

**TOWN OF NORTH EAST PLANNING BOARD  
MINUTES  
December 13, 2023**

The regular meeting of the Town of North East Planning Board (“PB”) took place on Wednesday, December 13, 2023 in the North East Town Hall located at 19 North Maple Avenue, Millerton, New York at 7:30PM. Board members Chairman Culver, Charles Barrett, Leslie Farhangi, Bill Kish and Bill McGhee. Also in attendance were Chris Langlois (via Zoom), Chris Kennan, Hilarie Thomas, John Perotti, Kevin Webb and Deb Phillips, secretary to the planning board.

*Perotti Homestead Farm  
Preliminary Discussion/Minor Subdivision  
5-15 Homestead Farm Lane  
Parcel #133889-7069-00-953630*

*McGhee Hill Road Subdivision  
MGHR, LLC  
Ongoing Site Plan Discussion  
McGhee Hill Road  
Parcel #133889-7170-00-414515*

Chairman Culver requested a motion to open the meeting at 7:30PM.

McGhee made a motion to open the meeting. Motion was seconded Kish and passed unanimously.

**Minutes**

Chairman Culver requested a motion to approve the November 8, 2023 minutes.

Farhangi made a motion to approve the November 8, 2023 minutes. Motion was seconded by Barrett and passed unanimously with McGhee abstaining.

**General Business**

There was no general business.

**Perotti Homestead Farm  
Preliminary Discussion/Minor Subdivision  
5-15 Homestead Farm Lane  
Parcel #133889-7069-00-953630**

John Perotti appeared before the PB to subdivide off 85 acres on the west side of Perotti Road; 90% of it is forest.

Chairman Culver asked how many acres total would be subdivided. Perotti said approximately 180 acres. Chairman Culver said roughly an 80-acre piece and a 100-acre piece. Perotti said the Dutchess Land Conservancy proposal was to market the 83-acre piece that has the second highest point in Dutchess County.

Kish asked for elevation numbers on the map.

Chairman Culver said there is no driveway cut and asked where the access points would be. Perotti said the only access points are the two existing farm driveways. Perotti said one would be right across from the main farm.

Kish asked the PB about a building envelope fund to protect the highest spot in the area.

Attorney Langlois said he would look through the code; nothing addresses building envelope setbacks.

Kish asked Langlois if SEQR includes a visual impact. Langlois said it does.

Kish asked how would the PB say that this wouldn't result in a visual impact if the chances are that the highest spot where a home would be built.

Langlois said at this point there is no proposal to build anything or to divide into buildable lots.

Kish said the PB has to look at the potential for further development and look at ways to mitigate ways for the potential visual impact.

Langlois said the action in front of the PB is subdividing a large parcel into roughly half-size parcels. He said that action would not result in any adverse environmental impact with respect to visual impact. He said there is no plan for the PB to evaluate any impact at this point. He said he doesn't know that SEQR is going to let the PB evaluate and mitigate impacts on a project that is not necessarily in front of the PB.

Chairman Culver said the parcels in an A5A zone. He recommended \$1,500 in escrow. He said there needs to be access that needs to be delineated.

Chairman Culver asked Perotti if he could have the application finalized by the next meeting on January 10, 2024. Perotti said he could. Chairman Culver said Perotti would have a completed application with elevations.

Chairman Culver asked for a motion for escrow in the amount of \$1,500.

Farhangi made a motion for escrow in the amount of \$1,500. Motion was seconded by Barrett and passed unanimously.

**McGhee Hill Road Subdivision**  
**MGHR, LLC**  
**Ongoing Site Plan Discussion/Escrow**  
**McGhee Hill Road**  
**Parcel #133889-7170-00-414515**

Attorney Thomas appeared before the PB with a revised Declaration of Covenants, Conditions, Restrictions and Reservations. Thomas said the word consistent on page 9, section 29, was changed from inconsistent. She said on page 2, section 2 that it was restricted to no educational facilities, no rehab or drug facilities, no non-profit entities and basically nothing commercial could be erected on the properties. She said language was added to section 2 and 5.

Kish talked about the site visit. They walked along the streambed by the road on the upper end. He said he noticed a substantial wetland on the upper end that was not flagged and it's important to protect that area. He said the swampy area by the streambed should be protected during construction. He said there are a lot of stream crossings and couldn't tell by looking at the maps what type of culverts are going to be put on which stream crossings.

Thomas said the open box culvert is specified for the access road for Lots 4,5 and 6.

