

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, JULY 7, 2010

MEMBERS PRESENT:

Peter Goss, Chairman
William Fiederlein
Lauren Kingman
George Lawrence

MEMBERS ABSENT:

Jeffrey Anagnos
Doug Cook
James Jeffreys

ALSO PRESENT:

William Gallagher, Supervisor

The Chairman opened the meeting at 7:05 p.m.

Public Hearing:

- **Glucksman Subdivision:** Chairman Goss opened the public hearing and read the legal notice that was posted in the paper and sent to neighboring landowners within 200 feet. Marie Welch, L.S. and Ron Coon, representative for the applicant, were present. Ms. Welch presented the application. This is a +/- 233 acre parcel on Academy Hill Road with limited road frontage. In order for Loretta Glucksman to be able to build a second house, it was necessary to subdivide off a parcel creating two separate building lots. Ms. Welch said she created a lot around the existing dwelling and accessory structures leaving Ms. Glucksman 226 acres to build another dwelling. Lot 1 with the existing house and accessory structures will be 7.616 acres and Lot 2 will be +/- 226 acres. They have had an engineer out to do soil tests to determine feasibility for the new house at this location which is east of the existing dwelling and east of the wetland. A letter of feasibility from David Rider, P.E. dated 06/28/10 has been submitted to the Board. Ms. Welch said the contours are taken from the USGS map. The proposed house site is on the downhill side of the crest. There is a strip of pine woodlands that run between the existing house and the proposed house. Amanda and Mitch Bodian, adjacent neighbors to the west, were present. Mr. Bodian asked why there is a building envelope for the proposed dwelling since the property is so large. Ms. Welch said the building envelope was required by the Planning Board to provide a level of disturbance during the course of construction. Much of this land is being used for hay and farm land so they wanted to keep the proposed house close to the existing house. Ms. Welch said Loretta Glucksman is giving the existing house to her daughter and she will live in the proposed house. They want to keep the remaining land agricultural. Mr. Bodian said he is here because he would request that the proposed house is not built sitting right on top of the hill which will make it very visible. Chairman Goss said there is an existing row of trees, more like a strip of wood land, that will screen the proposed house. Ms. Welch said they will probably have to cut a few trees to increase the view shed but will in no way clear cut. Mr. Bodian said they have clear cut some trees already. The existing house, which faces west, was shielded by trees and they were all cut down. Mr. Bodian said he realizes Ms. Glucksman is under no obligation to do anything, he just wanted to make the suggestion

that the house not sit right at the top of the hill. Ms. Welch said the Planning Board agreed it was a good idea to keep the house sites together to limit disturbance to the property and they are utilizing a shared driveway so there will be no need to cut in a new driveway which also limits the disturbance. Mr. Bodian asked if the shared driveway will be up to town standards. Mr. Kingman said the town engineer will review the driveway to make sure it is up to standards. Mr. Bodian said he is asking because he is aware that the rules change when a single driveway becomes a shared driveway. Mr. Kingman said the applicant will also need to obtain Dutchess County Department of Public Works approval for the shared entrance and an ODA. There are a series of requirements that need to be met. Ms. Welch said she understands that an accessory structure is supposed to be 20 feet from the property line and the shed at the bottom of the driveway is only 13 feet away from the line so she said she will adjust the line to meet the required setback. Mr. Kingman said for future reference, an accessory structure such as a garage cannot be located in front of the dwelling; it would require a variance. Deborah Mautone, a neighboring landowner on Broadview Lane, just came to see what was going on and had no objections. Mr. Bodian asked how big will the house be and will it have two stories? Mr. Coon said it will probably be a one story so there are no steps to climb, and it won't be a large mausoleum. It needs to be accessible for her to use.

Mr. Kingman motioned that the Planning Board declare themselves lead agency for the Glucksman subdivision application. Mr. Fiederlein seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

Chairman Goss completed and signed the short environmental assessment form.

Mr. Lawrence motioned that the Planning Board declare a Negative Declaration for the Glucksman Subdivision per Section 617.7 of the State Environmental Quality Review Act. Mr. Kingman seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0.

Mr. Kingman motioned to close the public hearing. Mr. Lawrence seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

Mr. Lawrence motioned that the Planning Board refer the Open Development Area application for this subdivision to the Town Board with a positive recommendation for approval. Mr. Fiederlein seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

Mr. Fiederlein motioned that the Town of Milan Planning Board approves the following resolution: BE IT RESOLVED, the Planning Board approves the following resolution to grant conditional final approval to the Glucksman two lot subdivision:

WHEREAS, a formal application for the approval of a two lot subdivision was submitted to the Town of Milan Planning Board on March 11, 2010; and

WHEREAS, this +/-233 acre parcel is located at 249 Academy Hill Road, tax grid number 6572-00-081196 in the A5A Zoning District; and

WHEREAS, this approval is based on a subdivision map prepared by Welch Surveying dated March 10, 2010 and last revised May 6, 2010 and a Plan and Profile prepared by Welch Surveying dated May 25, 2010; and

WHEREAS, this subdivision will create one new building lot (Lot 2) as there is currently an existing single family dwelling and cottage on the parcel (lot 1); and

WHEREAS, there is a common drive off of Academy Hill Road to service both lots 1 and 2; and

WHEREAS, a site visit was held on May 13, 2010; and

WHEREAS, this application received sketch plan endorsement on June 2, 2010; and

WHEREAS, a Letter of Feasibility was prepared by David Rider, P.E. dated June 28, 2010; and

WHEREAS, a public hearing was held for this proposal on July 7, 2010 at which time there were no objections raised; and

WHEREAS, if the proposed house or driveway locations are changed from the final approved subdivision map, the property owner must obtain site plan approval from the Planning Board; and

WHEREAS, the Board, after considering the impacts that could reasonably be expected to result from the action against those in 617.7c(1)(i)-(xii) of Part 617 of 6NYCRR of the State Environmental Quality Review Act (SEQRA), determined that the action will not result in any potential significant adverse impacts and adopted a Negative Declaration on July 7, 2010; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the two lot Glucksman subdivision.

