

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, JULY 8, 2020

MEMBERS PRESENT:

Joan Wyant, Chairperson
Thomas Darby
Kevin Pike
Radford West

MEMBERS ABSENT:

Kim Godfrey
James Jeffreys
John Mautone

ALSO PRESENT:

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

Public Hearings: **None**

Approval of Minutes:

- A motion was made by Chair Wyant and seconded by Mr. Pike to accept the Planning Board minutes of June 3, 2020 as presented.

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

Motion carried 4-0.

Correspondence: **None**

Applications:

1. **Spring Lake Road Subdivision** – Zak Hall from Kristina Dousharm Architecture was present as the authorized representative for a sketch plan review of a three lot subdivision of a 19.836 acre of property located on Spring Lake Road, tax grid number 6474-00-175125 owned by Kajaine Estates LLC. They were here for sketch plan approval. Mr. Hall said he added indications where the driveways will be on the map. They reduced the sizes of the accessory apartments to 75% of the single family dwellings. He added a road down the center of the lot to allow access to lots 3 and 1. It is an existing mowed path and they will be paving or graveling it. There are no formal maintenance agreements for East Lake Lane. People have been using East Lake Lane for many years and it's the only way they can access their homes. There is a bed and breakfast down there. The property owners are open to fixing this in any way. The existing steps on the property are beautiful and will be kept. Mr. Darby said he visited the site and talked to a resident on East Lake Lane. She said they have an arrangement in which she pays \$200 a year and the road gets plowed. Many people live there year round. It is an informal arrangement to maintain and plow the road. Zak said he will contact the fire chief to make sure safety is not an issue. Mr. Darby said it does not really impact this application because their driveways are right at the front of East Lake Lane. Mr. Pike said there appear to be a couple of small, pre-existing, non-conforming lots as part of this subdivision and asked if the applicant has thought about consolidating into all one parcel. Mr. Hall said they have discussed this and

he will inquire more about adjusting those lot lines. Mr. Hall said lot 1 is 10 acres, lot 2 is almost 4 acres, and lot 3 is almost 6. Mr. Pike asked about the gazebo and Mr. Hall said he thinks there is a written agreement for the easement for the gazebos. Mr. Hall was advised that he will need Department of Health approval for Lot 2 as it is less than 5 acres and he will need letters of feasibility from a certified professional for lots 1 and 3 which are over 5 acres. Mr. Hall was also handed site notes with details about what needs to be put on the map.

Chair Wyant motioned to declare the Planning Board’s intent to be lead agency for the Spring Lake three lot subdivision and to determine this application to be a coordinated, unlisted action under SEQRA with the involved agency being the Dutchess County Department of Health and the interested agency being the Milan Fire Department. Mr. Pike seconded.

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

Motion carried 4-0.

Mr. Hall was advised to submit two copies of the updated map as soon as possible as the SEQRA circulation is a 30 day circulation. The clerk will contact the chief of the Milan Fire Department to make sure the affected portion of East Lake Lane is adequate for access for emergency vehicles.

Chair Wyant motioned to set the date for the public hearing for the Spring Lake three lot subdivision to be held at the August 5, 2020 meeting. Mr. Pike seconded.

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

Motion carried 4-0.

- 2. Halpern/Chapman Lot Line Adjustment** – Mr. Hall, L.S. was present as the authorized representative for this lot line adjustment between two parcels, one owned by Alex Halpern, 1638 Route 199, tax grid number 6571-00-999425 consisting of 0.21 acres and one owned by Joseph Chapman, 1634 Route 199, tax grid number 6571-00-995411 consisting of 0.765 acres. Mr. Hall said the green lot is representing a proposed lot line. Both of these lots are non-conforming right now. This will make the lot a conforming lot. The shed is right on the property line which meets the required side setbacks in the Hamlet district as the other side setback is greater than 20 feet. Mr. Halpern is purchasing the land from Mr. Chapman.

Chair Wyant motioned to declare this lot line adjustment a Type II action under SEQRA requiring no further action. Mr. Darby seconded.

Joan Wyant, Chair	Aye	John Mautone	Absent
Thomas Darby	Aye	Kevin Pike	Aye

Kim Godfrey	Absent	Radford West	Aye
James Jeffreys	Absent		

Motion carried 4-0.

Chair Wyant motioned to set the date for the public hearing for the August 5 meeting. Mr. Darby seconded.

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

Motion carried 4-0.

Discussion Items:

1. **Pasture Rock Subdivision** – Mark Graminski, PE/LS was present along with Christopher Dierig and Douglas Maxwell for a discussion on modifying the previously approved Pasture Rock Subdivision. Mr. Graminski said these lands are currently owned by David Borenstein but Mr. Dierig and Mr. Maxwell expect on taking title next Friday. We will submit an application for these amendments after a discussion with the board. This proposal is an amendment to a previous subdivision and previous lot line adjustment that was before this board and approved by the board back in 2008. The property is located on the north side of Woody Row Road and 10 lots were created. A rural lane was approved for access for the majority of the lots and common driveways were constructed off of the rural lane for the balance of the properties. Following that, there was a consolidation of lots 7 and 8 and 9 located on the westerly portion of the subdivision and known as filed map 11669C. The lot consolidation occurred between 2011 and 2012. Mr. Dierig and Mr. Maxwell would like to amend both the subdivision and lot line adjustment filed maps. They are not proposing any further subdivision of these parcels and the lot lines will remain as they are. They are proposing to modify some of the building envelopes to provide more privacy for the lots and modification or additions to the common driveway maintenance and easement agreement and amendment of the existing covenants and restrictions that were approved by the town for the subdivision.

