

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

MEMBERS PRESENT:

Peter Goss, Chairman
Jeffrey Anagnos
William Fiederlein
James Jeffreys (7:05 p.m.)
Lauren Kingman
George Lawrence
Joan Wyant

MEMBERS ABSENT:

None

ALSO PRESENT:

None

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

Public Hearings:

- **Finkle/Finkle Lot Line Adjustment** - Jeffrey Finkle was present for the public hearing for this lot line adjustment between Jeffrey Finkle, 187 Hicks Hill Road, tax grid number 6670-00-740715 and Bryan Finkle, 191 Hicks Hill Road, tax grid number 6670-00-735690. Mr. Finkle said he and his brother are doing an equal swap of .014 acres to adjust the lot line to bring Jeff's access and driveway all on his property. Board members agreed that this is a simple lot line adjustment.

Mr. Jeffreys motioned to waive sketch endorsement for this application. 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.

Mr. Anagnos motioned that the Planning Board declare themselves lead agency for this application. 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.

Ms. Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Finkle lot line adjustment application to do an equal swap of .014 acres between properties owned by Jeffrey Finkle, 187 Hicks Hill Road, tax grid number 6670-00-740715 and Bryan Finkle,

191 Hicks Hill Road, tax grid number 6670-00-735690 located in the A3A zoning district; and

WHEREAS, a Short Environmental Assessment Form was submitted on September 30, 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 Finkle/Finkle Lot Line Adjustment (Minor Subdivision). Seconded by Mr. Lawrence.

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. Jeffreys motioned to close the public hearing. 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.

Mr. Anagnos motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Jeffrey Finkle and Bryan Finkle for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on September 30, 2010 and a site plan prepared by Kevin Cunningham, L.S. dated September 16, 2010 has been submitted for the requested lot line adjustment between two properties located at 187 Hicks Hill Road, tax grid number 6670-00-740715 and 191 Hicks Hill Road, tax grid number 6670-00-740715 located in the A3A zoning district; and

WHEREAS, the proposed action is a land swap of .014 acres between the two parcels so that the access and driveway to lot 1 is located completely within the boundaries of lot 1; and

WHEREAS, both parcels are improved with single family dwellings, wells and septic systems; and

WHEREAS, Lots 1 and 2 are located partially within the Town of Pine Plains and the Pine Plains Planning Board consented to the Town of Milan Planning Board serving as lead agency for this action on October 12, 2010 and had no issues of concern; and

WHEREAS, the land swap takes place on the property located in the Town of Milan and the acreage after the action will remain the same as the acreage before the action; and

WHEREAS, a public hearing was held on November 3, 2010 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on November 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants conditional final approval to the requested lot line adjustment and authorizes the Chairman to sign the mylar once the following conditions are met:

- Dutchess County Board of Health permission to file is obtained
- Pine Plains Planning Board Chairman's approval block signed
- Add name and address of record of both property owners
- Owner's consent to file block signed
- Payment of publication fee in the amount of \$71.20

Seconded by Mr. Lawrence.

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 Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Finkle/Finkle lot line adjustment (minor subdivision) application of property located on Hicks Hill Road and identified as tax parcels 6670-00-740715 and 6670-00-740715; and

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identified concerns and a Determination of Non-Significance (Negative Declaration) was approved by the Planning Board on November 3, 2010; and

WHEREAS, a public hearing was opened and closed on November 3, 2010; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Code Chapters 177 (Subdivision) and 200 (Zoning); and

WHEREAS, all conditions for Final Approval are detailed in the resolution for Conditional Final Approval which was approved by the Planning Board on November 3, 2010.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board finds that the approval of the Finkle/Finkle Lot Line Adjustment (Minor Subdivision) is in compliance with the Town of Milan Subdivision Regulations (Chapter 177).

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.

Administrative Items:

Approval of Minutes: Mr. Kingman motioned that the Planning Board approve the minutes of October 6, 2010 as amended. 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.

Correspondence: Chairman Goss read a letter that was received from the Mid-Hudson Chapter of Trout Unlimited dated October 6, 2010 to the Town of Pine Plains Planning Board, copying Town Board of Milan, regarding the Carvel Property Development.

