

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY MAY 6, 2009

MEMBERS PRESENT:

Peter Goss, Chairman
Jeffrey Anagnos
Mary Ann Hoffmann
James Jeffreys (arrived 7:15 p.m.)
Lauren Kingman
George Lawrence arrived 7:10

MEMBERS ABSENT:

Douglas Cook

ALSO PRESENT:

David Byrne, Town Board Liaison

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

Public Hearings:

1. **Suzanne Battenfeld (Doral Farm)** – Suzanne Battenfeld was present for the re-approval of her site plan/special use permit for a public stable on property located on Route 199, tax grid number 6471-00-540601. Chairman Goss read the legal notice which was posted in the paper and sent to neighboring landowners. This site plan/special use permit was approved on December 3, 2008 and the approvals have expired. There are no changes to the original plans. There was no one from the public present for this public hearing.

Mr. Kingman motioned that the Planning Board close the public hearing for the Battenfeld public stable. Ms. Hoffmann seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent for this vote
Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Absent	George Lawrence	Absent for this vote
Mary Ann Hoffmann	Aye		

Mr. Kingman motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application of Doral Farm (Suzanne Battenfeld) for re-approval of a site plan/special use permit for a public stable on property located at 867 Route 199, tax grid number 6471-00-540601;

Whereas; this site received conditional site plan/special use permit approval for a public stable on December 3, 2008 and the approval has lapsed; and

Whereas, the applicant would like to move the project forward and is not making any changes to the approved site plan.

Now, therefore, be it resolved, the Planning Board re-approves the conditional site plan and special use permit approval for a public stable for Doral Farm.

Seconded by Ms. Hoffmann.

Peter Goss, Chairman	Aye	James Jeffreys	Absent for this vote
Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Absent	George Lawrence	Absent for this vote
Mary Ann Hoffmann	Aye		

Motion carried 4-0.

The Planning Board’s approval of a site plan shall expire:

- (a) if the plan is not submitted for stamping and signature by the chairperson within three calendar months of the Planning Board’s resolution of site plan approval (August 6, 2009) unless an extension has been requested by the applicant and granted by the Planning Board; and
- (b) a complete application for a building permit is not submitted to the Building Inspector within six calendar months of the stamping and signing of the site plan by the chairperson.

A special use permit shall expire if the special use permit activity is not commenced and diligently pursued within six calendar months of the date of issuance of the special use permit or through the issuance of a building permit to carry out all the work governed by the special use permit. Upon written request to the Planning Board, the time period for initiation of the special use permit use may be extended for a maximum period of six calendar months.

Administrative:

- Approval of Minutes: Mr. Kingman motioned that the Planning Board accept the minutes of April 1, 2009 as presented. Mr. Anagnos seconded.

Peter Goss, Chairman	Aye	James Jeffreys	Absent for this vote
Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Absent	George Lawrence	Absent for this vote
Mary Ann Hoffmann	Aye		

 Motion carried 4-0.

Applications:

1. **Thorley Diaz Lot Line Adjustment** – Kirk Horton, L.S. was present on behalf of the landowners for this lot line adjustment between properties owned by Eric Thorley, 96 Milan Hill Road, tax grid number 6471-00-560911 and Richard Diaz, 100 Milan Hill Road, tax grid number 6471-00-549935, in the A3A zoning district. Mr. Diaz has a 0.10 acre triangular lot adjacent to Mr. Thorley’s 5.575 acre lot. Mr. Thorley is conveying 0.122 acres to Mr. Diaz who has a very small triangular shaped lot and this conveyance will help to square it off and will make it less non-conforming.

Mr. Kingman motioned that the Planning Board set the date for the public hearing for the Diaz/Thorley lot line adjustment for the June 3, 2009 Planning Board meeting.

Seconded by Mr. Lawrence.

Peter Goss, Chairman	Aye	James Jeffreys	Absent for this vote
Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Absent	George Lawrence	Aye
Mary Ann Hoffmann	Aye		

Motion carried 5-0.

2. **Chestnut Mart Site Plan/Special Use Permit** – Ciro Interrante, Architect, (who was not present) provided the Board with a status update via an email sent on April 28th and requested the Board agree to postpone the vote on the positive declaration for another month. Mr. Interrante is waiting for a meeting with the DEC since they can't move forward on the project until the storm water design is approved by the DEC.

Mr. Kingman motioned that the Planning Board table the vote on the positive declaration for the Chestnut Mart application until the June 3, 2009 Planning Board meeting. Ms. Hoffmann seconded.

Peter Goss, Chairman	Aye
Douglas Cook	Absent
Mary Ann Hoffmann	Aye
James Jeffreys	Aye
Lauren Kingman	Aye

Motion carried 4-0

Mr. Kingman said we have been hearing that townspeople have expressed concerns, along with town officials, about the slow progress with the gas station and some people have asked if there is anything that can be done to move this project along with the DEC. Mr. Kingman suggested this Board ask the Town Engineer to contact the DEC and discuss what direction they are going in. Board members agreed that would be a good approach as the town engineer would be a neutral party.

Mr. Kingman motioned that the Planning Board ask the Town Engineer, Joseph Paggi, to contact the DEC to get an understanding of the status of the Chestnut Mart application, if they have a plan to resolve all the issues, and what is the best estimate for a time frame for approval. Mr. Jeffreys seconded.

