

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, MARCH 3, 2010

MEMBERS PRESENT:

Peter Goss, Chairman
Jeffrey Anagnos
Douglas Cook
William Fiederlein
James Jeffreys
Lauren Kingman
George Lawrence

MEMBERS ABSENT:

None

ALSO PRESENT:

Open the meeting at 7:00 p.m.

Public Hearings:

1. **DelPercio/Cassata Lot Line Adjustment** - Michael DelPercio was present for the public hearing for this lot line adjustment of property located on Round Lake Road, tax grid numbers 6470-00-123723/156718/120811-00. Chairman Goss read the legal notice and opened the public hearing. Mr. DelPercio explained the proposal which is to straighten out the Cassata lot line to alleviate setback problems and then Mr. DelPercio is renovating the existing house on his lot, demolishing the front half of the house and keeping the back half. Once the work is done, the house will meet the side setback of 35 feet. The contractor who is doing the work is buying the 16.90 acre vacant lot which he intends to sell as a single lot. The DPW has given approval for the access. Bruce Leach, a neighbor, was present and had no problem with the proposal. Another neighbor, Robert Sprauer, questioned the driveway, stating Mr. DelPercio said previously he would never move the driveway. However, the third lot did not exist at that time. Mr. DelPercio said he has started the variance process for the two pre-existing, non-conforming barns; the public hearing will be on March 24th.

Mr. Kingman said for the SEQRA review, because of the large size of the remaining land relative to parcels II and III, the applicant has to decide if he wants to put a No Further Subdivision note on the property or if he wants to reserve the land for future subdivision, he would have to show a configuration for a house and driveway. Mr. DelPercio said the remaining acreage on his parcel, Parcel II, is not subdividable due to the topography. The contractor who is purchasing Parcel III has stated he has no intention to subdivide it himself but will be selling it. It is 17 acres, but to access that acreage would be difficult and you can't subdivide the front. Given the lot layout, Mr. Lawrence and Mr. Jeffreys questioned why it would be necessary to put a No Further Subdivision note on the map or show future house and driveway locations. Mr. Kingman said under NYS Environmental Law, if an applicant wants to preserve the right to further subdivide, the Board must take a look at what might be able to be done with the property so we can determine if a future subdivision could proceed environmentally without affecting the property in the front. The easiest thing to do would be put on a No Further Subdivision note on the map. Mr.

DelPercio said the lots are not friendly to subdivision. Mr. Kingman said it would be difficult but not impossible to subdivide off another lot on each of these two lots. Mr. Lawrence said the applicant is asking for this subdivision and that is what the Board should be focusing on, not a potential subdivision that may or may not take place. What would happen if a future subdivision would have a negative impact? A future subdivision would be evaluated at the time it is presented. Mr. Kingman read from the SEQRA book regarding a segmented review which is when someone is undertaking an action today but may want a further action tomorrow. The Board is required to do a hard look is to see how that could be accomplished. Mr. Jeffreys said he thinks the primary focus on segmentation is for people with large tracts of land or a commercial development project which is planned to be completed one portion at a time. He said he is not sure this would be the same type of project. If Mr. Kingman's concern is that we need to give this the requisite hard look, we could say we did give this a hard look as there are severe limitations to these properties. Mr. Lawrence said if someone in the future wants to subdivide, they should be able to have the right to apply for a subdivision. Mr. Kingman said the applicant can reserve the right to subdivide by showing proposed house locations. Mr. Jeffreys thought that could be inferred as encouraging a potential subdivision and then asked if this other road is shown, does that become part of the map. Mr. Kingman said the proposed house and driveway location does not get filed, it is just for the Town's file. What gets filed with County is what is shown here. Mr. DelPercio said he would be okay with putting a No Further Subdivision on Lot II but is hesitant to put it on Lot III; he is under a time constraint to get this done and does not want to jeopardize the sale. Mr. Kingman said all he has to do to preserve the right to subdivide Lot III is to identify two home sites, a common drive and setback lines. Mr. Lawrence asked if the Planning Board could work this out. Mr. Kingman sketched in a possible driveway and house location on Lot III, putting in a flag to show how to possibly access a future lot somewhere in the back. This establishes that a lot in the back would not have an impact on the front lot and this map will be kept in the Town's file. The Board and the applicant were satisfied with that.

Mr. Jeffreys motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board declare themselves lead agency for the DelPercio/Cassata Lot Line Adjustment (Minor Subdivision). Mr. Lawrence seconded.