Applications:

- Dolores Russo Lot Line Adjustment:** Dolores Russo was present for this lot line adjustment application of property located off of Mountain Road, tax grid numbers 6571-02-675671 and 6571-02-722677. Ms. Russo owns both parcels which are divided by a 25 foot strip of land which belongs to someone else (known as a paper road). Her house is on one parcel (lot 1) and her garage is on the other parcel (lot 2). The garage was placed five feet over the property line into the paper road area. Ms. Russo would like to move the property line between the two parcels to add the garage to her house parcel so she can sell lot 2. Ms. Russo has purchased the paper roads between the two parcels extending up to Mountain Road and along side of lot 2 which now makes the two lots contiguous so she can do the lot line adjustment. She has applied to the ZBA for variances for the pre-existing buildings and lot area and the public hearing is scheduled for November 17th.

Mr. Kingman motioned that the Planning Board schedule the public hearing for the Russo lot line adjustment to be held at the January 5, 2011 meeting. 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.

Since the last referral to the ZBA was sent before Mrs. Russo had purchased the 25 foot strips of land so contained conditions, the ZBA asked for a new recommendation from the Planning Board.

Mr. Kingman motioned that the Planning Board send a positive recommendation to the Zoning Board of Appeals to approve all of the variances that will be needed to allow the Planning Board to accomplish the requested lot line adjustment. 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.

- Oyen Three Lot Subdivision** - Maggie Oyen was present at the meeting to request the second and last 90 day extension for this subdivision of property located on Willow Glen Road, tax grid number 6573-00-648251 and to request a waiver to not require paving the aprons for the two common drive accesses. Instead, Ms. Oyen said she would put a note on the map requiring the aprons be paved once the first lot is developed. She said they have no plans to develop the lot any time in the near future so would rather not spend the money now and they have worked diligently to keep four wheelers off the property and they feel this access would be an invitation to them. The excavators have dropped off the equipment to start the digging tomorrow to meet the sight distance requirements so she needs to know how much work they will need to do regarding the accesses. She has her driveway permit and has submitted a check for the \$500 bond. Mr. Kingman asked about the current status of the easement agreements for the common drives, and Ms. Oyen said she and Mr. Mokotoff (who gains access to his parcel via common drive #2) are in discussion. They will be adding, for attorney review, a statement that neither party will be responsible for the driveway if nothing has been built on either parcel serviced by the common drive and once someone builds, the entire driveway will be that person's responsibility until the other person builds. Mr. Mokotoff has requested a gate be built at the entrance if it is required to pave the apron. Ms. Wyant asked about the benefits of an apron and Mr. Kingman said it is a requirement of the Highway Dept. for safety and maintenance. Mr. Butler, Highway Superintendent, said blacktopped aprons are a requirement when there is more than one house using a driveway to protect the edge of

