

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

MEMBERS PRESENT:

Peter Goss, Chairman
Jeffrey Anagnos
William Fiederlein (arrived 7:04)
James Jeffreys
Lauren Kingman
George Lawrence

MEMBERS ABSENT:

Douglas Cook

ALSO PRESENT:

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

Administrative Items:

- Approval of Minutes: Mr. Lawrence motioned to approve the minutes as presented. Mr. Anagnos seconded. Mr. Kingman said he wanted to make sure that a copy of the draft response to Morris Associates regarding the Chestnut Mart voucher will be attached to the minutes. All aye. Motion carried 5-0.
- Correspondence: The Board received the Notice of Complete Application for Mining Proposal dated March 26, 2010 for the Roe-Jan Mine from the Town Board for comment. This is not an expansion; it is an application to do sub-aqua mining to get more gravel out of an existing mine. The Planning Board did not have any comments.
- The Stormwater Management Plan prepared by Erdman Anthony for Chestnut Mart has been delivered to the Planning Office by Ciro Interrante, Architect, who also forwarded it to the DEC, DOT, and Jay Paggi, Town Engineer, for their review. Mr. Kingman said we have to make sure that both the DEC and DOT reference the same set of maps in their comment letters.

Applications:

1. **Glucksman Two Lot Subdivision:** Marie Welsh, LS, and Ron Coon, representative for the applicant, Lorretta Glucksman, were present. Ms. Welsh said this parcel is 228 acres with an existing house and cottage. They are carving out 7.616 acres near the middle of the property to put the existing house and cottage on its own lot, Lot 1, to allow Ms. Glucksman to build another dwelling on the remaining lands (Lot 2). The property is located at 249 Academy Hill Road, tax grid number 6572-00-081196. The existing driveway comes in along the southerly property line and then crosses the contours up to the existing house site. The proposal is to extend the existing driveway up to the proposed house site. Mrs. Glucksman will move into the new house and another family member will become the owner of lot 1. The proposed lot is 5 acres plus the flag. Ms. Welsh said we have noted on the map that there will be easements filed in the Dutchess County Clerk's office so the owner of Lot 1 will have the right to use the existing

driveway and the owner of Lot 2 will have the right to cross Lot 1 with farm machinery (much of this lot is fields and will be maintained as fields). There are no plans for future development at this time. The length of the existing driveway is approximately 2,200 feet and it has been there for many years. Mr. Kingman said since Academy Hill is a County road, the Dutchess County Department of Public Works will need to approve the existing access to make sure it meets the requirements for a common drive. Ms. Welsh said she is not sure if it meets the require sight distance but she will provide the appropriate documentation to the DPW. The road is 45 mph. Ms. Welsh thought they could possibly do a speed study to show people actually travel at a lesser rate of speed and then do the design for the lower speed which would change the sight distance requirements. Ms. Welsh said she has provided a turn around at the proposed house site for emergency vehicles. The driveway is 12 feet wide. Mr. Kingman said as part of the ODA, the Fire Department will do a site visit. There is a set of fire department requirements for single family dwellings, such as turn radiuses, which the Clerk will forward to Ms. Welsh. The new site will need a building envelope which should contain the disturbed areas but that does not preclude them from doing anything else on the rest of the sight. If the proposed house site is moved outside the building envelope, you would have to come back to the Planning Board for a site plan review to approve the new location. A letter of feasibility from an engineer is required for Board of Health permission to file. Mr. Kingman said our code requires an engineer's certification that there is a place on the property for a well and septic. Since the existing drive will need to be improved to a common drive, the construction design needs to be shown. We have a design standard that has been used for the last few years by our Town Engineer, Jay Paggi. This application will need an ODA which requires fire department sign off, maintenance agreements, a review by the town attorney, and approval by the Town Board. The Board will need to see copies of the deed drafts. A site visit will be scheduled and an escrow account will need to be established. Mr. Coon was provided with the escrow form. Mr. Kingman suggested they get preliminary feedback from the DPW prior to the Board endorsing the sketch plan. The name of this subdivision is the Glucksman Subdivision.