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

Motion carried 7-0

Mr. Kingman said two additional reasons on page 2 need to be added to the Negative Declaration as follows: "The applicant agreed to a "No Further Subdivision" provision on Lot II" and "Potential future subdivision of Lot III has been evaluated and the

Planning Board determined it will have no significant impact on the front portion of the lot.”

Chairman Goss completed and signed the short EAF.

Mr. Lawrence motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the DelPercio/Cassata Lot Line Adjustment (Minor Subdivision) application of property located at 295 and 301 Round Lake Road, tax grid numbers 6470-00-120811, 6470-00-123723, and 6470-00-156718; and

WHEREAS, a Short Environmental Assessment Form was submitted dated January 12, 2010; and

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identifiable concerns being raised.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board declares a Determination of Non-Significance (Negative Declaration) for the DelPercio/Cassata Lot Line Adjustment (Minor Subdivision). Seconded by Mr. Fiederlein.

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

Motion carried 7-0

Mr. Lawrence 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 DelPercio/Cassata Lot Line Adjustment (minor subdivision);

WHEREAS, a formal application for the approval of a lot line adjustment was submitted to the Town of Milan Planning Board on January 18, 2010; and

WHEREAS, the proposed action involves adjusting the lot lines between three existing lots as follows: Parcel I, tax grid number 6470-00-123723, A3A/A5A zoning district, 3.21 acres – proposed to be 4.24 acres; Parcel II, tax grid number 6470-00-156718, A3A/A5A zoning district, 9.28 acres – proposed to be 24.45 acres; Parcel III, tax grid number 6470-00-120811, A3A/A5A zoning district, 33.10 acres – proposed to be 16.90 acres. Parcel I and Parcel II have existing dwellings; Parcel III is vacant; and

WHEREAS, this approval is based on a site plan prepared by J. William Komisar, LLS, dated July 28, 2009 and re-dated January 12, 2010; and

WHEREAS, the Dutchess County Department of Public Works approved the driveway access location for Lot #3 per a letter to the Milan Planning Board dated December 29, 2010; and

WHEREAS, a public hearing was held for this proposal on March 3, 2010 at which time there were no objections raised; and

WHEREAS, the subdivision complies with the provisions and requirements of Section 177 (Subdivision); 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 March 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the DelPercio/Cassata Lot Line Adjustment (minor subdivision); and

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.
- The driveway access for Parcel III must be completed to the satisfaction of the Dutchess County Department of Public Works and documented to the Planning Board by same.
- The renovations to the existing house on Parcel II are completed and the house now meets the required side setback of 35 feet as shown on the map.
- The front setback variance has been granted by the Milan Zoning Board of Appeals for the two barns located on Parcel II, the distance from the property line to the barns noted on the map, and a note added to the map describing the variance granted and the date it was granted.
- A note is added to the map stating “No Further Subdivision of Lot II as shown hereon will be permitted”.
- Payment of all fees as follows:
Publication Fee of \$93.11 (Please submit check made payable to the Town of Milan.)

Seconded by Mr. Fiederlein.

Peter Goss, Chairman

Aye

James Jeffreys

Aye

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Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Aye
William Fiederlein	Aye		

Motion carried 7-0

Mr. Fiederlein motioned that the Planning Board close the public hearing for the DelPercio/Cassata Lot Line Adjustment (Minor Subdivision).

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

Motion carried 7-0

Mr. Kingman motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Delpercio/Cassata Lot Line Adjustment (Minor Subdivision) application of property located at 301 and 295 Round Lake Road, tax grid numbers 6470-00-123723, 6470-00-120811, and 6470-00-156718; 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 March 3, 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 March 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Milan Planning Board finds that the conditional final approval of the DelPercio/Cassata Lot Line Adjustment (minor subdivision) application is in compliance with the Town of Milan Subdivision Regulations (Chapter 177). Seconded by Mr. Fiederlein.

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

Motion carried 7-0

2. **Oyen Three Lot Subdivision:** Maggie Oyen, Applicant, was present along with Rodney Morrison, P.E. from the LRC Group. Chairman Goss read the legal notice that was published in the paper and sent to neighboring landowners and opened the public hearing.

