

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, DECEMBER 1, 2010

MEMBERS PRESENT:

Peter Goss, Chairman
Jeffrey Anagnos
William Fiederlein
James Jeffreys
Lauren Kingman
George Lawrence
Joan Wyant

MEMBERS ABSENT:

None

ALSO PRESENT:

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

Public Hearings:

- **Kassell Lot Line Adjustment** – Richard Jones, P.E., was present as the authorized representative for the applicant, Burton Kassell, for the public hearing for this lot line adjustment of two parcels of property located on Indian Road and North Road. Chairman Goss read the legal notice and opened the public hearing. Mr. and Mrs. DiSanza, 329 North Road, were present as well as Eric Hanson representing River Valley Builders LLC who owns several adjacent parcels. Mr. Jones explained that Mr. Kassell is adjusting the lot line between the two parcels so that he can build one additional house for his children to use and to bring the driveway to the existing dwelling wholly on that lot. The DiSanzas asked if there was going to be any additional building besides the one house and where the access would be. Mr. Jones said Mr. Kassell’s intention at this time is to build a house for his children to use and he pointed out the access to the existing logging trail which will be upgraded to Town standards. He added that the original entrance to the logging trail will be closed off. No one had any objections to the proposal.

Mr. Kingman recommended the Planning Board grant sketch endorsement for the Kassell Lot Line Adjustment application and all Board members agreed.

Mr. Kingman motioned that the Planning Board declare themselves lead agency for the Kassell Lot Line Adjustment 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.

Mr. Jeffreys motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Kassell lot line adjustment application to adjust the lot line between two properties owned by Burton Kassell located on Indian Road and North Road, tax grid numbers 6571-00-691909 and 6572-00-741071 located in the A5A zoning district; and

WHEREAS, a Short Environmental Assessment Form was submitted on October 13, 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 Kassell Lot Line Adjustment (Minor Subdivision).

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 motioned to close the public hearing. 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 that the Planning Board refer the Open Development Area application for this lot line adjustment to the Town Board with a positive recommendation for approval.

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

Mr. Kingman motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application of Burton Kassell for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on November 3, 2010 and a site plan prepared by Kirk Horton L.S. dated December 23, 2006 and last revised November 10, 2010 has been submitted for the requested lot line adjustment between two properties owned by Burton Kassell located in the A5A zoning district; and

WHEREAS, the proposed action is an adjustment of the boundary line between the two properties to allow a single family dwelling to be constructed on the vacant lot in the most desirable location and to bring the existing driveway to the existing dwelling on 691909 completely within the boundaries of the lot; and

WHEREAS, the Highway Superintendent has approved two driveway access locations for the proposed dwelling on 741071, one within the lot's own road frontage off of North Road and one off of Indian Road which would require an easement over 691909; and

WHEREAS, the applicant prefers the access off of Indian Road because there is an existing logging road there so there will be less disturbance and will not be as lengthy as a driveway off of North Road; and

WHEREAS, tax grid number 6571-00-691909 is currently 86.222 acres and will be 78.740 acres after the lot line adjustment and tax grid number 6572-00-741071 is currently 59.923 acres and will be 67.405 acres after the lot line adjustment; and

WHEREAS, a public hearing was held on December 1, 2010 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on December 1, 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:

- All conditions in the Town Engineer's letter of November 17, 2010 have been met
- Final approval of the driveway by the Highway Superintendent and Town Engineer
- Approval of the ODA by the Town Board (requires Fire Department recommendation and Town Attorney approval)
- Town Attorney approval of the Common Driveway Access Maintenance Agreement
- Dutchess County Board of Health permission to file is obtained
- Owner's consent to file block signed
- Payment of fees in the amount of \$193.59

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. Kingman motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Kassell lot line adjustment (minor subdivision) application of property located on Indian Road and North Road identified as tax parcels 6571-00-691909 and 6572-00-741071; 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 December 1, 2010; and

WHEREAS, a public hearing was opened and closed on December 1, 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 December 1, 2010.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board finds that the approval of the Kassell 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

Mr. Kingman told Mr. Jones, as had been discussed previously, they can do all of the work on the driveway and the excavation for the foundation prior to obtaining a building permit but anything beyond that required a building permit.

- **Coon/Mancini Lot Line Adjustment** – Mr. and Mrs. Ronald Coon were present for the public hearing for this lot line adjustment of property located on Brooklyn Heights Road and Louise Terrace. Chairman Goss read the legal notice. Mr. Coon submitted a new map which reflected what the Board requested at the last meeting, the 300 feet of lot width at the building line on lot 3C and the required setbacks for the house on lot 3B. The only information that needs to be added to the map are the grid numbers for lots 3B and 3C.

Mr. Jeffreys motioned to grant sketch endorsement for the Coon/Mancini Lot Line Adjustment application. Mr. Kingman 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. Jeffreys motioned that the Planning Board declare themselves lead agency for the Coon Lot Line Adjustment application. Mr. Anagnos seconded.

