

**TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, JANUARY 14, 2009**

MEMBERS PRESENT:

Peter Goss, Chairman
Douglas Cook
Mary Ann Hoffmann
James Jeffrey
Lauren Kingman

MEMBERS ABSENT:

Jeffery Anagnos
George Lawrence

ALSO PRESENT:

Chairman Goss opened the meeting at 7:00 p.m. and expressed thanks to Dan Miller for his time served on the Planning Board and welcomed new member James Jeffrey.

Public Hearings:

- **AT&T** – Since the applicant was not able to complete the survey of the property in time for this meeting, there was no one present on behalf of this application. Chairman Goss read the legal notice that was posted in the paper and sent to neighboring landowners. The property is located at 616 Salisbury Turnpike, tax grid no. 6471-00-372150.

Mr. Kingman motioned to table the public hearing for the AT&T site plan/special permit application until the February 4th meeting. Ms. Hoffmann seconded.

Chairman Goss	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Absent
Mary Ann Hoffmann	Aye		

Motion carried 5-0.

In order to be on the agenda for the Planning Board workshop scheduled for January 29th, a complete submittal must be received by the Planning Office no later than Tuesday, January 20, 2009.

Administrative Items:

- Approval of Minutes – Ms. Hoffmann motioned to approve the minutes of the December 3, 2008 meeting as amended. Mr. Kingman seconded.

Chairman Goss	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Absent
Mary Ann Hoffmann	Aye		

Motion carried 5-0.

Applications:

1. **Chestnut Mart Site Plan/Special Use Permit** – Ciro Interrante, Architect and representative for the applicant, sent an email dated December 26, 2008 requesting the Planning Board table the motion on the positive declaration for another month. He gave the board an update on the progress towards finalizing the storm water design. The property is located at 1445 Route 199, tax grid number 6570-00-536267.

Mr. Kingman motioned that the Planning Board table the vote on the positive declaration for the Chestnut Mart application until the February 4, 2009 Planning Board meeting. Ms. Hoffmann seconded.

Chairman Goss	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Absent
Mary Ann Hoffmann	Aye		

Motion carried 5-0.

2. **Turkey Hill Acres Subdivision** – Andrew Willingham, P.E., submitted a letter dated December 31, 2008 requesting the first 90 day extension of conditional final approval for this two lot subdivision of property located on Turkey Hill Road, tax grid number 6473-00-983432.

Mr. Kingman motioned to grant the first 90 day extension to the Turkey Hill Acres Subdivision pursuant to the letter submitted by Andrew Willingham, P.E., Clouser & Associates, dated December 31, 2008 requesting this extension. This 90 day extension will expire on May 03, 2009. Mr. Cook seconded.

Chairman Goss	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Absent
Mary Ann Hoffmann	Aye		

Motion carried 5-0.

3. **Barron O. Berg Subdivision** – Michael Duval, P.E., submitted a letter dated January 6, 2009 requesting the first 90 day extension of conditional final approval for this three lot subdivision of property located on Route 199, tax grid number 6471-00-667652.

Ms. Hoffmann motioned to grant the first 90 day extension to the Barron O. Berg Subdivision pursuant to the letter submitted by Michael Duval, P.E. dated January 6, 2009 requesting this extension. This 90 day extension will expire on May 03, 2009. Mr. Cook seconded.

Chairman Goss	Aye	James Jeffrey	Aye
---------------	-----	---------------	-----

Jeffrey Anagnos	Absent	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Absent
Mary Ann Hoffmann	Aye		

Motion carried 5-0.