Thomas Pinchbeck, 279 Willow Glen Road, said he believes the existing driveway is over the property line and onto his property. Mr. Morrison said the surveyor is not at this meeting. Mr. Pinchbeck said he was there when the surveyor surveyed the property and said he found a bent over iron stake and put another thin stake with a flag on it and Mr. Pinchbeck believes that stake is on his property. Mr. Morrison said as far as we know, this driveway is on the Oyen property. Mr. Pinchbeck said there are drainage pipes under this driveway that are discharging onto my land and because of that, he said he can't use some of his land. Ms. Oyen said the driveway has been there since 1972 and can almost guarantee that it does not encroach on Mr. Pinchbeck's land. She said she knows about the culverts but they are draining onto federal wetlands on Mr. Pinchbeck's property. When asked, Mr. Pinchbeck said his house was built around 1973 or '74 and said this land has been in our family for 30 plus years. Ms. Oyen said the main purpose behind this subdivision was to create a smaller parcel of land with the existing home that could be sold on the market and to also lower Haakyon Oyen's taxes. There are no imminent plans to build here. She said her father made every attempt to create a buffer of land around him so people would not build too close. As she remembers, there is rock on both sides and the stone wall identifies the wetland. There is a culvert which feeds down from the hill to the wetland. Mr. Pinchbeck said he is worried that if they sell the lot, they will have to upgrade the driveway. Mr. Morrison said the Fire Department has looked at it and the Highway Superintendent has looked at it. This existing drive becomes a common driveway to serve two lots. The Town Engineer has asked us to make some improvements to the drive, such as give it a better crown. Mr. Morrison said he thinks the driveway improvements may allow less run off to Mr. Pinchbeck's property. Ms. Oyen said the culvert needs to be replaced and with the proper care and upkeep, this situation can be alleviated. The driveway improvements will only happen when and if this gets developed. Mr. Morrison said there will be a whole row of silt fencing to protect the wetlands. Chairman Goss reiterated that if the driveway gets fixed, it will alleviate some of the problem. There is also a wet area and water runs down from the hill. If there were no driveway at all, you would have more water. Mr. Morrison said this is an existing driveway, the water will go in the future where it goes now but we have improved the swale. Ms. Oyen said she will tell her brother to do the driveway repair and upkeep. Mr. Morrison showed Mr. Pinchbeck the engineering for the driveway. Mr. Morrison said the lots proposed are in excess of five acres, and there is no intent to future subdivide. It is extraordinarily unlikely someone could build another driveway. Mr. Morrison said there are two lots sharing the existing common drive 1 and two lots sharing the existing right of way, common drive 2. John Mokotoff asked what establishes the right to use that driveway. Mr. Morrison said the strip of land is within the Oyen's parcel. There is a right of way onto which the driveway was built. There is no recorded easement or record of sale. This subdivision will create the legal entry into the Mokotoff property forever. It is an official document, a shared user document. Mr. Morrison said he believes Mr. Mokotoff's concern is that he may own that right and, if so, it would give him the exclusive use of this strip to access his parcel. Mr. Kingman said if that's true, it should be attached to his deed. A condition of final approval will be that a copy of the

filed deeds will have to be provided to the Planning Board prior to the issuance of a building permit. Mr. Mokotoff also had concerns that he will be visually impacted by the house on the back lot as his property is much higher. Mr. Morrison said he will probably be able to see the house since he is higher. It would depend on how many trees were there. However, a building envelope has been identified; we can't clear cut the whole lot.

Mr. Kingman said relative to the EAF, we had talked about putting a no further subdivision note on the map. Ms. Oyen agreed to that so that will be added. Mr. Morrison said we do have another access alternative if Mr. Mokotoff ends up owning that strip of land, and we do need to have the deeds and maintenance agreements signed.

Mr. Jeffreys motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board declare themselves lead agency for the Oyen Three Lot Subdivision. Mr. Lawrence seconded.

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

Motion carried 7-0

Mr. Kingman noted that a WHEREAS needs to be included in the negative declaration stating a No Further Subdivision note for Lots 1, 2, and 3 has been agreed to by the applicant.

Mr. Jeffreys motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, an application for approval of a three (3) lot subdivision was submitted to the Town of Milan on June 16, 2009, by Maggie Oyen, applicant, said subdivision shown on Preliminary Plat Map, Sheet SP-1, dated 06/15/09, last revised 12/21/09, prepared by Land Resource Consultants, Inc.; and

WHEREAS, the site is located at 265 Willow Glen Road and identified as tax grid #6573-00-648251, consisting of 30.16 acres, and zoned A5A Rural Residential; and

WHEREAS, the site is located in a rural residential area and contains one existing frame house and two existing driveways; and

WHEREAS, the submittal was accompanied by a Full Environmental Assessment Form (EAF), signed 06/15/09, dated on page 1 as 06/16/09, last revised 02/01/10; and