Kish asked Thomas for the engineer to pull out a map that doesn't have all the noise on it.

Kish said there is an upper stream crossing where the engineer said he was going to put a box culvert but he said he wouldn't put ones that are the driveway entrances.

Chairman Culver asked Kish if he remembered why the engineer said he wasn't going to put in a box culvert. Kish said the engineer said it would be more disturbing to the project to replace the culvert. Chairman Culver said the engineer did not want to increase the flow of water downstream where it would do more ecological damage by increasing the water flow.

Chairman Culver asked what the PB needs to move forward. Kish said maps with culverts and what kind they would be and he would recommend some type of protection during construction.

The PB agreed those two issues are of concern.

Thomas asked if the PB wants a map with only the culverts and specs. Kish said yes.

Chairman Culver suggested to Hilarie to come back to the PB with material needed on January 10, 2024.

Chairman asked for a motion for a public hearing on January 24, 2024 at 7:45PM.

McGhee made a motion for a public hearing on January 24, 2024 at 7:45PM. Motion was seconded by Farhangi and passed unanimously.

Chairman Culver said the maps should have the culverts with specs and the crossings.

### **Public Comment**

Kevin Webb said he heard that with NML Farms had plans to tear down the old farmhouse. He said the neighbors, the Haabs, had contacted NML and worked out an arrangement that allowed Webb to have a ground lease on the farmhouse so they would not demolish it. He said under the terms of the arrangement, Webb has three years to bring the house up to standards of the homes in the neighborhood. He said the plan was to come before the PB to see if he could find a way to merge the one acre with a lot across the road that is currently for sale. He said maybe then go to the Zoning Board of Appeals (ZBA) for a variance on the land the house is on now for a lot-line adjustment.

Chairman Culver said he doesn't know what standing the PB has on the ground lease. He said if the ground lease is going to become a sale of that land, that allows Webb to merge with the piece across the road. Chairman Culver said it needs a couple of parallel actions at the same time: parallel action of subdividing off a not legal portion size but becoming legal by merging it into the second piece to make it large enough to be legal. He said it would almost have to happen simultaneously for any legality for the PB being allowed to do it.

Langlois said the first request would be to subdivide out a one-acre parcel with the house on it that you could not ordinarily do because it's a substandard size lot, get a variance from the ZBA and then come back with the variance, Simultaneous with that, after the subdivision, he would merge the property across the road which exceeds the minimum acreage requirement.

Chairman Culver said NML would have to be a party to the action; even though you (Webb) own the land, it's only legal if you're simultaneously merging in. He said both actions have to happen at the same time.

Webb asked the PB what he needs to have at the next meeting.

Chairman Culver said the PB needs to see the map for the parcel that Webb plans to buy, the proposed final one-acre with the addition and the documentation to break that off unless NML is going to appear here, you would have to have a letter of agency for them representing that piece.

Kish asked Webb if there will be a well and septic on the one acre. Webb said the well was demolished but there is a new well and the septic is there.

Chairman Culver asked for a motion to cancel the December 27, 2023 meeting.

Farhangi made a motion to cancel the December 27, 2023 meeting. Motion was seconded by McGhee and passed unanimously.

### **General Business**

Barrett asked if there is any way that the PB can discuss applications before official meetings. Kish suggested workshop meetings. Farhangi agreed.

Chairman Culver said the PB needs to consensually agree on things that the PB is asking for. He thinks the PB has to work a little more at discussing amongst the members the questions and concerns and convey that to the applicant.

Kish said it would help if the PB made it clear to the applicant that the PB is not engaging in a conversation with them, it's that the PB is talking amongst themselves.

Chris Kennan said applicants sometimes feel obliged to do what the PB is discussing. He said workshops not specific to an application are allowed.

Farhangi said workshops used to be held on the first meeting of the month and no action would be taken.

Chairman Culver said the PB cannot discuss an application that is not on the agenda. He said the PB needs to be a little more careful about directives to the applicant.

Langlois said there may be a benefit to segregate meetings where it starts with the presentation by the applicant, they are thanked, the PB has a roundtable conversation and the result of the roundtable conversation is some direction. The PB agreed.

### **Close of Meeting**

Chairman Culver asked for a motion to adjourn the meeting at 8:35PM.

Farhangi made a motion to adjourn the meeting. Motion was seconded by McGhee and passed unanimously.

Respectfully Submitted,

Deb Phillips  
Planning Board Secretary

APPROVED January 10, 2024

