

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL  
WEDNESDAY, APRIL 3, 2019

MEMBERS PRESENT:

Joan Wyant, Chairperson  
Thomas Darby  
Kim Godfrey  
James Jeffreys  
John Mautone

MEMBERS ABSENT:

Kevin Pike  
Radford West

ALSO PRESENT:

Chairman Wyant opened the meeting at 7:00 p.m.

**Public Hearings:**

1. **Grumet Two Lot Subdivision** – Jack Grumet appeared before the Board for his application for a two lot subdivision of property located on Academy Hill Road, tax grid number 6572-00-915375 consisting of 63.38 acres in the A5A zoning district. Chairman Wyant read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Grumet said he is creating two lots out of one lot. Lot 1 is 30.34 acres and contains the dwelling and associated improvements and lot 2 is 32.04 acres and is vacant, wooded land. Mr. Grumet said pursuant to the Board’s requests at the March meeting, he flagged the driveway opening, showed the setback lines on the map, and the engineer from Dutchess County Department of Public Works provided written approval. Mr. Darby said he went out and looked at the property and the access looks like it’s in a good place and meets the strict county requirements.

Chairperson Wyant motioned that the Planning Board declare themselves lead agency for the Grumet Two Lot Subdivision application. Mr. Jeffreys seconded.

Joan Wyant, Chairman	Aye	John Mautone	Aye
Thomas Darby	Aye	Kevin Pike	Aye
Kim Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye		

Motion carried 6-0.

The Board completed the short environmental assessment form.

Chairperson Wyant motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Grumet Two Lot Subdivision application. Mr. Pike seconded.

Joan Wyant, Chairman	Aye	John Mautone	Aye
Thomas Darby	Aye	Kevin Pike	Aye
Kim Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye		

Motion carried 6-0.

Chairperson Wyant motioned that the Milan Planning Board close the public hearing for the Grumet two lot subdivision. Mr. Jeffrey seconded.

Joan Wyant, Chairman	Aye	John Mautone	Aye
Thomas Darby	Aye	Kevin Pike	Aye
Kim Godfrey	Aye	Radford West	Aye
James Jeffrey	Aye		

Motion carried 6-0.

Chairperson Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Jack Grumet for a two lot subdivision:

WHEREAS, a formal application for the approval of a two lot subdivision was submitted to the Town of Milan Planning Board on February 20, 2019 along with a site plan prepared by Frederick J. Haley, Surveyor dated February 8, 2019; and

WHEREAS, this 62.38 acre parcel is located on Academy Hill Road, tax grid number 6572-00-915375 in the A5A Zoning District and consists of a single family residence and associated accessory structures; and

WHEREAS, this subdivision will divide the existing 62.38 acres into two lots: Lot 1 will consist of 30.34 acres and will contain the single family residence and associated accessory structures and Lot 2 will consist of 32.04 acres and will be vacant; and

WHEREAS, the Dutchess County Department of Public Works has approved the sight line distances for the driveway access via email from Stephen Gill, Traffic Engineer, DCDPW, dated April 2, 2019; and

WHEREAS, a public hearing for this proposal was held on April 3, 2019, during which time there were no objections raised; and

WHEREAS, the Board, after considering the impacts that could reasonably be expected to result from the action against those in Part 617 of 6NYCRR of the State Environmental Quality Review Act (SEQRA), determined that the action will not result in any potential significant adverse impacts and adopted a Negative Declaration on April 3, 2019; and

WHEREAS, the Town of Milan Planning Board finds that this application complies with the provisions of the town of Milan Code Chapter 177, Subdivision, and Chapter 200, Zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the Grumet two lot subdivision; and

BE IT FURTHER RESOLVED, that the Chairman of the Planning Board is hereby authorized to endorse approval on said plat after compliance by the applicant with such conditions as noted below:

- All signatures must be on the mylar prior to presenting to the Chairman for signature.
- Payment of all fees as follows and payment of any outstanding escrow fees:

Final Fee	\$ 200.00
Recreation Fee	\$1,500.00
Publication Fee	\$ 105.04

Please submit two checks made payable to the Town of Milan as follows: One in the amount of \$1,500.00 for the recreation fee and one in the amount of \$305.04 for the final and publication fees.

Mr. Jeffreys seconded.

Joan Wyant, Chairman	Aye	John Mautone	Aye
Thomas Darby	Aye	Kevin Pike	Aye
Kim Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye		

Motion carried 6-0.

Conditional final approval expires in 180 days (Monday, September 30, 2019).

**Applications: None**

**Correspondence: None**

**Approval of Minutes:**

- A motion was made by Ms. Godfrey and seconded by Mr. Jeffreys to accept the Planning Board minutes of March 6, 2019 as presented.

Joan Wyant, Chairman	Aye	John Mautone	Aye
Thomas Darby	Aye	Kevin Pike	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Aye		

Motion carried 6-0.

**Discussion Items**

- Cross Country Subdivision House Re-location – Tim Lynch from Red Hook Engineering appeared on behalf of Tom Marshall, owner of Lot #1 of the Cross Country Subdivision on Route 199 and Salisbury Turnpike. Mr. Lynch said Mr. Marshall would like to relocate the house to the west around the other side of the knob on the hill outside of the approved building envelope which may also involve relocating the septic system. The reason for the re-location is to avoid the traffic noise from Route 199 and to afford a stream view. Mr. Jeffreys referred to the recorded document “Covenants and Deed Restrictions”, number 2, which

states “All structures and improvements shall be sited within the building envelopes as shown on the Subdivision Map” and number 17, under which Steven Gelburd, the person who owned the property at the time of subdivision, reserved the right at any time to cancel, annul or otherwise modify said restrictions and conditions to make same less restrictive for so long as Cross Country Development LLC owns at least three of the four lots. Thereafter, these covenants and restrictions may only be cancelled, annulled or otherwise modified with unanimous written and recorded agreement of all the owners of the lots in the Subdivision. Mr. Jeffreys said based on this document, the board cannot entertain an application to re-locate the dwelling out of the building envelope. The first step towards applying for that change would be to amend the document per number 17 as stated above.

During discussion, board members suggested alternatives such as creating a stone wall, a berm, or other changes to the geography to mask the noise from Route 199 as long as it does not impact the property environmentally or aesthetically.

- Durst Timber Harvesting – 1133 Taconic LLC has submitted an application to the Pine Plains Planning Board for timber harvesting several parcels owned by 1133 Taconic LLC and part of this project is in the Town of Milan. The property was enrolled in the NYS Forest Tax Law Program in 2015 and this project is a forest management treatment required under this program. The NYS DEC has reviewed the project and determined it to be a Type 1 action as it is the physical alteration of over 10 acres. Michael Stabile, the Chairman of the Pine Plains Planning Board, has asked how involved the Town of Milan Planning Board would like to be. After some discussion, it was agreed that the Planning Board does not have any control over timber harvesting but would like to stay informed on the status of the application and would like to receive a larger map that is readable – the small maps submitted are unreadable. The board would also like to know where the loading area is – is it in the Town of Milan? The clerk will forward these comments/questions to the Pine Plains Planning Board.

A motion was made by Chairperson Wyant and seconded by Mr. Jeffreys to adjourn the meeting at 7:40 p.m.

The next Planning Board meeting is scheduled for May 1, 2019 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board