

**TOWN OF NORTH EAST PLANNING BOARD
MINUTES
March 26, 2014**

The regular meeting of the Town of North East Planning Board took place on Wednesday, March 26, 2014 in the Town Hall located at 19 N. Maple Ave, Millerton, New York. Board Members present were Chairman Dale Culver, Willen deVogel, Bill Kish, Evelyn Garzetta and Charles Barrett. Board Members Leslie Farhangi and David Shapiro were absent. Also in attendance were Mark Graminski and Brian McGraff.

- **The Kildonan School, Morse Hill Rd
Public Hearing: Application for Minor Subdivision**

Bill Kish moved to open the Planning Board Meeting at 7:35 PM. The motion was seconded by Charles Barrett and passed unanimously.

Public Comment

There was no Public Comment.

**The Kildonan School
Morse Hill Rd.
Public Hearing: Application for a Minor Subdivision
Tax Parcel # 7168-00-136877**

Willem DeVogel made a motion to open the Public Hearing at 7:40 PM. The motion was seconded by Charles Barrett and passed unanimously.

Mark Graminski, Consulting Engineer & Land Surveyor representing the Kildonan School, presented a Site Plan for the proposed Minor Subdivision to the PB. Mr. Graminski explained that the Kildonan School was subdividing one of its lots in order to sell the property. While surveying the land he discovered that the septic system serving the school's dining hall is located on the portion of land to be sold. The proposed Minor Subdivision Site Plan now includes two easements, one for each the septic field. Mr. Graminski stated the school has a buyer ready to purchase the land.

Chairman Culver stated that his only concern was that he questioned whether the PB should be granting an easement for the septic system. The question had been put to the Town Lawyer and the PB was still waiting for a response.

Bill Kish asked if it didn't make more sense to modify the line so that the septic system remained with the dining hall.

Mark Graminski explained that the buyer preferred to purchase the land with an easement.

Bill Kish asked if the septic was to fail in the future, could the system be built on the land retained by the Kildonan School.

Mark Graminski responded that the septic would need to be rebuilt where it is currently located due to the nature of the property. He stated that he had located two separate fields on the property. The system was built in the 1960's and was comprised of small, multiple tanks and fields. He has extended the easement site so that there is sufficient room to repair the septic system in the future. Mr. Graminski stated that a new system could be built on the remaining parcel but the cost would be high and the area is steeply sloping and the soil quality poor.

Chairman Culver stated that this situation was unfamiliar to the Planning Board and he wanted to be sure that granting the easements would not create a problem down the road.

Bill Kish stated that Warren Replansky, the Town Lawyer, normally reviews the language of the easement to be sure he is comfortable with the easement. He asked if the easement had been drafted.

Mark Graminski replied that he had already drafted an easement description. Shawn Pratt, the lawyer representing the Kildonan School, would coordinate with Warren Replansky to review the language.

Chairman Culver asked if Mr. Graminski had spoken to the Dutchess County Board of Health for their opinion. He asked Mr. Graminski to obtain in writing the BOH determinations for the following: is it legal to have a septic field located on a parcel not owned by the entity it services and does the DOH permit the creation of a situation where septic fields are no longer located on the same parcel as the buildings they service. He also asked that if the DOH has previous experience with these situations were there suggested guidelines determining how the easements should be worded.

Mark Graminski replied that he had not spoken with the Board of Health.

Evelyn Garzetta suggested requesting the Department of Health provide a letter stating that it does not matter who owns the fields.

Brian McGraff, representing the buyer, stated the prospective buyer had had a small problem with the septic on another parcel and they had been held up by the Board of Health for nine months.

Mark Graminski stated that he would speak to the engineer for the Town of North East and the BOH and provide their written answers to the Planning Board. He would also be sure that Warren Replansky, the town lawyer, was included in approving the language for the easement agreement.

Chairman Culver requested that any correspondence to Warren Replansky be cc'd to the Planning Department office as well. Mr. Culver also asked the Planning Board secretary to contact Will Agresta for his determination on the matter.

Chairman Culver recommended that the public hearing be continued until April 2 and requested an escrow of \$500.00 from the applicant.

Brian McGraff stated that he did this all the time so he knew it was all right. He agreed having a paper trail made sense.

Willem deVogel made a motion to continue the public hearing until April 2, 2014. The motion was seconded by Bill Kish and passed unanimously.

General Business 8:05 PM

Bill Kish stated the Southern Realty and Development owes the PB specific schematic and textual descriptions of the supermarket septic system. He believes that until these are received the SRD is not in compliance.

Chairman Culver suggested the PB secretary contact Warren Replansky to determine what was still outstanding from the SRD application.

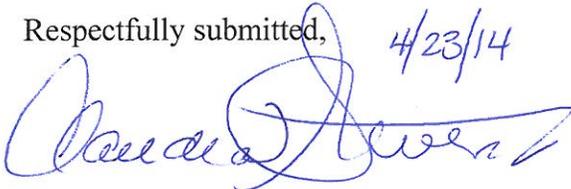
Executive Session

Evelyn Garzetta made a motion to move to an Executive Session at 8:10 PM. The was motion seconded by Charles Barrett and passed unanimously.

Charles Barrett moved to return to the regular session of the Planning Board meeting at 8:40 PM. The motion was seconded by Willem deVogel and passed unanimously.

Evelyn Garzetta made a motioned to adjourn the meeting until April 2, 2014. The motion was seconded by Bill Kish and passed unanimously.

Respectfully submitted, 4/23/14



Claudia Stevens
Planning Board Secretary