

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL  
WEDNESDAY, JUNE 3, 2009

MEMBERS PRESENT:

Peter Goss, Chairman  
Jeffrey Anagnos  
Douglas Cook  
Mary Ann Hoffmann  
James Jeffreys (arrived at 7:20 p.m.)  
Lauren Kingman

MEMBERS ABSENT:

George Lawrence

ALSO PRESENT:

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

**Public Hearings:**

- Diaz/Thorley Lot Line Adjustment:** Chairman Goss opened the public hearing and read the legal notice that was posted in the paper and sent to neighboring landowners. Kirk Horton, L.S. was present on behalf of the applicants for a lot line adjustment between property owned by Richard Diaz, 100 Milan Hill Road, tax grid number 6471-00-549935 and Eric Thorley, 96 Milan Hill Road, tax grid number 6471-560911-00 located in the A3A zoning district. Mr. Thorley is proposing to convey 0.122 acres to Mr. Diaz. Mr. Diaz's lot is currently pre-existing non-conforming at 0.10 acres. This land conveyance will square off the Diaz's triangular shaped lot and make it less non-conforming. Mr. Thorley was also present.

Mr. Cook motioned that the Planning Board declare themselves lead agency for this lot line adjustment. Mr. Anagnos seconded.

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

Motion carried 5-0

Mr. Kingman motioned that, pursuant to Part 617.7 of the State Environmental Quality Review Act, the Planning Board declare a Determination of Non-Significance (Negative Declaration) for the Diaz/Thorley Lot Line Adjustment. Ms. Hoffmann seconded.

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

Motion carried 5-0

Ms. Hoffmann motioned to close the public hearing. Mr. Anagnos seconded.

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

Motion carried 5-0

Chairman Goss motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Richard Diaz and Eric Thorley for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on April 29, 2009 and a site plan prepared by Kirk Horton, L.S. dated April 26, 2009 has been submitted for the requested lot line adjustment between two properties located on Milan Hill Road in the A3A zoning district and identified as 6471-00-549935 (Diaz) and 6471-00-560911 (Thorley); and

WHEREAS, the proposed action will convey 0.122 acres from the lands of Thorley to the lands of Diaz; and

WHEREAS, the proposed action will bring the pre-existing, non-conforming 0.187 acre Diaz parcel to 0.309 acres which will make the parcel less non-conforming to current zoning; and

WHEREAS, the proposed action will bring the existing 5.575 acre Thorley parcel to 5.453 acres which is still in conformance with current zoning; and

WHEREAS, both parcels are improved with single family dwellings, wells and septic systems; and

WHEREAS, a public hearing was held on June 3, 2009 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on June 3, 2009.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants conditional final approval to the requested lot line adjustment and authorizes the Chairman to sign the mylar once the following conditions are met:

- Dutchess County Board of Health signature is obtained
- All corners of new lot to be located on ground, marked by iron rods, and referenced and shown on the plat
- Owner's consent to file block signed
- Payment of publication fee in the amount of \$72.53

Seconded by Mr. Kingman.

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

Motion carried 5-0

Mr. Kingman motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Diaz/Thorley lot line adjustment (minor subdivision) application of property located on Milan Hill Road and identified as 6471-00-549935 (Diaz) and 6471-00-560911 (Thorley); and

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identified concerns and a Determination of Non-Significance (Negative Declaration) was approved by the Planning Board on June 3, 2009; and

WHEREAS, a public hearing was opened and closed on June 3, 2009; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Code Chapters 177 (Subdivision) and 200 (Zoning); and

WHEREAS, all conditions for Final Approval are detailed in the resolution for Conditional Final Approval which was approved by the Planning Board on June 3, 2009.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board finds that the approval of the Diaz/Thorley Lot Line Adjustment (Minor Subdivision) is in compliance with the Town of Milan Subdivision Regulations (Chapter 177). Seconded by Mr. Anagnos.

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

Motion carried 5-0

Conditional final approval expires in 180 days (**November 30, 2009**). When the final map is prepared, it is suggested the applicant submit a paper copy to the Planning Office for review. Once it is determined that all of the conditions have been met, the **mylar plus five paper copies** must be submitted to the Planning Office for the Chairman's signature for Town files, along with any paper copies the applicant would like signed.

Once the mylar is signed by the Chairman, it must be filed in the office of the Dutchess County Clerk within 60 days of the date of signature or the lot line adjustment becomes null and void.