Peter Goss, Chairman	Aye
Douglas Cook	Absent
Mary Ann Hoffmann	Aye
James Jeffreys	Aye

Lauren Kingman
Motion carried 4-0

Aye

- 2. **Catherder Site Plan** – Mark Graminski, P.E./L.S. was present on behalf of the applicant, Catherder LLC, for site plan approval to allow a change in content on the pre-existing, non-conforming sign at the front of the building on property located on Route 199, tax grid number 6571-00-014366. This site received site plan and special use permit approval on September 10, 2008 for an existing site consisting of a restaurant and a three unit multi-family dwelling. The applicant has leased the restaurant to Natalie DiBenedetto and she will continue the restaurant use but wants to change the name to Another Fork in the Road. Mr. Graminski said he went through the site plan that he had prepared previously for Catherder and removed items that said proposed and existing and verified the signs in the field. He has added the image of the new sign to the site plan but still needs to add the dimensions. The title of the site plan has also changed from “La Ciegna Restaurant” to “Another Fork In the Road Restaurant” but the site plan will remain basically the same as it exists today. For the entrance to the structure, he labeled it as “existing entrance ramp/future porch” to allow Ms. DiBenedetto the flexibility to add an enclosed porch if business warrants it without having to come back for site plan approval. Mr. Graminski submitted the site plan application and a short EAF. Mr. Kingman said since Ms. DiBenedetto has expressed interest in replacing the roof sign, Mr. Graminski should replace the photograph of the previously existing roof sign with a note that this sign will be replaced in the future so that it is on the site plan and will not be required for the Certificate of Occupancy. As was discussed at the work session, the reason this sign change needs to come before the Planning Board is because this sign is pre-existing, non-conforming and due to the sign code, a pre-existing, non-conforming sign cannot be changed unless it is made to conform except during the site plan process. Ms. DiBenedetto would like to put the sign up as soon as possible so she can open for business.

Mr. Kingman motioned that the Planning Board set the date for the public hearing for the Another Fork In The Road site plan for the June 3, 2009 Planning Board meeting.
 Seconded by Mr. Lawrence.

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

Motion carried 6-0.

Mr. Kingman motioned that the Planning Board is considering the application of Catherder, LLC (Another Fork In The Road) for site plan/special use permit approval of property located on Route 199, tax grid number 6571-00-014366; and

Whereas, this site was granted a special use permit/site plan approval on September 10, 2008 for a restaurant 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 make no physical changes to the interior or exterior of the site; and

Whereas, the applicant wishes to change the content of the free-standing pre-existing non-conforming sign at the front of the site; and

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

Whereas, the applicant wishes to open for business on May 10, 2009.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board will allow the applicant to change the content of the sign with the condition that she has conditional site plan approval by the June 3rd Planning Board meeting and a signed site plan before the July 8th Planning Board meeting. Seconded by Ms. Hoffmann.

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

Motion carried 6-0.

This will be an unlisted, uncoordinated review but will be sent to Dutchess County Planning since the site is located on a state road.

3. **Cross Country Subdivision/Lot Line Adjustment** – Mark Graminski, P.E./L.S. was present on behalf of the applicant to start the process for re-approval of this subdivision without the conservation easement. He said there are no changes to the map with the exception that any reference to the conservation easement has been removed. The Board agreed to forward to Mr. Graminski the language that was used with the Pasture Rock application for deed restrictions to accomplish what the conservation easement was going to accomplish. Mr. Graminski said he did contact the Dutchess Land Conservancy and they were not interested in taking this easement, and he submitted the letter from the DLC to the Board. The driveway permit has expired and the Highway Superintendent has asked that they re-apply. The entrance has to be paved for the common driveway. They also need final approval from the Board of Health who had no issues with the new

application but will review it. Also still outstanding from the last application is a letter from the owner to the Highway Superintendent regarding the non removal of the tree. Mr. Kingman said we will have to do a full circulation since this is a new application but we can attached a cover letter explaining that the only change is the removal of the conservation easement and the addition of deed restrictions.

Mr. Jeffreys motioned that the Town of Milan Planning Board declare its intent to be Lead Agency under SEQRA and that the application be circulated to the Town of Milan Town Board, Dutchess County Board of Health, and New York State DEC. Mr. Kingman seconded.

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

Motion carried 6-0.

Mr. Jeffreys motioned that the Planning Board set the date for the public hearing for the Cross Country Development subdivision for the June 3, 2009 Planning Board meeting.

Seconded by Mr. Lawrence.

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

Motion carried 6-0.

Discussion Items:

- **Verizon** – The Board agreed that Verizon will need to come in to the Board for site plan/special use permit approval to keep consistent with the actions taken with AT&T.

Mr. Kingman motioned that the Planning Board authorize the Planning Office to contact Randy Wilson from Verizon to arrange for a representative from Verizon to attend the next workshop so the Board can explain the process to follow to bring the existing system into compliance administratively with the current Town code. Mr. Lawrence seconded.

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

Motion carried 6-0.

- **Jeffreys Lot Line Adjustment:** Mr. Jeffreys recused himself from the meeting and presented his map to the Board. He received conditional final approval for his lot line adjustment in November of 2008. Since then, his surveyor suggested he adjust the lines differently to provide a buffer in the back yard to the front parcel. The Board agreed it was a smart move to do that. Mr. Kingman said since this is an existing application and the map has not been signed, it would be considered an alteration and since Mr. Jeffreys owns all the parcels and no one except his parents appeared at the last public hearing, this would not require another public hearing. Mr. Jeffreys will need to update the application and EAF and it can be conditionally approved at the next meeting. The Board can grant a three month extension to the conditional final approval.

Mr. Kingman motioned that the Planning Board grant a three month extension to the Jeffreys/Foss Lot Line adjustment. Ms. Hoffmann seconded.

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

Motion carried 5-0.

Mr. Jeffreys returned to the meeting table.

Ms. Hoffmann motioned to adjourn the meeting at 8:15 p.m. Mr. Anagnos seconded.

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

Motion carried 6-0.

The next workshop is scheduled for Thursday, May 28, 2009 and the next regularly scheduled meeting will be held on Wednesday, June 3, 2009.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board