

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, SEPTEMBER 7, 2011

MEMBERS PRESENT:

Peter Goss, Chairman
Jeffrey Anagnos
William Fiederlein
James Jeffreys
Lauren Kingman
George Lawrence
Joan Wyant

MEMBERS ABSENT:

None

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

Public Hearings:

- **Glucksman Subdivision:** Marie Welch, L.S. was present for the public hearing for this two lot subdivision of property owned by Loretta Glucksman located at 249 Academy Hill Road, tax grid number 6572-00-081196. Chairman Goss read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Ms. Welch said Ms. Glucksman has a limited amount of road frontage on Academy Hill Road. She would like to build a new house close to the existing house as she has difficulty climbing stairs. Her intent is to give the existing house to her daughter. This proposal creates a 7.779 acre flag lot for the existing house. The remaining approximate 224 acres will have a one story single family dwelling. Amanda Bodian, a neighbor, asked what will happen to the trees. Ms. Welch said they intend to leave the trees between the two houses. Dee Baldwin and Jacob Grossberg asked how close will the proposed house be to the property line and Ms. Welch said the house will be about 3,000 feet away from Mr. Grossberg's house. Ms. Welch said the septic and well will be going within the building envelope and will be Board of Health approved; the Board of Health will ensure the separations are adequate. Ms. Bodian asked if they were planning on attaching a conservation easement to the property and Ms. Welch said to her knowledge, that is not being proposed at this time.

Mr. Jeffreys motioned that the Milan Planning Board declare themselves lead agency for the re-approval of the Glucksman Two Lot Subdivision Application. Mr. Lawrence seconded.

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

Motion carried 7-0.

Ms. Welch said she wanted to make the Board aware we did change the lot size a small amount to allow for the possibility of a future addition to the front of the house to make it easier for the applicant to get in and out of the house. It would be a 20 foot extension on the south side so that they could just drive right up to it. They made the building envelope large enough so that a variance would not be required should the addition be put on at some point.

Mr. Lawrence motioned that the Milan Planning Board re-approve the Negative Declaration that was granted for the Glucksman Two-Lot Subdivision on July 7, 2010 based on this is a re-approval of a subdivision that received conditional final approval on July 7, 2010 with no substantive changes to the application. Mr. Fiederlein seconded.

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

Motion carried 7-0.

Mr. Kingman added that the change in the size of Lot 1 to accommodate the future addition does not have a substantive effect on the previous environmental determination. Ms. Baldwin asked why this application needs a re-approval and Ms. Welch said we went beyond the one year time frame. The initial approval was for six months and we were granted two three month extensions but had to go to outside agencies for approval as part of the conditions. We need approval from the Dutchess County Department of Public Works since the driveway access is being changed for two users. We also need to get Board of Health approval and we can't submit the plans until the final approval is granted.

Mr. Jeffreys motioned to close the public hearing. Ms. Wyant seconded.

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

Motion carried 7-0.

Mr. Anagnos motioned that the Milan Planning Board approve the following resolution:

BE IT RESOLVED, an application for re-approval of a two (2) lot subdivision was submitted to the Town of Milan on July 20, 2011 by Loretta Glucksman, applicant; and

WHEREAS, the site is located at 249 Academy Hill Road, tax grid number 6572-00-081196, consisting of +/- 32 acres in the A5A zoning district; and

WHEREAS, the submittal was accompanied by a Short Environmental Assessment Form dated March 10, 2010 and re-dated July 20, 2011 which was signed by the Planning Board Chairman on July 7, 2010 after a Negative Declaration was issued on July 7, 2010; and

WHEREAS, there are no substantive changes to the original application which was granted conditional final approval on July 7, 2010; and

WHEREAS, the conditional final approval lapsed on July 2, 2011.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board of the Town of Milan approves the plat submitted for the Glucksman Subdivision prepared by Welch Surveying entitled “Subdivision Map Prepared for Loretta Brennan Glucksman” dated 03/10/10 and last revised on 08/25/11; and

BE IT FURTHER RESOLVED, the Chairman of the Planning Board is hereby authorized to endorse approval on said plat after compliance by the applicant with the conditions as noted in the conditional final approval granted on July 7, 2010 with the additional publication fees in the amount of \$98.65 for the second public hearing.

Mr. Fiederlein seconded.

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

Motion carried 7-0.

Mr. Lawrence motioned that the Milan Planning Board re-approve the Findings that were approved on July 7, 2010 for the Glucksman Two Lot Subdivision. Mr. Fiederlein seconded..

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

Motion carried 7-0.

Administrative Items:

- Approval of Minutes – Ms. Wyant motioned to accept the minutes of August 3, 2011 as amended. Mr. Fiederlein seconded.