WHEREAS, a Threatened and Endangered Species Habitat Suitability Assessment, dated 03/31/09, prepared by Ecological Solutions, LLC, was also submitted; and

WHEREAS, the site contains USACE Wetlands and a portion of the 100 Ft. protective buffer area; and

WHEREAS, the two new house sites and construction for the new driveways for Lot 1 and Lot 3 are located outside of the wetlands and the 100 Ft. protective buffer; and

WHEREAS, only minimal rehabilitation work is being performed on the existing drives that cross existing wetlands; and

WHEREAS, a No Further Subdivision note has been agreed to by the applicant for Lots 1, 2, and 3; and

WHEREAS, the Planning Board of the Town of Milan has reviewed the proposed subdivision application, EAF, and Threatened and Endangered Species Habitat Suitability Assessment; and

WHEREAS, in accordance with New York State Environmental Quality Review Act (“SEQRA”), said Board is required to determine the classification of a Proposed Action and determine its significance; and

WHEREAS, on 07/08/09, the Board classified the project as an unlisted action under SEQRA and declared its intent to serve as lead agency in a coordinated review of the project, to which no other agency has objected;

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Milan, having reviewed pertinent available information submitted by the applicant and gathered by the Board through its consultants and the public input, in accordance with the requirements of Part 617 of 6 NYCRR of the New York State Environmental Quality Review Act (SEQRA), hereby resolves that the application known as Oyen Subdivision will not have a significant adverse impact on the environment and that a Draft Environmental Impact Statement will not be prepared. Seconded by Mr. Lawrence.

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

Motion carried 7-0

Mr. Kingman motioned that the Planning Board close the public hearing for the Oyen Three Lot Subdivision. Mr. Jeffreys seconded.

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

Motion carried 7-0

Mr. Kingman noted an additional condition of final approval will be that copies of the filed deeds must be submitted to the Planning Office prior to the issuance of a building permit.

Mr. Lawrence motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered a formal application for the approval of the Oyen three lot subdivision which was submitted to the Town of Milan Planning Board; and

WHEREAS, the parcel for this action is located on Willow Glen Road and is identified as tax map parcel no. 6573-00-648251 and consists of a total of 30.16 acres in the R-5A Residential District; and

WHEREAS, the applicant submitted to the Planning Board a plat, prepared by LRC Group, entitled “Engineering Plan - Oyen Subdivision,” dated 01/21/10, last revised on 02/15/10, at a scale of 1” = 100’ which contains engineering information to be retained by the Town of Milan and will not be filed in the Dutchess County Clerk’s office; and

WHEREAS, the proposal is to create a total of three lots, Lot 2 containing an existing frame house and being 9.11 acres; Lot 1 and 3 being new lots of 8.46 acres and 12.59 acres respectively; and

WHEREAS, on 07/08/10, the Planning Board adopted sketch plan approval for this application, and on 03/03/10 adopted a recommendation that the Town Board approve the ODA for the application; and

WHEREAS, a public hearing for the application was held on March 3, 2010, at which time there were no objections raised in opposition to the proposal by those of the general public in attendance at the meeting; and

WHEREAS, the application complies with the provisions and requirements of Section 177 (Subdivision); and

WHEREAS, a No Further Subdivision note has been agreed to by the applicant for Lots 1, 2, and 3; and

WHEREAS, this application has met the requirements of the Fire Department per their review letter dated 01-25-10; and

WHEREAS, the Board, after considering the impacts that could reasonably be expected to result from the action against those in 617.7(c)(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 03-03-10..

NOW THEREFORE BE IT RESOLVED that the Planning Board of the Town of Milan approves the plat submitted for the Oyen Subdivision, prepared by Richard Hanback, L.S., entitled “ A Subdivision Map showing the Oyen Subdivision,” dated 05/15/09 and last revised on 02/15/10, at a scale of 1” = 100’.

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:

1. The access for Common Drive 1 and Common Drive 2 must be fully completed to the satisfaction of the Highway Superintendent prior to the Chairman signing the final subdivision map.
2. Approval by the Town Board of the ODA.
3. Payment of all fees as follows:
 - Final Fee: \$ 400.00
 - Recreation Fee: \$1,200.00 (Must be a separate check)
 - Publication Fee: \$77.03
 - Satisfaction of any outstanding escrow charges.
4. Permission to file by the Dutchess County Department of Health for the proposed methods of water supply and sewage disposal.
5. The Planning Board reserves the right to require additional changes, modifications or revisions to the final plat and plans during the time period between the adoption of the resolution of approval and the signing of the final plat by the Planning Board Chairman in the event that:
 - New information is brought to the attention of the Board that necessitates revision;
 - Site conditions are at variance with those shown on the plat to be approved;
 - Changes are necessary due to field conditions;
 - It is determined that the applicant/developer has made changes that are not in accordance with the plat to be approved.
6. Submission of deed drafts and easement documents for common driveway maintenance, suitable in form and substance to meet with the satisfaction of the Planning Board Attorney and the Town Engineer.