- Red Hook Fence** – Paul Hughes, applicant, had appeared at a previous Board meeting requesting an amendment to his previously approved site plan for Red Hook Fence located on Route 199 and Willowbrook Road, tax grid number 6571-00-572228. Mr. Kingman explained that the original site plan had been approved in 2003 and was only partially implemented. Mr. Hughes came back between 2004 and 2005 and the current Planning Board at that time found a number of items from the previous approval that needed to be re-worked. Mr. Hughes went before the ZBA and obtained the necessary variances and got conditional site plan approval on June 8, 2006. There are still outstanding items that need to be completed from the 2006 approval so Mr. Hughes has not received his Certificate of Occupancy yet. At the last Planning Board work session, the outstanding items were reviewed with Mr. Hughes, i.e. the chain link fence with permahedge to go around the perimeter of the property, who indicated he planned on finishing up the outstanding items this spring. Mr. Hughes delineated the area on the property where he is proposing his display area so Board members could visit the site. Mr. Kingman said he does not see any reason why the display area could not be located in the proposed area. He said the Planning Board will need to make a recommendation to the ZBA, but Mr. Kingman said he would like to find a way to bring this to closure and get those outstanding items completed. He prepared a resolution recommending the ZBA approve the change but that also puts two conditions on the variance giving Mr. Hughes a time limit to make the improvements and also not allowing him to use the new display area until the Certificate of Occupancy is granted. Mr. Kingman read the proposed recommendation to the ZBA. Mr. Jeffreys asked if the proposed display area of 16' x 40' will be enough room and Mr. Kingman said that is what Mr. Hughes asked for. Originally, the place designated for the display area was near the stream and culvert area. It was placed there because at one time, Mr. Hughes sold outdoor play gyms which were going to be part of the display. Mr. Hughes no longer carries play gyms so it makes more sense to have the fence displays in a flatter area. According to the submitted site plan, Mr. Hughes wants four rows of fencing for display. Ms. Hoffmann said she thinks this proposal is reasonable. Mr. Jeffreys asked about the time line and Mr. Kingman said providing the ZBA grants the variance at their February meeting, the Planning Board should be able to grant conditional approval at the March meeting and at that point, Mr. Hughes would have six months to complete the work. Of course, this is just a recommendation to the Zoning Board of Appeals and they do not need to include the conditions if they choose not to.

Mr. Kingman motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the request of Paul Hughes, Red Hook Fence, to modify the existing site plan with regards to the display area;

WHEREAS, Red Hook Fence received conditional approval on June 8, 2006 from the Milan Planning Board for a site plan for a 2.35 acre parcel identified as tax grid number 09-6571-00-572228; and

WHEREAS, the Milan ZBA granted the site a variance to permit a 35' x 60' fence materials display area in the parcel's front yard along Route 199; and

WHEREAS, the applicant requests a modification to the approved site plan to replace the currently permitted display area with a 16' x 40' fence materials display area as indicated on the amended site plan dated 12-23-08; and

WHEREAS, the applicant flagged the proposed display area and members of the Planning Board visited the site; and

WHEREAS, the Board members found the proposed site to be consistent with the previously approved site; and

WHEREAS, the site has not yet received a Certificate of Occupancy.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board refers the applicant to the Milan ZBA for a variance for the new display area.

BE IT FURTHER RESOLVED, the Planning Board recommends the ZBA rescind the existing display area variance; and

BE IT FURTHER RESOLVED, the Planning Board recommends the ZBA grant a conditional variance for a 16' x 40' display area 6 feet from the front property line where the zoning code requires a setback of 80 feet as indicated on the site plan prepared by Mark Graminski, P.E. dated December 23, 2008; and

BE IT FURTHER RESOLVED, the Planning Board recommends the ZBA grant the variance subject to the following conditions:

1. The site must fully comply with the approved amended site plan and be granted a Certificate of Occupancy for the site no later than 180 days after the Planning Board grants site plan approval.
2. No fencing or any other materials are to be displayed within the front yard until the Certificate of Occupancy is granted.

Mr. Jeffreys seconded.

Chairman Goss	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	Lauren Kingman	Aye

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 01-14-09

Douglas Cook Aye George Lawrence Absent
Mary Ann Hoffmann Aye
Motion carried 5-0.

Discussion Items:

Mr. Kingman said since the Board is required to have four hours of education every year and due to the economy, there are fewer classes being offered, he asked John Morabito, Planner, to look into some classes he could provide for the Board. Mr. Morabito said he would pull some ideas together.

Ms. Hoffmann motioned to adjourn the meeting at 7:30 p.m. Mr. Cook seconded.

Chairman Goss Aye James Jeffreys Aye
Jeffrey Anagnos Absent Lauren Kingman Aye
Douglas Cook Aye George Lawrence Absent
Mary Ann Hoffmann Aye
Motion carried 5-0.

The next meeting will be the workshop to be held on Thursday, January 29, 2009 at 7:00 p.m. The next regular meeting will be held on Wednesday, February 4, 2009 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
 Town Board