2. **Another Fork In The Road Site Plan:** Chairman Goss read the legal notice that was posted in the paper and sent to neighboring land owners and opened the public hearing. Mark Graminski, P.E./L.S. appeared on behalf of the applicant for the public hearing for site plan approval at the request of Catherder, LLC who has submitted a site plan application to change the content of a pre existing, non conforming sign on property located at 1212-1215 Route 199, tax grid number 6571-00-014366. This site received site plan approval/special use permit approval on September 10, 2008. The applicant is now leasing the restaurant to Natalie DiBenedetto who is changing the name of the restaurant to Another Fork In The Road so needs to change the sign out in front. Mr. Graminski said he has updated the map to include the dimensions and areas of the signage that is being changed, being the sign at the front and the roof sign. A response was received by the Planning Board from Dutchess County Planning who checked local concern with comments and their suggestion was that the Planning Board try to bring the sign more into conformance by reducing the size. Mr. Kingman said this issue was not raised when this application was referred to County Planning for the previous site plan/special use permit application. He said he understands they are trying to eliminate non conforming signs but he said he does not know how long the sign has been here but Board members were in agreement it has been there “forever”. The Board members agreed there did not seem to be any benefit in changing the size of the sign. A super majority is not required since these were suggestions only from County Planning but a response will be sent back to them. Mr. Kingman asked if the handicapped ramp had been installed yet and Mr. Graminski was not sure. The ramp is shown on the map as existing so will need to be installed prior to the site plan sign off. The Building Inspector can provide the required specifications for the ramp. There was no one from the public present.

Mr. Kingman motioned that the Planning Board declare themselves lead agency for this site plan application of Catherder, LLC. Ms. Hoffmann seconded.

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

Motion carried 6-0

Mr. Kingman motioned that, pursuant to Part 617.7 of the State Environmental Quality Review Act, the Planning Board declare a Determination of Non-Significance (Negative Declaration) for the Catherder LLC site plan. Mr. Jeffrey seconded.

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

Mary Ann Hoffmann     Aye  
Motion carried 6-0

Chairman Goss motioned to close the public hearing. Mr. Kingman seconded.

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

Motion carried 6-0.

Ms. Hoffmann motioned that the Planning Board has considered the application of Catherder, LLC (Another Fork In The Road) for site plan approval of property located on Route 199 in the Highway Business Zoning District and consisting of 6.002 +/- acres, tax grid number 6571-00-014366 pursuant to an application packet submitted by Mark Graminski, P.E./L.S. on May 6, 2009 consisting of a site plan application, a short Environmental Assessment Form and a site plan entitled “Another Fork In The Road Restaurant” prepared for Catherder LLC dated May 5, 2009;

WHEREAS, this site was granted site plan/special use permit approval on September 10, 2008 for a restaurant and multi-family dwelling and the site plan was signed by the Planning Board Chairman on October 9, 2008; and

WHEREAS, this site was issued a Certificate of Occupancy on October 15, 2008; and

WHEREAS, the applicant intends to continue the restaurant use as previously approved; and

WHEREAS, the applicant does not intend to make any substantive physical changes to the interior or exterior of the site;

WHEREAS, the applicant is requesting site plan approval to change the content of the free-standing pre-existing non-conforming sign at the front of the site only; and

WHEREAS, a pre-existing, non-conforming sign can only be changed through site plan; and

WHEREAS, this application was sent to Dutchess County Department of Planning and Development pursuant to Article 12B, Section 239-1 and 239-m of General Municipal Law on May 7, 2009 and the Department responded in a letter dated May 28, 2009 finding this action to be a “Local Concern with Comments”; and

WHEREAS, a public hearing was held on June 3, 2009 at which time no one from the public spoke in opposition to the project; and

WHEREAS, pursuant to Part 617.7 of the State Environmental Quality Review Act, on June 3, 2009 the Town of Milan Planning Board approved a Determination of Non-Significance (Negative Declaration) for this action;

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of Article IX of the Town Code, the Planning Board grants conditional site plan approval for Another Fork In The Road with the following conditions and authorizes the Chairman to sign the map once these conditions are satisfied:

- Payment of the following fees:
  - o Site Plan Review: \$100.00
  - o Publication Fees: \$ 70.25
- The dimensions of the free-standing sign need to be added to the site plan along with the specific signage details of the proposed roof sign with a note on the map that the roof sign will be replaced in the future.
- The applicant shall apply for and obtain a sign permit as indicated by the graphic presented to the Planning Board on the site plan dated May 5, 2009 and revised on June 3, 2009.
- Installation of a suitable handicapped ramp at the main entrance.