7. Satisfactory resolution of comments contained in the Town Engineer’s memos to the Board dated 01-15-10.
8. Copies of the filed deeds must be submitted to the Planning Office prior to the issuance of a Building Permit.
9. Notes must be added to the map as follows:
 - A per New York State Town Law Section 280-a, Lots 1, 2 and 3 of the Oyen Subdivision, along with the adjoining Lands of Mokotoff, are designated as an Open Development Area by resolution approved by the Milan Town Board on _____.
 - Common Drive 1 and Common Drive 2 have been approved for the Oyen Subdivision and maintenance agreements have been filed in the Dutchess County Clerk’s office.
 - 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.
 - Due to the proximity of the house sites to the wetlands, there are plans on file with the Town of Milan showing proposed sewage disposal system locations which must be taken into account when applying for Dutchess County Health Department approval in the future.
 - No further subdivision of the land shown hereon will be permitted for Lots 1, 2, and 3.
 - The Building Inspector must verify that the finished common drive and private drives conform to the site plan prior to the issuance of a Certificate of Occupancy.

Seconded by Mr. Fiederlein.

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

Motion carried 7-0

Mr. Fiederlein motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Oyen Three Lot Subdivision application; and

WHEREAS, a site visit was conducted in 2007 by members of the Planning Board and the Planning Board Consultant; 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 March 3, 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 March 3, 2010.

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

Seconded by Mr. Jeffreys.

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

Motion carried 7-0

Conditional final approval expires in 180 days. Once the conditions for final approval have been met, it is suggested the applicant submit one paper copy to the Planning Office for review. Once it has been determined that all of the conditions have been met, you will need to submit for the Chairman’s signature one mylar for filing plus five (5) paper copies for the Town files, as well as any paper copies you would like signed and returned.

Once the mylar is signed by the Chairman, it must be filed in the office of the Dutchess County Clerk within **60 days** from the date of signing.

3. **Mancini Subdivision:** Margaret Mancini was present on behalf of Rocky and Ann Mancini for the public hearing for this three lot subdivision of property located at 34 Louise Terrace, tax grid number 6371-00-932745. Chairman Goss read the legal notice that was posted in the paper and sent to neighboring landowners.

Mr. Lawrence motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board declare themselves lead agency for the Mancini Three Lot Minor Subdivision. Mr. Fiederlein seconded.

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

Motion carried 7-0

Mr. Jeffreys motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Mancini Three Lot Subdivision application of property located at 34 Louise Terrace, tax grid number 6371-00-932745; and

WHEREAS, a Short Environmental Assessment Form was submitted dated October 8, 2009; and

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identifiable concerns being raised.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board declares a Determination of Non-Significance (Negative Declaration) for the Mancini Three Lot Subdivision. Mr. Fiederlein seconded.

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

Motion carried 7-0

Mr. Jeffreys motioned that the Planning Board close the public hearing for the Mancini Three Lot Subdivision application. Mr. Fiederlein seconded.

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

Motion carried 7-0

Mr. Kingman said a condition of final approval is that the driveway accesses need to be completed to the satisfaction of the Highway Superintendent and that the Fire Department comments are satisfied. Since the applicant is under a time constraint, he suggested that condition could be worded to say “prior to the issuance of a building permit”. That way, the applicant could get his maps signed. The board and applicant agreed with that.