2. **Odak Estate Subdivision:** Paul Dougherty, Applicant, and Robert Ihlenburg, Land Surveyor, were present. Mr. Ihlenburg updated the Board. This property is on the corner of Odak Farm Road and Turkey Hill Road and currently consists of four tax parcels. Ultimately, we would like to end up with five parcels. Lot 1 is the re-alignment of existing parcel 316534, Lot 2 is a realignment of parcel 314508. Lot 3 is a remaining portion of 313482. Lot 4 is a remaining portion of 313482. Lot 5 is being created from portions of 313482 and 236616. Lot 5 will contain the existing residence and barn. The barn is about 38 feet from the rear property line so they will readjust that line to meet the required setback. Glenn Butler, Highway Supervisor, came out to measure the sight distance and based on his findings, they will put a note on the map that two feet of fill will have to go in to the north of that strip to accommodate the dip in the road. They are planning on leaving the 50' strip of land between lots 1 and 2 for access to rest of

property in the back. Mr. Dougherty said the 50 foot strip would probably be a town road eventually. Mr. Kingman said you need to show the accesses for each individual lot for subdivision approval and the accesses will need to be approved by Mr. Butler. If you plan on using a common drive for lots 1 and 2, that access will need to be shown and approved. You can also show individual accesses for lots 1 and 2 directly onto Odak Farm Road. Mr. Butler said lots 3 and 4 are okay for sight distance. If you decided on a common access for Lots 1 and 2, that would require an ODA. Mr. Jeffreys said they don't know if they will ever use this road; they are just reserving the space. He thought private drives for lots 1 and 2 makes more sense at this time. Mr. Kingman said the code encourages common drives but circumstances make this situation unusual. Mr. Kingman said normally, we would prefer this to be a 33 foot wide strip to prevent it from becoming a town road. Mr. Jeffreys said they are not asking for anything at this time; they are just reserving the strip of land. We can't start presupposing what might be done with his property. When asked, Mr. Kingman said oil and stone is the code requirement for a rural lane but asphalt is also okay. Mr. Kingman said the map in the corner needs to be a tax map to show this parcel in relation to surrounding parcels.

Mr. Kingman displayed a current tax map showing the parcels as they exist today. He said we actually have four lots but we are ending up with six lots, lot 6 being the remaining lands of tax parcel 236616, so this is really a three lot subdivision because you are creating two new lots. This will be a lot line adjustment followed by a subdivision but will be processed concurrently. To clarify this proposal, we need a map that shows the original layout with the lot line adjustment, then a map showing the lot line adjustment into the subdivision, then the map that is here now showing the whole project as it will look which will be the map that gets filed in the County Clerk's office. The first two maps will be for Town use only. The only part of the large parcel that needs to be surveyed and shown on the map is the part that is being changed. The whole parcel does not have to be surveyed. The area that is being changed should be shaded on the area map. Mr. Doherty said he went out with a back hoe and all of the deep tests showed good gravel but it will take some time to get Board of Health approval. They will also meet with Glenn Butler to get the two accesses for lots 1 and 2. Mr. Kingman said we will need Board of Health approval prior to the maps being signed. The next step for this application is sketch plan approval which can be targeted for the May meeting. Mr. Doherty was provided with a signed escrow sheet to return with the escrow check.

Discussion Items:

- **Town Board Recommendation - Local Law #1 of 2010:** The Planning Board was asked to provide a recommendation to the Town Board regarding the adoption of Local Law #1 of 2010 regarding the proposed zoning change of two parcels from A3A to HB. Mr. Kingman said the original law back in 2004 made several changes and the Planning Board back then recommended that these parcels (there were six in total) should remain HB. Since then, one lot (Curran's) was reverted back to HB because it had a commercial