Mr. Jeffrey seconded.

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

Motion carried 6-0.

In accordance with the provisions of Article IX of the Town Code:

- (1) The Planning Board’s approval of a site plan shall expire if either of the following circumstances occurs:
  - (a) The site plan is not submitted for stamping and signature by the chairman within three calendar months (September 3, 2009) of the Planning Board’s resolution of site plan approval with or without modifications unless an extension of time is granted by the Planning Board.
  - (b) A complete application for either a building permit or certificate of occupancy is not submitted to the Zoning Enforcement Officer and/or Building Inspector, as applicable, within six calendar months of the stamping and signing of the site plan by the Chairperson.
- (2) Unless otherwise specified herein, upon written request to the Planning Board, the time period for either submission of the site plan or submission of the complete application for a building permit or certificate of occupancy may be individually extended for a maximum

period of six calendar months from its otherwise specified termination dates, provided that the applicant demonstrates to the Planning Board that it has acted in good faith and with due diligence.

Mr. Kingman motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board approves the Findings for the conditional Site Plan approval for Catherder LLC;

WHEREAS, the 6.002 acre site is located at 1215-1225 Route 199, tax grid number 6571-00-014366 in the Highway Business Zoning District; and

WHEREAS, the application is to change the content only of the free standing, pre existing, non conforming sign for the restaurant; and

WHEREAS, the use continues as a restaurant consistent with the site plan approval granted by the Planning Board on September 10, 2008 with no planned increase in this use.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds this Site Plan approval consistent with Article IX of the Town Zoning Code and approves these Findings for the Site Plan approval for Catherder, LLC.

Mr. Jeffreys seconded.

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

Motion carried 6-0.

**3. Cross Country Development Subdivision and Lot Line Adjustment:**

Chairman Goss read the legal notice that was posted in the paper and distributed to neighboring landowners and opened the public hearing. Mr. Graminski was here for this application also. This site, located on Salisbury Turnpike and Route 199, tax grid numbers 6471-00-929291 and 6471-00-940375, received conditional final approval from the Planning Board on May 7, 2008. The applicant decided to remove the conservation easement so the map and supporting documents had to be changed, removing all references to the conservation easement. During that time, the initial approvals expired so the applicant applied for a new approval. The application is essentially the same as before except without the conservation easement. The environmentally sensitive areas will now be protected by deed and map notes. The Planning Board reviewed the map and had no further comments. There was no one from the public present. Mr. Kingman said the neg dec is essentially the same as the one used for the previous approval except that the references to a conservation easement have been removed and the statement was added that the environmentally sensitive areas will be protected with deed restrictions and map notes. Mr. Graminski was furnished with some sample

wording for the restrictions and notes which he said he has forwarded on to the applicant for his attorney to review. Mr. Graminski will add a map note that refers to the covenants and restrictions in the deeds.

Mr. Kingman motioned that the Planning Board declare themselves lead agency for this subdivision/lot line adjustment application of Cross Country Development, LLC. Ms. Hoffmann seconded.

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

Motion carried 6-0

Ms. Hoffmann motioned that, pursuant to Part 617.7 of the State Environmental Quality Review Act, the Planning Board declare a Determination of Non-Significance (Negative Declaration) for the Cross Country Development Subdivision/Lot Line Adjustment application. Mr. Kingman seconded.

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

Motion carried 6-0

Mr. Jeffreys motioned to close the public hearing for the Cross Country Development Subdivision/Lot Line Adjustment. Mr. Anagnos seconded.

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

Motion carried 6-0.