Mr. Jeffreys 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 Mancini three lot subdivision:

WHEREAS, a formal application for the approval of a three lot subdivision was submitted to the Town of Milan Planning Board on October 08, 2009; and

WHEREAS, this 9.52 acre parcel is located at 34 Louise Terrace, tax grid number 6371-00-932745 in the A3A Zoning District and is bisected by Louise Terrace having 1.045 acres on the west side and 2.033 acres on the east side; and

WHEREAS, there will be a note added to the map and verbiage included in the deed to recite that the 1.045 acres on the west side of Louise Terrace is not a separate building lot and shall not be separated or divided from the 2.033 acre lot on the east side of Louise Terrace; and

WHEREAS, this approval is based on a site plan prepared by John Decker, L.S., Decker Surveying, and Timothy Ross, P.E. dated January 29, 2010, sheets 1 of 1 and 1 of 2; and

WHEREAS, this subdivision will create two new building lots (lot 3b and 3c) as there is currently an existing single family dwelling on the parcel (lot 4); and

WHEREAS, the newly created parcel lot 3c will have its own access from Louise Terrace and the newly created parcel lot 3b will have its own access from Brooklyn Heights Road, both of which have been approved by the Highway Superintendent and the Fire Department; and

WHEREAS, a public hearing was held for this proposal on March 3, 2010 at which time there were no objections raised; and

WHEREAS, the applicant applied for and was granted setback variances on September 29, 2008 from the Town of Milan ZBA for the pre-existing house and garden fence on Lot 4; and

WHEREAS, the subdivision complies with the provisions and requirements of Section 177 (Subdivision); 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 March 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the three lot Mancini 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 approval is provided
- The following note is added to the map: “The remaining 1.045 acres on the west side of Louise Terrace as noted on this map is not a separate building lot and shall not be separated or divided from the 2.033 acre lot on the east side of Louise Terrace”.
- The deed to Lot 4 is to recite that the 1.045 acres on the west side of Louise Terrace is not a separate building lot and shall not be separated or divided from the 2.033 acre lot on the east side of Louise Terrace and a copy of the deed must be provided to the Planning 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.
- Driveway accesses for Lot 3b and Lot 3c must be completed to the satisfaction of the Town of Milan Highway Superintendent and documented to the Planning Board prior to the issuance of a Building Permit.
- Satisfaction of all required conditions in the Milan Fire Rescue Subdivision Review letter dated 02/24/10 as documented by Milan Fire Rescue prior to the issuance of a Building Permit.
- On the map, move “not in application” from lot 4 to the adjoining lot with the garage
- Building Inspector must verify and approve that the finished private drive conforms to the site plan prior to the issuance of a Certificate of Occupancy
- Payment of all fees as follows and payment of any outstanding escrow fees:

Application Fee	\$ 200.00
Final Fee	\$ 400.00
Recreation Fee	\$ 1,200.00
Publication Fee	\$ 77.69

Two checks must be submitted: One in the amount of \$1,200 for the recreation fees and one in the amount of \$677.69 plus any outstanding escrow fees if applicable.

Seconded by Mr. Fiederlein.

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

Motion carried 7-0

Conditional final approval expires in 180 days. Once the conditions for final approval have been met, it is suggested the applicant submit one paper copy to the Planning Office for review. Once it has been determined by the Planning Department that all of the conditions have been met, you will need to submit for the Chairman’s signature one

mylar for filing plus six (6) paper copies for the Town files, as well as any paper copies you would like signed and returned.

Once the mylar is signed by the Chairman, it must be filed in the office of the Dutchess County Clerk within **60 days** from the date of signing.

Mr. Fiederlein motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Mancini Three Lot Subdivision application of property located at 34 Louise Terrace, tax grid number 6371-00-932745; 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 March 3, 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 March 3, 2010.

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

Seconded by Mr. Lawrence.

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

Motion carried 7-0

Administrative Items:

- Approval of Minutes: Mr. Anagnos motioned to approve the minutes of February 3, 2010 as amended. Mr. Lawrence seconded.

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

Motion carried 7-0

Applications:

- **Willms-Foote Site Plan Amendment:** Kristina Dousharm was present on behalf of Lucia Willms and Tom Foote to amend Filed Map No. 5501A moving the approved driveway location on property located on Academy Hill Road, tax grid no. 6571-00-190894.

Mr. Jeffreys motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Willms request to amend the approved driveway location on Lot 2 of Filed Map No. 5501A on property located on Academy Hill Road, tax grid number 6571-00-190894; and

WHEREAS, a Short Environmental Assessment Form was submitted for the Willms/Foote Subdivision dated February 16, 2009 and a Resolution to Declare a Negative Declaration was approved by the Planning Board on July 8, 2009; and

WHEREAS, the Planning Board concluded, after comparing the previously approved driveway location and the proposed new driveway location, that, in accordance with 6 NYCRR Part 617, there are no identifiable concerns.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board approves an amended Determination of Non-Significance (Negative Declaration) for the Site Plan Amendment for Lot 2 of Filed Map NO. 5501A
Seconded by Mr. Lawrence.