Mr. Graminski said we are proposing a modification of the building envelope on Parcel A on the northern end of the property with access remaining as an individual driveway. The previously approved septic did not necessarily meet town building setbacks but as part of this proposal, all town building setbacks will be met. It is intended to use all previously approved well and septic locations. There are NYS DEC wetlands located in the area of the driveway. Application was made to the DEC for disturbance and a permit was granted but it needs to be renewed. Access is off of Woody Row Road for lot A which is the consolidation of lots 7, 8 and 9. They want to keep all three of the development areas on the property even though only one single family dwelling is allowed on a lot to provide flexibility. Parcel A is 23.92 acres. There are no proposed changes to lots 5 and 6. They are proposing a modification of the building envelope on Lot 10. Mr. Graminski said at the time of the subdivision, the town had a wetland

law that is no longer in place. This modification to lot 10 moves the envelope a little closer to the wetlands. Some of these wetlands are Army Corp. Parcel A has DEC wetlands. Army Corp. does not have the 100 foot buffer requirement. Mr. Pike said some of these wetlands are both Army Corp. and DEC. Do you need the 100 foot buffer? Mr. Graminski said the DEC has jurisdiction over wetlands that are 4 acres or over. If the wetland is less than 4 acres, it is Army Corp. Lot 11 is proposed to have its own driveway coming off of Rocky's Way as well as a proposed change to the building envelope further to the north. The water supply and sewage disposal remain the same. This would require a review from the town due to the new driveway placement.

Mr. Graminski said this proposal is an amendment of an existing subdivision with no changes to the lot lines. The only physical change is the relocation and extension of a couple of the driveways and on lots 10, 11, and 8 the building envelopes are larger. They will submit an updated application to the DEC. Mr. Darby asked what criteria were used to modify the building envelopes. Mr. Dierig said they were updated to provide options for placement to the buyer. On lot 11, the building envelope is proposed to be on the ridge. The approved septic will remain where it is. The Board of Health approvals have all been updated.

Mr. Graminski said they are also proposing four language changes to the covenants. These changes have been sent to the town attorney for review. All property owners have to agree to any changes and the property owners have given their consent. Change number 1 is regarding the covenant limiting non-residential improvements or any alteration to anything outside the building envelope. They would like to alter that to allow limited non-residential improvements outside the building envelope, allowing a certain amount of square footage for non-residential improvements. They are proposing 2000 square feet for lots greater than 10 acres for structures such as gazebos, walkways, etc. Change 2 – At present, there are no ag uses allowed. We have no plans for large scale ag uses but would like to allow for private gardening or a vegetable garden, not commercial. Change 3 – At present, there is no alteration of the lands outside of the building envelopes. They would like to allow for certain grading and tree removal, land disturbance for pond construction, unpaved paths, gardens, again, not commercial. They are proposing a limitation of half an acre for lots greater than 6 acres; 2 acres for lots greater than 10 acres. Change 4 – Currently non-native species are restricted. We support that but would like to change that to allow gardening and small scale ag.

Mr. Graminski will submit an application and updated maps for these proposed changes as the map will have to be filed at the County Clerk's office. There was some discussion as to whether a public hearing would be required for these completely interior and non-substantive changes being proposed. The board agreed to set the date for the public hearing in case one is required.

Chair Wyant motioned to set the date for the public hearing for the amendments to the approved Pasture Rock subdivision for the August 5th meeting. Mr. Pike seconded.

Joan Wyant, Chair

Aye

John Mautone

Absent

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Thomas Darby	Aye	Kevin Pike	Aye
Kim Godfrey	Absent	Radford West	Aye
James Jeffreys	Absent		

Motion carried 4-0.

2. **Cross Country Subdivision** – Tim Lynch, PE/RA said he came before the board in April of 2019 to discuss re-locating the house to be outside of the building envelope on Lot 1 of the approved Cross Country subdivision. The board advised at that time that an application cannot be entertained to re-locate the dwelling out of the building envelope until the covenant is changed which would require the approval of all of the lot owners that are part of the Cross Country subdivision. Mr. Lynch said the current owners would like to remove/amend the covenant and restriction document with the primary goal to amend the map to remove the building envelopes from all the lots. There would be no changes to parcel lines. Mr. Lynch said his feeling is the town has no jurisdiction over building envelopes and asked where the term building envelopes is defined. Mr. Lynch said he does not believe a map has to be filed with the county clerk’s office if the only change is the removal of building envelopes. He asked if the board agreed with that and if a public hearing is required. There was a discussion about why the building envelopes were identified as part of this subdivision. The clerk will forward the minutes to the board members and will contact the town attorney to find out the process for removing the building envelopes from an approved subdivision.

Mr. Lynch will appear at the August meeting to continue this discussion.

Chair Wyant motioned to adjourn the meeting at 8:50 p.m. Mr. Pike seconded.

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

Motion carried 4-0.

The next Planning Board meeting is scheduled for August 5, 2020 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board