BE IT FURTHER RESOLVED, that the Chairman of the Planning Board is hereby authorized to endorse approval on said plat after compliance by the applicant with such conditions as noted below:

- **Dutchess County Department of Health permission to file is provided**
- **Approval of the ODA from the Town Board**
- **The deeds must be filed in the Dutchess County Clerk's office at the time the maps are filed and a copy of the filed deeds provided to Planning Board prior to the issuance of building permits.**
- **Approval of the access off of Academy Hill Road must be received from the Dutchess County Department of Public Works.**
- **Satisfaction of all required conditions in the Milan Fire Rescue Subdivision Review letter dated 06/22/10.**
- **The Surveyor will adjust the boundary lines of Lot 1 to ensure the shed inside the construction envelope of Lot 2 meets the required setback of 20 feet.**
- **Approval of the common drive design by the Town Engineer**
- **Building Inspector must verify and approve that the finished private drive and common drive conforms to the site plan prior to the issuance of a Certificate of Occupancy**
- **The following notes need to be added to the map:**
 - **A common driveway has been approved for the subdivision and a maintenance agreement has been filed in the Dutchess County Clerk's office.**
 - **As per New York State Law Section 280-a, Lots 1 and 2 of the Glucksman Subdivision are designated as an Open Development Area by resolution approved by the Milan Town Board on_____.**
 - **If the proposed house or driveway locations are changed from the final approved subdivision map, the property owner must obtain site plan approval from the Planning Board.**

- **Payment of balance of all fees as follows and payment of any outstanding escrow fees:**

Final Fee	\$ 200.00
Recreation Fee	\$ 600.00
Publication Fee	\$ 105.70

Two checks must be submitted: One in the amount of \$600 for the recreation fees and one in the amount of \$305.70 for the remaining fees plus any outstanding escrow fees if applicable.

Seconded by Mr. Lawrence.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

Mr. Kingman motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Glucksman Two Lot Subdivision application of property located at 249 Academy Hill Road, tax grid number 6572-00-081196; and

WHEREAS, the property currently has a single family dwelling and a cottage; and

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identifiable concerns being raised and a Determination of Non-Significance (Negative Declaration) was adopted by the Planning Board on July 7, 2010; and

WHEREAS, the application complies with the provisions of the Town of Milan Code Chapter 177 (Subdivision); and

WHEREAS, all conditions for Final Conditional Approval are detailed in the resolution of Conditional Final Approval adopted by the Board on July 7, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Milan Planning Board finds that the conditional final approval of the Glucksman Two Lot subdivision application is in compliance with the Town of Milan Subdivision Regulations (Chapter 177).

Seconded by Mr. Fiederlein.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

Administrative Items:

- Mr. Lawrence motioned to approve the minutes of the June 2, 2010 meeting as amended. Mr. Fiederlein seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

Discussion Items:

- A letter was received from Steven Holl dated 1 July 2010 to William Gallagher, Town Supervisor. The letter states that Mr. Holl, who owned lakefront property at 117 Round Lake Road, has never experienced the level of the lake so low and that it is due to the Milan planning department lowering the lake in the spring for erroneous reasons. Mr. Holl has requested a statement from the Town of Milan concerning this issue. Supervisor Gallagher asked the Planning Board for any information the Board may have about lowering Round Lake. The Planning Board agreed to forward the following reply: The Planning Board considered the above-referenced letter at their meeting on July 7, 2010. The Board members concluded that they have never taken any action relative to Round Lake. The Planning Board Clerk has also checked the Planning Board records and there is nothing in the Planning Board files involving lowering Round Lake.
- Windsor Development Proposal – Mr. Kingman said that while Windsor Development has not submitted a formal application yet, we did assure him at the workshop meeting that we would try to get any significant roadblocks identified as early in the process as possible. Based on information off of the OPRHP website, the two parcels being considered by Windsor Development for a subdivision and lot line adjustment are right in the middle of an archeologically sensitive area. Mr. Kingman suggested the Board send an informal letter to Martin Bayard from Chazen Engineering informing him that the site is in the middle of the archeological area and that if the applicant is planning on moving forward with the application, as part of the SEQRA process they will need the input from the OPRHP. Mr. Kingman said he would suggest recommending that Mr. Bayard contact Cynthia Blakemore, Historic Preservation Program Analyst, from OPRHP to find out what will be required of them.

Mr. Kingman motioned that the Planning Board forward a letter to Martin Bayard of Chazen Engineering informing him that the Windsor Development site is in the middle of an archeologically sensitive area and provide him with the appropriate contact information. Chairman Goss seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

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Motion carried 4-0

Chairman Goss motioned to adjourn the meeting at 7:45 p.m. Mr. Fiederlein seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Absent	Lauren Kingman	Aye
William Fiederlein	Aye	George Lawrence	Aye

Motion carried 4-0

The next workshop will be held on Thursday, July 29, 2010 and the next meeting will be held on Wednesday, August 4, 2010. Both meetings are held at the Town Hall and start at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board