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

Motion carried 7-0

Mr. Fiederlein motioned that the Town of Milan Planning Board approves the following resolution: BE IT RESOLVED, the Planning Board has considered the request of Luzia Willms to amend the approved driveway location for lot 2 of Filed Map No. 5501A;

WHEREAS, the Board has reviewed the map prepared by Timothy Ross, P.E. entitled Willms-Foote Minor Subdivision dated 07-25-09 and revised on 01-20-10 for property located on Academy Hill Road in the A5A zoning district, tax grid number 6571-00-190894; and

WHEREAS, there are steep slopes on the property as well as a DEC Class B stream running through Lot 2 and mitigation and protection measures have been clearly defined in the Negative Declaration; and

WHEREAS, the proposed driveway relocation will move the driveway further away from the area of no disturbance adjacent to the existing stream; and

WHEREAS, the Planning Board determined that a public hearing would not be required for this proposed driveway relocation as the driveway is located entirely within the boundaries of Lot 2 so there will be no impact to surrounding properties; and

WHEREAS, the Planning Board, after considering the impacts that could reasonably be expected to result from the action against those in Part 617 of 6NYCRR of the State Environmental Quality Review Act, determined that the action will not result in any potential significant adverse impacts and adopted an Amended Negative Declaration on March 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Milan Planning Board grants final approval to the driveway relocation on Lot 2 of Filed Map No. 5501A; and

BE IT FURTHER RESOLVED, that the Chairman of the Planning Board is hereby authorized to endorse approval on said plat.

Seconded by Mr. Lawrence.

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

Motion carried 7-0

- **Turkey Hill Acres Subdivision Re-Approval:** Andy Willingham, P.E., appeared on behalf of the Vsant Dhar, applicant. Mr. Willingham said the hold up to the original approval was Dutchess County Department of Public Works approval. They received conceptual approval from the DPW in a letter dated February 11, 2010. They had to make some minor changes to the plan to accommodate the DPW, such as some clearing and grading along the road. The DPW agreed to 500 feet of sight distance to the right and some of the clearing has been done. Other than that, the plan is exactly the same. Mr. Kingman said this will require a new application fee but the Board agreed that since there are no substantive changes to the plan, another public hearing will not be required.

Mr. Jeffreys motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board re-approves the Turkey Hill Acres Two-Lot Subdivision, tax grid number 6473-00-983432;

WHEREAS, a new set of maps prepared by David Clouser & Associates dated 05/20/08 and last revised 02/16/10 was submitted; and

WHEREAS, the only change to the previously approved plans is some sight distance/clearing work and ditch work within and directly adjacent to the Dutchess County right-of-way; and

WHEREAS, the Negative Declaration for this subdivision was approved on August 6, 2008 and there are no changes due to this re-approval.

NOW, THEREFORE, the Milan Planning Board grants the requested re-approval with the same conditions as the previous approval dated August 6, 2008 with an additional \$200.00 application fee for this re-approval.

Seconded by Mr. Lawrence.

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

Motion carried 7-0

- **Case Farm Subdivision** – George Lawrence recused himself from the meeting table as he is the applicant for this subdivision. Andrew Willingham, P.E., was present for this application also. Mr. Lawrence said while previously he had been considering a larger subdivision, he is seeking a two lot subdivision at this time. They will produce all of their own energy; it will be a sustainable homestead. There is an existing easement to a land locked piece of property, an existing house, and an existing farm road on the proposed parcel. The new house will be totally energy self sufficient. Mr. Lawrence talked about the future possibility for an accessory apartment or a barn for work force housing. Right now, they are extending the existing driveway to the proposed home site. There is .6 acres of disturbance total. Mr. Willingham said they measured sight distance but have not gotten the DPW out there yet. Mr. Kingman encouraged them to do that ASAP. A condition for sketch endorsement is conceptual approval from the DPW. Mr. Lawrence said it took a considerable effort to do this survey. There were discrepancies but between the attorney and land surveyor, they prepared additional deeds to establish boundaries. Mr. Kingman said the meets and bounds describe the parcel and the map reflects the boundary lines. To preserve the easement will require an ODA and we will need the existing deed description. The ODA will require town attorney review. Mr. Kingman also asked if they could move the road over slightly to maintain the 100 foot buffer from the wetland; this is not a legal requirement but a request. Mr. Lawrence agreed to move it to the left to maintain the 100 feet. The driveway profile is really flat. Mr. Kingman said relative to a SEQRA determination and to reserve future development rights, Mr. Willingham would have to provide an indication that this potentially could be subdivided. There is plenty of room for 40 foot accesses on the road but there is a fair amount of wetland. Mr. Kingman said his suggestion would be to plot an extension of existing road as a common drive and extend it towards the back so as not to disturb the

front of the property. The number of lots would be determined at some future time. That would allow the Planning Board to be able to say possible future development in the back would not have a significant impact to the current developed area at the front of the property and the possible future development would not be on the official filed map.

