

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL  
WEDNESDAY, OCTOBER 7, 2009

MEMBERS PRESENT:

Peter Goss, Chairman  
Jeffrey Anagnos  
Mary Ann Hoffmann  
James Jeffreys  
Lauren Kingman  
George Lawrence

MEMBERS ABSENT:

Douglas Cook

Chairman Goss called the meeting to order at 7:02 p.m.

**Approval of Minutes:**

- Ms. Hoffmann motioned to approve the minutes of the September 9, 2009 Planning Board meeting as amended. Mr. Anagnos seconded.

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

Motion carried 6-0.

**Applications:**

1. **Mancini Subdivision:** Ann Mancini was present to discuss her proposed three lot subdivision with the Board. Currently, the Mancini's have a 9.52 acre lot. They are proposing to break off two lots, one of 3.007 acres (Lot 3B) and one of 3.444 acres (Lot 3C). That will leave remaining lands of Mancini to be 3.078 acres which is bisected by Louise Terrace, the east side (house lot) having 2.033 acres and the west side (vacant) having 1.045 acres. Mrs. Mancini's wish is to keep the 1.045 acres with the 2.033 acres. The problem the Planning Board has with that is that in the Town of Milan, a road creates a natural subdivision which could mean that sometime in the future, a different owner could apply to the assessor and break off the 1.045 acre parcel into its own building lot. Mrs. Mancini said she has done some research and spoke to the town attorney, John Greco. According to Mrs. Mancini, Mr. Greco felt that deed restrictions and map notes could be filed which would prevent the 1.045 acres ever being separated from the 2.033 acres.

Proposed Lots 3B and 3C will require Board of Health approval since they are under 5 acres. Access will be off of Brooklyn Heights Road. A small escrow (\$500) will be required so the Board can get the Town Attorney's opinion on the remaining 3.078 acre

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lot. Mr. Kingman suggested before they have any more engineering work done, submit the application package and the escrow check so the Board can get the Town Attorney's opinion. Mrs. Mancini showed the Board a second drawing which squared off Lot 3C which the Board preferred over the first drawing. The Board will do a site visit once the lot corners are marked as well as house locations, well, septic, and driveway locations.

Mrs. Mancini will drop off the application and escrow check tomorrow and the Clerk will forward the information to the Town Attorney.

2. **Red Wing** - Robert Ihlenburg, Land Surveyor, and Paul Dougherty, Applicant, were present to discuss a proposed subdivision/lot line adjustment of property located along Odak Farm Road and Turkey Hill Road. Red Wing owns 4 tax parcels and they are proposing to adjust various lot lines for existing parcels 1, 2, 3, and 4 and creating lot 5 which is a portion of the 110 acre parcel. They have provided a 50 foot strip into the 115 acre parcel off of Odak Farm Road to allow for possible future residential subdivision. Mr. Dougherty said at this time the lots will remain vacant. Lot 4 does not have the acreage on the map; Mr. Ihlenburg said it is 3 plus acres. Odak Farm Road is a posted 35 mph road. Mr. Kingman said as is Board practice, prior to granting sketch endorsement, the Board will need conceptual approval from the responsible highway individual. The required side lot setbacks in the three acre zoning district are 35 feet and the rear lot required setback is 50 feet. One item that will be required to be shown on the map is a chart that shows the lots as they exist now and the proposed lots. He can use the larger location sketch to do that. Mr. Dougherty said the existing hedgerow would maintain its integrity. Mr. Kingman said this would be processed as a minor subdivision with a lot line adjustment to be done together but separate applications would be required for the subdivision and lot line adjustments. We would also need a chart on the map providing the basic zoning requirements for the A3A zoning district. Proposed house sites and driveway locations would need to be shown. Board of Health approval will be required since the lots are under 5 acres. The Board of Health does not want sanitary information on the map so the Board would require a separate map to be kept in the Town files showing well and septic information for the newly created lots. It would not be required for lots 1, 2, and 3 since they are pre-existing with only the lot lines being modified. Lot 5 already has an existing house so it would only be required for Lot 4. However, if lots 1, 2, 3 do not currently have Board of Health approval, that will be required. Mr. Dougherty said he would then do deep and percs for all and put approximate locations on the map for the Town. Mr. Kingman clarified that there will be two maps, one for the Town which shows the intended locations for house sites and well and septic which does not get filed with the Dutchess County Clerk's office and then the map which will get signed off by the Board of Health which would get filed with the Dutchess County Clerk's office. There should be one sheet that shows the basic sanitary details. This work would need to be done prior to final approval. For a minor subdivision, Milan just has sketch endorsement and final approval, there is no preliminary approval. This map would be satisfactory for sketch endorsement. The Highway Superintendent will