use on it and it had the commercial use on it when it was changed to A3A back in 2004. Apparently, none of these property owners knew their property was being changed from HB to A3A yet the reasoning at the time was that the property owners asked for it. Mr. Kingman said he agrees they should be changed back but he feels the Town Board should ask the other two property owners if they want their property re-zoned back to HB. He also thinks that it should be pointed out to the property owners requesting the change that their assessments might change due to the change of the zoning district since they could be going from a non-subdividable lot to a subdividable lot with possible new uses. Mr. Carrothers was in the audience and said the other two property owners have specifically said they would prefer to stay residential. Mr. Kingman distributed a draft resolution but said he would like to add one more statement as follows: Be it further resolved, the Planning Board recommends the Town Board close out the file for Local Law #1 only after confirmation that the Dutchess County real property tax parcel database has been appropriately updated for all the affected parcels. Mr. Jeffrey said he recalled when they changed the zoning in 2004, they denoted properties by tax grid numbers. When you denote a property by a tax ID number as opposed to a larger area, it makes the action seem like spot zoning. He suggested using the geography of the area, for instance, those parcels south of Morehouse and North of 199 instead of grid numbers. Another reason to use geography is that grid numbers change for a variety of reasons. When it is codified by number, it leaves it up to the interpretation that the change was done specifically for that one lot. Mr. Kingman said it is for these two lots but that does not make it spot zoning. The key thing to remember is the zoning map is the official zoning designation for the Town so we need to make sure that is correct regardless of how it is written. Ms. Egan, a Town Board member in the audience, said there was a mistake on the previous zoning map; these properties were never changed to A3A until 2008. The Town Board requests the zoning map be changed by resolution.

Mr. Kingman motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board forwards the following recommendation to the Town Board regarding proposed Local Law #1 of 2010;

WHEREAS, Parcel IDs 6471-00-961488-00, 6471-00-990442-00, 6571-00-002391-00, and 6471-00-982370-00 were historically part of the HB district since at least 1982; and

WHEREAS, Local Law #5 of 2004 changed these parcels from HB to A3A; and

WHEREAS, the Planning Board recommended against changing the zoning of these parcels; and

WHEREAS, Local Law #1 of 2010 proposes changing the zoning of Parcel IDs 6571-00-002391-00 and 6471-00-982370-00 from A3A to HB; and

WHEREAS, the Planning Board has reviewed its 9-1-2004 document “*Report and Recommendations Regarding Proposed Local Law 5 of 2004 Amending and Readopting the Zoning Map*” and confirmed that the background and findings are still relevant to the current re-zoning proposal;

NOW THEREFORE BE IT RESOLVED, that the recommendations of the report are still valid; and

BE IT FURTHER RESOLVED, that the Planning Board recommends the Town Board restore all four (4) parcels to HB; and

BE IT FURTHER RESOLVED, that the Planning Board recommends the Town Board discuss the proposed zoning changes with the owners of Parcel IDs 6471-00-961488-00, 6471-00-990442-00 regardless of whether the rezoning will include these two parcels; and

BE IT FURTHER RESOLVED, that the Planning Board recommends the Town Board notify all property owners of parcels that will change to HB that their assessments may change as a result of the zoning change; and

BE IT FURTHER RESOLVED, that the Planning Board recommends the Town Board close out the file for Local Law #1 only after confirmation that the Dutchess County real property tax parcel database has been appropriately updated for all the affected parcels.

WHEREUPON, this Resolution was declared adopted by the Planning Board of the Town of Milan. Mr. Jeffreys seconded.

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

Motion carried 6-0.

- **DelPercio Lot Line Adjustment:** This application was granted Conditional Final Approval at the March 3rd Planning Board meeting. One of the conditions of approval was that 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. Stephen Gill of the DC DPW would prefer not to have that condition in this case since the lot is being sold as a vacant lot. Typically, the DPW does not grant a work permit for the access until a site plan is provided showing the location of the driveway.

Also, if the access is built now and the lot is not built on for a number of years, it will deteriorate. Mr. Gill asked that the Planning Board just require approval of the access location. The Board agreed with that.

Mr. Fiederlein motioned that, as requested by the DPW, the Planning Board remove the second condition in the Conditional Final Approval motion that was granted on March 3, 2010 for the DelPercio/Cassata lot line adjustment application which reads “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” and require instead a final letter of approval from the Dutchess County Department of Public Works. Mr. Lawrence seconded..

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

Motion carried 6-0

- **Escrow Fees:** The policy for the establishment of an escrow account needs to be tightened up in the zoning and subdivision codes so Mr. Kingman will be writing up escrow legislative requirements which will be forwarded to this Board and the Town Board.
- Chairman Goss will not be at the workshop so asked Mr. Kingman to act as Chair for that meeting.

Mr. Anagnos motioned to adjourn the meeting at 8:30 p.m. Mr. Lawrence seconded.

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

Motion carried 6-0

The next workshop will be held on Thursday, April 29th and the next regular meeting will be held on Wednesday, May 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