Mr. Kingman said this application is in good shape going towards sketch endorsement; we just need the conceptual approval from the DCDPW. We also need to check to see if this is in an archeologically sensitive district. We will schedule a site visit after sketch endorsement. Mr. Lawrence would like to proceed with sketch endorsement even though they do not have conceptual approval from the DPW since they have done so much engineering work already. Mr. Kingman said he would suggest then that Mr. Lawrence needs to acknowledge that if the DPW finds a problem with this, it is not the fault of the Planning Board since the applicant has requested the Board move forward without conceptual approval. Mr. Lawrence agreed that he would like to move forward and is assuming the DPW will be reasonable and allow them to use the existing driveway. Mr. Kingman said we will need to schedule a site visit before a SEQRA determination can be made. The SEQRA circulation would be to the Dutchess County Department of Public Works, the Town of Milan Town Board, and the Dutchess County Department of Health. When asked about the existing ponds, Mr. Lawrence said they are constructed ponds.

The Planning Board members agreed that the Case Farm Minor Subdivision application meets the standards for sketch plan endorsement and at the applicant's request, agreed to move forward in the subdivision approval process without conceptual approval from the Dutchess County Department of Public Works.

When Mr. Lawrence is ready to proceed, he will need to establish a \$3,000 escrow account.

Mr. Lawrence returned to the meeting table.

Cross Country Subdivision: Mr. Graminski, P.E./L.S. has requested the second and final extension for the re-approval of the Cross Country Subdivision.

Mr. Jeffreys motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board grants the second and final 90-day extension to the Cross Country Subdivision as per a memo received from Mark Graminski, P.E. & L.S. dated February 25, 2010. This second and final extension will expire on **May 31, 2010**. Mr. Lawrence seconded.

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

Motion carried 7-0

Administrative items:

- The Board discussed the outstanding Morris voucher for Chestnut Mart and the letter from Peter Setaro of Morris Associates responding to the Board’s concerns that the hours on the original and modified invoice appear to be excessive. Mr. Jeffreys, Mr. Lawrence, and Chairman Goss think the Board should approve the voucher at this point. Mr. Kingman said he has three main points as to why it should not be approved for payment: The applicant is not the one voicing complaints; the Planning Office saw a discrepancy in the work done and the bill received; the applicant is not aware of the invoice; the letter refers to the required review of 31 comments contained in Mr. Morabito’s two earlier comment letters and while this number appears to imply significant review work, the nature of the comments suggests only minimal review effort was required; Mr. Setaro’s letter stated that a neg dec and resolution was drafted, however, the required environmental due diligence was previously performed by Mr. Morabito in 2009 and Mr. Morabito supplied the Planning Board with drafts of a neg dec and resolution to approve the neg dec. Mr. Kingman’s points are enumerated in a draft memo which he distributed to Board members.

Mr. Kingman motioned that the Planning Board approve sending out this draft memo to Morris Associates. Mr. Cook seconded.

Peter Goss, Chairman	Nay
Douglas Cook	Aye
William Fiederlein	Nay
James Jeffreys	Nay
Lauren Kingman	Aye

Motion failed 3 – 2.

(Jeffrey Anagnos and George Lawrence were not able to vote on this because the Chestnut Mart application had been filed before the Board went from five to seven members.)

Mr. Kingman asked to have this letter included as part of the minutes and stated that as far as the record shows, Mr. Setaro, in his memo, is claiming Morris Associates created documents that were previously created by Mr. Morabito when he worked for Morris Associates and that Morris Associates had already charged and been paid for that work by the applicant.

Mr. Jeffreys motioned to adjourn the meeting at 10:15 p.m. Mr. Fiederlein seconded.

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

Motion carried 7-0

The next workshop will be held on Thursday, March 25th, and the next regular meeting of the Planning Board will be held on Wednesday, April 7th. Both meetings are held at the Town Hall and start at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

Attachment: Draft Memo, Undated, to Peter Setaro, re: Morris Associates Billing

cc: Catherine Gill, Town Clerk
Town Board