the blacktop. He said it is in the subdivision code that a blacktopped apron is required by the Planning Board for a subdivision so it would be up to the Planning Board to waive that requirement if the Board chooses to. If the Planning Board waives it, Mr. Butler said he can still require it. Mr. Kingman said as part of a subdivision, the infrastructure should be put in place by the applicant before any lots are sold. How does that get accomplished without requiring the paved aprons prior to the maps being signed? If the requirement to pave the apron falls to the first person who buys a lot, we won't know when a lot is sold. Ms. Wyant suggested putting a note in the deed. Mr. Kingman said he feels it should be as clean as possible for a new owner relative to the interface to a town road. Mr. Oyen said she could understand requiring the access on drive #1 since that is being used today but drive #2 is out in the woods and is not being used and there are no plans to use it in the immediate future. Mr. Jeffreys asked why the sight distance improvements need to be made now for drive #2 if it is not being used? Mr. Kingman said when a subdivision is approved, the Board needs to determine what needs to be done as far as improvements and to make sure those items get done before the maps are signed. The problem is, the work may or may not get done at some point in the future if it is not done now. The applicant gets the work done now, the Chairman signs the maps, the maps get filed, and the lots are ready to go. Ms. Oyen said she thinks the improvements to the line of sight make sense to her but paving the aprons does not since one drive has been used since the 60's and the apron was never paved and the other drive will not be used at all any time soon. Mr. Kingman asked if the apron was being addressed in the maintenance agreements and Ms. Oyen said no but she would have no problem including it. Mr. Butler said the entranceway that is being used now is very stable. He suggested an option could be to knock the grade down so it would be ready for paving. Mr. Kingman said Mr. Butler's suggestion is get the access in such a shape so that when it comes time to pave, all that would be required is a little clean up. Mr. Jeffreys said he would agree to waive the requirement to pave the apron for drive #2 but since drive #1 is being used now and the requirement would be that as soon as someone builds off of drive #2 they would have to pave the apron, the apron to drive #1 should be paved now. It's true the drive has been there since the 60's but the property has been subdivided and that is the change that would require the paved apron. Mr. Jeffreys said to be consistent, require paving for drive #1 but waive the requirement for drive #2 until the property is developed. Ms. Oyen asked if the paving can be addressed in the maintenance agreements? Mr. Kingman said the maintenance agreement for drive #2 would need to state that whoever builds first does the paving of the apron but he agreed that drive #1 is being used now so that apron should be paved. Mr. Kingman read from the subdivision regulations that the Planning Board can waive that requirement

Mr. Kingman motioned that the apron for common drive #2 which provides access to Lot 3 and the lands of Mokotoff will be prepared in accordance with the Town Highway Superintendent's specifications and approval with the exception of the black top surfacing and that the maintenance agreement for common drive #2 will specify that the

first property owner to develop their property will be the person to provide the apron in conformance with the Town specifications in effect at that time. Mr. Jeffreys 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 Planning Board approve the second and last three month extension for the Oyen 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.

3. **Coon/Mancini Lot Line Adjustment** – Ronald Coon was present for this lot line adjustment of property located on Brooklyn Heights Road, tax grid number 6371-00-944773 owned by Ronald Coon and property located on Louise Terrace, tax grid number 6371-00-917763 owned by Andrew Walsh and Roxanne Mancini. Mr. Coon said when the foundation was poured for his house, the surveyor noticed that the house crosses over the property line and is partly on the Walsh/Mancini property so the line between the two lots needs to be changed. Mr. Kingman said when he was reviewing this, he noticed a small problem with the filed map. When the original maps were done by the surveyor, they did not allow for 300 feet at the building line in lot width for 917763, there is only 280 feet, so the lot line will need to be adjusted in such a way that the plans for the house on 917763 meets the required 300 feet at the building line. The map submitted for this application is a different scale than the previously approved subdivision map so it is hard to get a definite number. With the lot line adjustment, they have 210 feet at the building line. If they can't find a way to get this to 300 feet, then the proposed house will need to be moved and re-engineered. However, Mr. Kingman suggested to Mr. Coon a way to adjust the line to allow for the 300 feet and provide the necessary setbacks for Mr. Coon's house. The surveyor will also have to show the new location of the well and the septic on Mr. Coon's lot. Both lots will need to maintain the required 3 acres in lot area. Prior to the public hearing, the map will have to be redrawn showing the 300 feet lot width at the building line for 917763 and the required setbacks for 944773. The new map will need to be filed at the County Clerk's office.

Mr. Kingman motioned that the Planning Board set the date for the public hearing for the Coon lot line adjustment for the December 1st Planning Board meeting. Mr. Jeffreys 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 suggested to Mr. Coon that as soon as he gets the changes made to the map, he should submit a copy to the Planning Office and he will review it to head off any potential delays.

