals has scheduled a special meeting for September 19, 2017 at 7:30 on the two interpretation questions. Chair Culver asked if any new materials had been received from Getty. Stevens, the PB secretary, stated that nothing new has been sent to the PB office.

Minutes

Garzetta made a motion to accept the minutes of July 5, 2017 as amended. The motion was seconded by Kish and passed unanimously with deVogel and McGhee abstaining.

Garzetta made a motion to close the meeting at 8PM. The motion was seconded by Farhangi and passed unanimously.

Respectfully Submitted,



Claudia Stevens
Planning Board Secretary

Approved Sept. 28, 2017

① deVogel
② McGhee