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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 Coon/Mancini lot line adjustment application to adjust the lot line between property owned by Ronald Coon, tax grid number 6371-00-944773 and Andrew Walsh/Roxanne Mancini, tax grid number 6371-00-917763 located in the A3A zoning district; and

WHEREAS, a Short Environmental Assessment Form was submitted on October 26, 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 Coon/Mancini Lot Line Adjustment (Minor Subdivision). 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. Jeffreys motioned to close the public hearing. Mr. 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. Kingman motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application of Ronald Coon for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on October 26, 2010 and a site plan prepared by John Decker L.S. dated October 19, 2010 and revised November 9, 2010 has been submitted for the requested lot line adjustment between two properties located on Brooklyn Heights Road, tax grid number 6371-00-944773 owned

by Ronald Coon (Lot 3B) and Louise Terrace, tax grid number 6371-00-917763 owned by Andrew Walsh and Roxanne Mancini (Lot 3C) located in the A3A zoning district; and

WHEREAS, the proposed action is an adjustment of the boundary line between Lot 3B and Lot 3C to provide the required setback areas for the dwelling on Lot 3B and to provide the required minimum lot width at the building line on Lot 3C ; and

WHEREAS, Lot 3B is improved with a single family dwelling, well and septic system and Lot 3C is vacant; and

WHEREAS, after the lot line adjustment acreage, both lots will meet the required 3 acre minimum in this zoning district; and

WHEREAS, a public hearing was held on December 1, 2010 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on December 1, 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:

- Grid numbers for Lots 3B and 3C need to be added to the map
- Dutchess County Board of Health permission to file is obtained
- Owner's consent to file block signed
- Payment of fees in the amount of \$209.32

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 motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Coon/Mancini lot line adjustment (minor subdivision) application of property located on Brooklyn Heights Road and Louise Terrace and identified as tax parcels 6371-00-944773 and 6371-00-917763; 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 December 1, 2010; and

WHEREAS, a public hearing was opened and closed on December 1, 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 December 1, 2010.

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

Ms. Wyant seconded.

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. Jeffreys motioned to approve the minutes of November 3, 2010 as amended. 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

Applications:

- **Oyen Three Lot Subdivision:** Maggie Oyen was present to discuss the conditions of the final approval for the Oyen three lot subdivision. Ms. Oyen has appeared at the November meeting to discuss condition no. 1 which states the access for CD 1 and CD 2 must be fully completed to the satisfaction of the Highway Superintendent prior to the Chairman signing the final subdivision map. At that time, Ms. Oyen had said she could understand doing the sight work as that is a safety issue but did not want to put the blacktop apron down for CD 2 as there is no driveway there and they have no intention of building there anytime soon. They have problems with four wheelers going onto the property and she is afraid a black topped apron will call attention to the area. At the November meeting, the Board agreed that the apron for CD 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 CD 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. Ms Oyen decided to come back to address the Board regarding that same issue at this meeting. She said she does not think she should have to improve a driveway that does not exist. She said her understanding of a non-realty subdivision is that you have to show the engineering of a driveway and what needs to be done to make this a buildable lot but not actually do the work. She asked why should she be required to go deeper into the earth to achieve a 300 foot line of sight for a driveway that does not exist? Mr. Kingman said the Planning Board can't approve a non-buildable lot. The Subdivision Regulations state the requirements a lot must conform to. Mr. Jeffreys said the Planning Board can't create a non-conforming lot. You are splitting your property and making this lot a potential building lot. Ms. Oyen said the lot has had this easement since the 60's. Mr. Jeffreys said the Planning Board has to make this lot as conforming as possible, even if it were non-conforming in some way prior to this action. Ms. Oyen said she does not want to develop the lot any time in the foreseeable future. The lots have been engineered. Mr. Lawrence said the Board has to consider this as a buildable lot. Ms. Oyen said she just spent \$1,000 to excavate for sight distance and according to Mr. Butler, it is not adequate and they have to go deeper into the woods by 12 feet. Mr. Anagnos said this is part of the subdivision process; getting the required sight distance is necessary if you want to subdivide. Mr. Kingman said the Planning Board cannot create a lot that can't be built on. The Board agreed that the motion that was made at the November 3, 2010 meeting stands as the requirements for CD 2. Ms. Oyen said as far as CD 1, her neighbor, Mr. Raelson, has made an offer on the 8 acre parcel to provide a buffer area for him. He already has a driveway and if he ever developed the 8 acres, would use his driveway for access. She would prefer not to have a shared driveway to lots 1 and 2. Mr. Kingman said the subdivision has been conditionally approved based on the existing subdivision map. If the situation were to change and a new owner of the 8 acres wanted to come in and show engineered plans on how he would gain access to the 8 acres over his existing driveway, the Board could consider those plans. She asked what else was outstanding regarding her conditional final approval. The Clerk will review the Town Engineer's letter and get back to Ms. Oyen.

- Glucksman Two Lot Subdivision Request for Extension:

Mr. Jeffreys motioned to grant the first 90 day extension to the Glucksman Subdivision pursuant to the letter submitted by Marie Welch dated November 29, 2010 requesting this extension. This 90 day extension will expire on April 3, 2011. 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

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Mr. Anagnos motioned to adjourn at 8:00 p.m. Mr. Jeffrey seconded.

Peter Goss, Chairman	Aye	Lauren Kingman	Aye
Jeffrey Anagnos	Aye	George Lawrence	Aye
William Fiederlein	Aye	Joan Wyant	Aye
James Jeffrey	Aye		

Motion carried 7-0

There is no workshop scheduled in December. The next regular meeting will be held on Wednesday, January 5, 2011 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board