Mr. Kingman motioned that the Planning Board has considered the application of Cross Country Development LLC for a lot line adjustment/subdivision of property located on Salisbury Turnpike and NYS Route 199, tax grid numbers 6471-00-929291 and 6471-00-940375;

WHEREAS, a complete application packet was submitted on April 24, 2009 which included a subdivision application, a long Environmental Assessment Form parts 1, 2, and 3, the Natural Resources Survey, and a map set consisting of sheets 1 through 6 prepared by Mark Graminski, P.E./L.S. dated April 21, 2009; and

WHEREAS, this project received conditional final approval by the Town of Milan Planning Board on May 7, 2008 and the approval expired; and

WHEREAS, the applicant has re-submitted the project with the only change being the elimination of the conservation easement; and

WHEREAS, the applicant has agreed to put in place the appropriate deed restrictions and map notes to protect the environmentally sensitive areas that were previously protected under the conservation easement; and

WHEREAS, a public hearing was held on June 3, 2009 at which time no one from the public spoke in opposition to the project; and

WHEREAS, pursuant to Part 617.7 of the State Environmental Quality Review Act, on June 3, 2009 the Town of Milan Planning Board approved a Determination of Non-Significance (Negative Declaration) for this action;

NOW, THEREFORE, BE IT RESOLVED, the Planning Board grants conditional preliminary and final approval for the Cross Country Development LLC lot line adjustment and subdivision with the following conditions and authorizes the Chairman to sign the map once these conditions are satisfied:

- Payment of the following fees:
    - Minor Subdivision:
      - Application Fee: \$ 400.00 (expired and current appl)
      - Final Fee (\$200/lot) \$ 400.00 (current appl – two new lots)
      - Recreation (\$600/lot) \$2,400.00 (four new lots – two new lots)
    - Lot Line Adjustment \$ 250.00 (expired and current appl)
    - Publication Fees: \$ 180.41 (expired and current appl)
- Please submit two checks: \$2,400.00 for the recreation fee and \$1,230.41 for the subdivision fees.**
- Resolution of all outstanding items in the Final Plat Report as amended on 5/7/08 (attached)
  - A letter is received by the Town Engineer stating all of his requirements have been met.
  - Board of Health approval is obtained.
  - A letter is received from the applicant addressed to Glenn Butler, Highway Superintendent, stating why the applicant requested permission to leave the large maple tree at the side of the entrance at Salisbury Tpke.
  - The applicant needs to re-apply for a driveway permit (the original permit has expired) and the entrance has to be paved for the common driveway.
  - Appropriate deeds restrictions and map notes need to be included to protect the environmentally sensitive areas that were protected under the conservation easement in the previous application and approved by Planning Board Attorney.

Mr. Anagnos seconded.

Chairman Goss

Aye

James Jeffreys

Aye

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

Motion carried 6-0.

This conditional final approval expires in 180 days (**November 30, 2009**) unless the requirements have been certified as completed within that time. When the final map is prepared, it is suggested the applicant submit a paper copy to the Planning Office for review. Once it is determined that all of the conditions have been met, the **mylar plus 9 paper copies** must be submitted to the Planning Office for the Chairman’s signature for Town files, along with any paper copies the applicant would like signed. The signed mylar must be filed in the Office of the Dutchess County Clerk within 60 days of the signing of the final plat by the Planning Board Chair.

Mr. Kingman motioned that the Planning Board approve the following resolution: **BE IT RESOLVED**, The Planning Board approves the Findings for the Cross Country Subdivision/Lot Line Adjustment:

WHEREAS, an application for approval for a subdivision/lot line adjustment was submitted to the Town of Milan Planning Board for the project known as “Cross Country Development LLC” located on Salisbury Turnpike and NYS Route 199, tax grid numbers 6471-00-929291 and 6471-00-940375;

WHEREAS, the Board has carefully reviewed the application and subsequent materials, maps, reports and plans submitted in support of the application; and

WHEREAS, in accordance to 6NYCRR Part 617 State Environmental Quality Review Act, after consideration of a Long Environmental Assessment Form Parts 1, 2, and 3 dated August 22, 2006 and revised on July 16, 2007 and re-submitted on April 21, 2009, the Planning Board declared a Negative Declaration for this project on June 3, 2009; and

WHEREAS, a public hearing was held and Preliminary Approval and Conditional Final Approval was granted on June 3, 2009; and

WHEREAS, the Planning Board, on May 7, 2008, adopted a Draft Final Plat Report that was amended during the May 7, 2008 Planning Board meeting and which will serve as the Final Plat Report upon completion of its revisions and which lists the items the applicant must comply with prior to the signing of the plat by the Chairman; and

WHEREAS, the Planning Board, in adopting the Negative Declaration for this project and recognizing its responsibility to address the potential adverse impacts, hereby makes the following findings:

- The applicant will secure from the Town Board of Milan an approval for an Open Development Area in accordance with NYS Town Law 280a.
- The common drives will minimize site disturbance;
- Access and maintenance agreements will be established with the Town for the permanent maintenance of the common drive;
- It is the intent of the applicant to place appropriate deed restrictions and map notes to protect the environmentally sensitive areas on the site and to identify a building envelope for each lot to include the house site location and any future structures (sheds, pools, etc.) which will minimize disturbance to the site
- New utility lines will be placed underground to minimize visual impact;
- The proposed plan will not cause disturbance to the portion of New York State Freshwater Wetland (RC-12) and a tributary of the Little Wappinger Creek that is located on the project site. Appropriate erosion and sediment control measures including double rows of silt fencing especially on steep slope areas and stormwater facilities are included as part of the plan.
- A Natural Resource Survey conducted by Ecological Solutions, Inc. identified potential habitat for the Blandings Turtle adjacent to the subject property. No curbing will be used on the proposed common drive or individual driveways so that animals may move across the site without obstruction.
- The same Natural Resource Survey identified potential roosting habitat for the Indiana Bat on the subject property. The applicant has voluntarily agreed to restrict tree-cutting activities from April 1 through September 30 to ensure that potential Indiana Bat use of the site during the summer months is not impacted.
- The project sponsor is seeking Board of Health approval for the three new wells and four new septic disposal systems for the site.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board affirms that the project as designed and with the conditions established in the Final Plat Report and in the resolution of Final Approval will minimize to the maximum extent as is practicable the potential adverse impacts identified in the EAF submitted to the Board.

BE IT ALSO RESOLVED that the Milan Planning Board has reviewed all submitted materials, reviewed all consultant reports, believes it has identified all regulations pertaining to this subdivision application, and believes this subdivision will conform to all regulations upon final approval.

Seconded by Mr. Cook

Chairman Goss	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Absent

Mary Ann Hoffmann     Aye  
Motion carried 6-0.

**Administrative Items:**

-     Mr. Kingman motioned to approve the minutes of May 6, 2009 as submitted. Ms. Hoffmann seconded.  
Chairman Goss             Aye             James Jeffrey             Aye  
Jeffrey Anagnos             Aye             Lauren Kingman             Aye  
Douglas Cook             Aye             George Lawrence             Absent  
Mary Ann Hoffmann             Aye  
Motion carried 6-0.

**Applications:**

1.     **Willms/Foote Subdivision:** Ms. Willms and Mr. Foote were present for this two lot subdivision of property located at 211 Academy Hill Road, tax grid number 6571-00-183937. Mr. Foote provided an updated set of maps at the workshop meeting held on May 28<sup>th</sup> in which he and his engineer, Tim Ross, attended. The Board agreed at the workshop that the maps were complete enough to do the environmental review at tonight’s meeting and to set the date for the public hearing to be held at the July 8<sup>th</sup> regular Planning Board meeting. Mr. Foote said the name of the subdivision is the Willms-Foote Subdivision.

Mr. Jeffrey motioned that the Town of Milan Planning Board declare themselves lead agency for the Willms-Foote Subdivision. Seconded by Ms. Hoffmann.

Chairman Goss             Aye             James Jeffrey             Aye  
Jeffrey Anagnos             Aye             Lauren Kingman             Aye  
Douglas Cook             Aye             George Lawrence             Absent  
Mary Ann Hoffmann             Aye  
Motion carried 6-0.

Mr. Kingman read the Negative Declaration which concluded that environmental effects of the proposed project will not exceed any of the Criteria for Determining Significance found in 6NYCRR 617.7c. Mr. Foote asked if the final map would be signed at the public hearing and Mr. Kingman said no, there will still be some outstanding items such as the ODA and the maintenance agreements. Mr. Ross should prepare for the next work session the map that will be shown at the public hearing reflecting the two lot subdivision. Mr. Foote said he was concerned about putting the 15 foot buffer on either side of the stream on the map in case the Town decides at some future time to increase the requirement for the buffer. Mr. Kingman said if the Town passed a law requiring 25 feet on either side of the stream, that is what you would be required to provide. Mr. Jeffrey said the map reflects the law as it is at the time of the approval. Mr. Kingman said it needs to be on the

map for any potential buyer in the future as well and it is part of the neg dec. Mr. Foote asked if the zoning is R5A or A5A. Mr. Kingman said it is A5A. Mr. Foote asked if he has a cow or goat, can they drink from the stream? Mr. Kingman said the 15 foot buffer is not to prevent animals from drinking out of the stream or to prevent you from fishing in the stream. However, if you decided to put a foot bridge across the stream, you would need to apply for a permit from the DEC.