Peter Goss, Chairman	Aye	Lauren Kingman	Aye
Jeffrey Anagnos	Abstain	George Lawrence	Abstain
William Fiederlein	Aye	Joan Wyant	Aye
James Jeffreys	Aye		

Motion carried 7-0.

Applications:

1. **North Road Treasures Auction:** Don Johnson was present regarding his previous site plan approval to hold auctions on property located at 26 North Road, tax grid number 6571-00-957459. Mr. Johnson is unable to get consent from the property owner across the street to put a sign on the property. He would like to amend the site plan approval to move the sign onto his own property. It is a two sided sign that directs auction goers where to park. Mr. Butler said he had no problem with moving the location of the sign and added that signs should always be on the right hand side of the driveway. Mr. Johnson said he thinks it makes more sense to have the sign on his side of the road because he thinks most people will be using a GPS to locate the property and it would be confusing if the sign was across the street. Mr. Butler said the sign should be put along the back side of the culvert pipe.

Mr. Kingman motioned that the Planning Board approve the amendment to the site plan to include the new location for the double sided parking sign to be on Mr. Johnson’s property. Mr. Anagnos seconded.

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

Motion carried 7-0.

Discussion Items:

- Mr. Anagnos said he would like to discuss the process that was used to approve sight distance for the Oyen access. Mr. Anagnos said Glenn Butler, Highway Superintendent, had thought the sight distance was good and when Jay Paggi, Town Engineer, did his site visit, he said it was not. Mr. Jeffreys said the Town Engineer is a consultant, Mr. Butler should have the final say. Mr. Butler, who was present, said Mr. Paggi has the final say if it involves a shared driveway. The access is approved by Mr. Butler when it is a single house driveway. When the town engineer is involved in the approval process, he would have the final say. Mr. Butler said when we were working on the Oyen access, we were trying to keep the costs as low as possible. When the Town Engineer has the final approval, either the contractor has to sit idle with his equipment and wait for the Town Engineer to show up, or the Town Engineer has to stand there and watch the contractor do the work and both scenarios cost the applicant additional money. Mr. Anagnos said he thought that, in this situation, Mr. Butler was more than qualified to make the judgment call. He said he thinks one of the problems was they were doing spot evaluations; they were not starting with the same base point. They were working off of the map supplied by Ms. Oyen’s engineer and everyone agreed that what was on the map

was correct. Mr. Butler said you can measure 25 times and come up with 25 different answers. Mr. Anagnos said now the work matches the map exactly but do we have to go exactly by the book in situations like this; he said he thinks some of the work done there was excessive. Mr. Goss said he did call Mr. Paggi to discuss whether or not the additional work was absolutely necessary and Mr. Paggi said it was. Mr. Kingman said the Board can evaluate situations case by case, an example being the Isaacs subdivision where it was impossible for them to meet sight distance. This Board took all the facts, the Town Engineer's input, Mr. Butler's input, and justified the decision in the final approval motions. The Town Engineer is responsible for anything not specifically given to another town official. However, strictly speaking, the Town Engineer is a consultant and this Board can reject what he says. Typically, the applicant should request a waiver from the specific provision in the code. The Board agreed to consider case by case situations in the future.

- Mr. Kingman said David Borenstein had a discussion with him and Peter Goss yesterday regarding Pasture Rock. Mr. Borenstein was unable to attend this meeting but Mr. Kingman said he would relay to the Board the proposal. Mr. Borenstein would like to take three of the lots, the three that gain access via the common drive, Madison Trail, and combine them into one very large lot which will eliminate the common drive. During the discussion, Mr. Borenstein said he would not be building on the lot; his intention is to sell the approximate 25 acres. He is keeping the DEC wetland permit valid by renewing it ever year. He said he would like to keep the three approved building sites and let the purchaser pick what site they would like to build on. Those sites would be labeled potential building sites on the map with a note that states whichever house site is chosen, the other two will be eliminated. If the purchaser decides on a totally different building site, he would come back before this Board for site plan approval. The Building Inspector can't approve a building permit unless it is where the home site has been identified on the map. The common drive will be reduced to a single drive which will eliminate much of the disturbance. The engineer agreed that the specs for a private drive would be applied to the whole common drive. The shared driveway agreement would be nullified and the ODA will need to be modified and re-approved by the Town Board. This application would only need a short EAF because SEQRA has already been done and he is lessening the impact. Andy Willingham, Mr. Borenstein's engineer, will provide a detail showing the entire driveway based on the design for a single drive. Mr. Borenstein is planning on submitting the application packet in time for the October 5th Planning Board meeting and is hoping that the Board will set the date for the public hearing to be held at the November 2nd Planning Board meeting.

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Mr. Anagnos motioned to adjourn the meeting at 8:00 p.m. Ms. Wyant seconded.

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

Motion carried 7-0

The next workshop is scheduled for Thursday, September 29th and the next meeting is scheduled for Wednesday, October 5th. 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