4. **Burton Kassell Lot Line Adjustment** - Richard Jones, P.E., was present for this lot line adjustment of property located on Indian Road and North Road, tax grid numbers 6572-00-741071 and 6571-00-691909, both lots owned by Burton Kassell. 691909 is improved with a dwelling and 741071 is vacant. Mr. Jones said Mr. Kassell has six children and he wants a place for them to stay when they visit. The original plan was to construct an accessory apartment but the structure ended up having five bedrooms, five bathrooms, and would require its own well and septic so an accessory apartment was not possible. Due to where he would like to place the house, a lot line adjustment is necessary so that the new house will be situated on the vacant parcel. Also as part of this application, they will bring the driveway to 691909 entirely on that parcel; at the present time, part of it runs through 741071. The original plan to gain access to the proposed structure was to use the existing driveway as a shared driveway but Mr. Butler said there is not enough sight distance at that location to use the existing access for more than a single family dwelling. To come in off of North Road would be very costly due to the length of the driveway. So, they decided to utilize an existing farm road off of Indian Road which will require an easement over 691909 as well as a maintenance agreement and an ODA. Mr. Butler has approved both the entrance off of North Road and the entrance off of Indian Road. Mr. Jones said there is an existing culvert pipe under the logging trail crossing the beaver pond. He has had the DEC up there and the wetlands by the beaver pond have been flagged and any disturbance will be more than 100 feet away. Mr. Kingman said due to the easement, this application will require the Town Board to approve an ODA which will require a Fire Department review. The Town Engineer will also have to inspect the proposed road. This will need to be circulated to the Town Board and to Glenn Butler, Highway Superintendent. The Clerk will coordinate a site visit for the Planning Board members and including Jay Paggi, Town Engineer.

Mr. Jeffreys motioned that the Planning Board set the date for the public hearing for the Kassell lot line adjustment for the December 1st Planning Board meeting. 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.

5. **Turkey Hill Two Lot Subdivision** – Pursuant to a letter received from Andrew Willingham, P.E., he is seeking the second three month extension for the Turkey Hill Subdivision of property located on Turkey Hill Road, tax grid number 6473-00-983432.

Mr. Kingman motioned that the Planning Board approve the second and last 90 day extension for the Turkey Hill Acres Subdivision. 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. This second extension will expire on February 26, 2011.

Discussion Items:

- Congratulations to Jim Jeffreys for winning the election to be part of the Board of Assessors.

- Chairman Goss motioned that the Planning Board appoint Lauren Kingman as Deputy Chair for the November 22nd workshop. 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.

- Mr. Kingman said Mr. Jeffreys becoming one of the assessors brings up a concern if he intends to remain on the Planning Board which Mr. Jeffreys said he did intend to do that. Mr. Kingman is concerned of any perception of potential bias. He said having been part of several lawsuits, the latest having to do with assessments, he wants to make sure that the Planning Board and the Town minimize as much as possible any liability. This is not intended to be a reflection on Mr. Jeffreys' integrity or bias, but it could be perceived as such. Mr. Kingman suggested two possible ways to handle this. One way could be a letter from Mr. Jeffreys that the Board would provide to every applicant explaining that he is a Planning Board member and an Assessor and that he would recuse himself from being part of any assessment of any property for three years after any approvals are granted. Mr. Jeffreys said his position is strictly that of a field assessor and he would not be setting values. The Chairman sets the value. All field assessors do is collect data; they do not make any value determinations on property. Field assessors can do research and background work but do not make any determinations. Ultimately, that is up to the Chairman. Field assessors do the ground work and the Chairman does the valuation.

Mr. Jeffreys said he did research this and there is no conflict or prohibition yet. He said he is not opposed to generating a letter but does not want to put up any flags by suggesting a conflict of interest that really does not exist. Mr. Kingman said he would just not want to be put in a position where an attorney may ask the question, did the Planning Board know one of its members was an assessor and why did you not let the applicant know this. Mr. Jeffreys said what you are suggesting then is a full disclosure? Mr. Kingman said it would be similar to what he does as a Winnakee Board member; he tells all Planning Board applicants who are considering putting property in an easement that he is a member of the Winnakee Board. Mr. Kingman suggested a letter that states Mr. Jeffreys is a Planning Board member and a field assessor. If Mr. Hobson agrees that Mr. Jeffreys will not be directly involved in making determinations, that should be fine, but at least with a letter, applicants are aware of the situation. Mr. Jeffreys said he will do some checking around on this.

Mr. Anagnos motioned to close the meeting at 8:55 p.m. Mr. Jeffreys 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 Monday, November 22nd and the next meeting is scheduled for Wednesday, December 1. 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