Mr. Kingman motioned that, pursuant to Part 617.7 of the State Environmental Quality Review Act, the Planning Board declare a Determination of Non-Significance (Negative Declaration) for the Willms-Foote subdivision application. Mr. Anagnos seconded.

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

Motion carried 6-0

Ms. Hoffmann motioned to set the date for the public hearing for the Willms-Foote subdivision for the July 8, 2009 Planning Board meeting. Mr. Anagnos seconded.

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

Motion carried 6-0

Mr. Kingman said Mr. Ross needs to submit the maps that will be used at the public hearing to the Planning Office no later than June 16<sup>th</sup>. If there are any problems with the maps and you need to attend the workshop, we will contact you. Otherwise, you just need to attend the July 8<sup>th</sup> meeting for the public hearing. The feasibility map is not required for the public hearing. Mr. Ross will need to submit the information that, when in final form, will be filed in the Dutchess County Clerk's office which should include a plat map and a map with details. We will need a total of 9 map sets to be submitted, one for each Board member and one for the Town Attorney.

Ms. Willms signed the ODA request form. Mr. Kingman explained the purpose of the ODA and that the Town Board grants the ODA at the request of the applicant. In order for the ODA to get processed, we will need a review by the Fire Dept. and the maintenance agreements. Those documents, along with the map, will get forwarded to the Town Attorney and once they are approved by him, they will go to the Town Board for approval.

2. **Chestnut Mart Site Plan/Special Permit:** Ciro Interrante, Architect, who was not present, sent an email dated May 20, 2009 requesting the Board

postpone the vote on the positive declaration until the July meeting. At the Board's request, Jay Paggi, Town Engineer, contacted Mr. Interrante to get a status on how the project is progressing. Mr. Paggi submitted a memo dated May 15, 2009 which included notes from the last DEC meeting with Chestnut Mart and states it appears they are making progress but still need all of the DEC approvals. Mr. Paggi submitted a second memo dated May 20, 2009 which states that the owner of the project intends to get financing and start construction immediately upon receiving final approval. Mr. Kingman explained that there are four different groups at the DEC working on this and they weren't able to get together until the May 7<sup>th</sup> meeting. They did find lead in the water and the DEC wants a maintenance road to the proposed well, as well as other items they asked for. The applicant needs to redo the storm water and re-submit to the DEC.

Mr. Jeffreys motioned that the Planning Board table the vote on the positive declaration for the Chestnut Mart application until the July 8, 2009 Planning Board meeting. Mr. Cook seconded.

Peter Goss, Chairman	Aye
Douglas Cook	Aye
Mary Ann Hoffmann	Aye
James Jeffreys	Aye
Lauren Kingman	Aye
Motion carried 5-0	

3. **George Carrothers Site Plan:** Mr. Carrothers submitted a letter dated May 31, 2009 requesting his second three month extension for site plan approval for "Enigma" located on Route 199.

Mr. Jeffreys motioned that pursuant to George Carrothers letter of May 31, 2009, the Planning Board grants the second three month extension to the conditional site plan approval for Enigma located on NYS Route 199, tax grid number 6471-00-904454. This second extension will expire on September 3, 2009. Mr. Kingman said Mr. Carrothers needs to read over his conditional final approval and get started on the outstanding conditions in order to meet the three month deadline. Mr. Carrothers needs to understand that without a Certificate of Occupancy, he will not be able to apply for a liquor license. Ms. Hoffmann seconded.

Peter Goss, Chairman	Aye
Douglas Cook	Aye
Mary Ann Hoffmann	Aye
James Jeffreys	Aye
Lauren Kingman	Aye
Motion carried 5-0	

Chairman Goss motioned to adjourn the meeting at 8:15 p.m. Mr. Kingman asked if any Board members received the full day course description from Hudsonia on Biodiversity and the Planning Process at Norrie Point. The cost is \$250.00. Mr. Kingman said he will probably attend. Mr. Kingman seconded.

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

Motion carried 6-0.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board Members