probably do a site visit to determine the location for the driveway. This Board would need his approval on the location of the 50 foot strip to service a possible future subdivision as well. Also, at the time of sketch endorsement, the applicant will need to provide a name for the subdivision.

There was no action taken at this meeting.

3. **Red Wing** - Mr. Dougherty asked the Board to look at one additional subdivision of property located on Williams Road. He said he bought part of the Central Hudson property that is near the Roeliff-Jansen Kill. There is a nature trail running behind the property that is currently being used which is heavily treed; the trail is a separate tax parcel. 3.5 acres of the lot being subdivided are located in Red Hook. As proposed, each lot has its own access. Mr. Kingman said as shown, there are multiple access points off of Williams Road. He suggested realigning the lot lines to have lot 1 be completely in Red Hook including a separate access and then have a common access and drive for lots 2, 3, 4, and 5. Each lot needs 40 feet of frontage but does not have to use the frontage to gain access. Everyone agreed that scenario would make this subdivision much simpler. There was no action taken at this meeting.

#### **Discussion:**

- **Milan Market** - Mr. Lawrence wanted to have a quick discussion about the Milan Market proposal. He said the master plans have identified this area as a town center and he has suggested to the Town Board and to this Board that we support and encourage and provide incentives to developers to develop this land. Considering what is stated in the master plan, what is a legitimate opposition? Mr. Lawrence said a used car lot could appear as undesirable on a site plan but they are not talking about a traditional used car lot with flags and lights. It would be very subtle and the Town Board could work the zoning to restrict this use from being allowed all over Town. This is probably the only opportunity the Town may have to develop this area. His next door neighbors support it for the convenience to people rather than annoyance as some people have suggested the garage could be loud. Mr. Lawrence said this area was mentioned for the first time in the '86 plan which is 23 years old and then the 2005 plan goes one step further and says the Town should provide incentive and directs the Planning Board and Town Board to do whatever it takes to encourage this. Environmentally, he has cleaned up at least 1,000 hazardous waste sites, about 23% being garages etc. In the past, garages were polluters, allowing contaminants into the ground water, underground oil tanks that could leak, spills on the ground surface, etc. The requirements now for garages are much stricter and none of that is permitted. You need double wall tanks and are not allowed to have floor drains. From an environmental point of view, we know that over a period of a decade, thousands of tons of pollution is going into the air from the thousands of trips that would be avoided by having local amenities. All of that pollution is going into the air and into the water that we are all concerned about and trying to protect. Also, by not allowing this, it is

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frustrating the public will. Chairman Goss said this needs to go to the town board but Mr. Lawrence said there is no support from the Town Board. Mr. Kingman said at the workshop the Town Board held, there was a problem early in the discussion because when the applicant's team presented the site plan, there was no area identified for the used car sales, no one was sure how many cars he wanted to have on the property although his attorney suggested 20 cars but that they were willing to negotiate while it seemed most people were thinking of around 6 to 8 cars. When it was suggested that Mr. Rabadi do what he is allowed to do and then come back for the gas station and car repair and auto sales, he was not receptive to that and said he needs the used cars to make money. This is not a Planning Board issue at this time; it is in the Town Board's court.

Mr. Jeffreys motioned to adjourn the meeting at 8:30 p.m. Ms. Hoffman seconded.

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

The next Planning Board workshop is scheduled for Thursday, October 29, 2009 and the next regular Planning Board meeting is scheduled for Wednesday, November 4, 2009. Both meetings start at 7:00 p.m. and are held at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board