

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, MARCH 2, 2011

MEMBERS PRESENT:

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

MEMBERS ABSENT:

George Lawrence

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

Public Hearings:

- **Nolan/Town of Milan Lot Line Adjustment:** Joseph Paggi, Town Engineer, was present on behalf of the applicants for the public hearing for the lot line adjustment between property owned by Misti Nolan, 924 Salisbury Turnpike, tax grid number 6571-00-117158 and property owned by the Town of Milan as part of the easement area along the Salisbury Turnpike Bridge. The property is located in the A3A zoning district. There were several members of the public present so Mr. Paggi explained the proposal. He said the existing bridge encroaches on private property to the south and north. Since the Town is replacing the bridge, they decided the replacement would be a good opportunity to place the bridge entirely within property owned by the Town and also to move the bridge further to the east to straighten out the stream and smooth out the curve. All of that work could not be done within the existing right of way and we determined we needed a small piece of private property on the south side of the road, 0.022 acres, about 100 feet long and 9 feet deep. The property the Town is acquiring from Ms. Nolan is at the extreme opposite end of the developed portion of the property. Ms. Nolan's parcel is just over 5 acres. Also, to start this project, we need a permit from the New York State DEC because this is a protected stream, and we received the permit last week. We have final sign off from the Town Attorney that we have all of the legal documents. Once this subdivision (lot line adjustment) is filed, then the package will be complete. One property owner asked Mr. Paggi about the schedule of work. Mr. Paggi said the anticipated schedule is to go out to bid in April, open the bids before the May Town Board meeting, award the bid at the May Town Board meeting, and then start construction the third week in June. Since the road will be closed for the duration of the replacement, we wanted to do the work when school is out of session for the summer. Per the contract, the road will be open by Labor Day and if it is not, a penalty will be assessed. Also, it is good practice to be out of the stream by the fall. There may still be some restoration work to be done come fall, but the road will be open. There was a question from the property owner on the north side where the existing bridge encroaches now regarding the placement of the new bridge. Mr. Paggi said the old bridge will be removed from the site and the new bridge will be totally on Town property; it will no longer encroach on the property to the north. In response to a couple of other questions,

Mr. Paggi said we will keep everyone posted as to when we are going to remove the bridge and close the road. We will be there on a daily basis. He said we will leave every driveway on the west side open from Field Road and every driveway on Warren Road coming in from Route 199. We will be applying to the NYS DOT to place a sign on Route 199 coming west. There were no questions or comments from Board members.

Mr. Anagnos motioned that the Town of Milan Planning Board declare themselves lead agency for this unlisted action. Ms. Wyant seconded.

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

Motion carried 6-0.

Mr. Kingman motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the lot line adjustment application of the Town of Milan between two properties located at 924 Salisbury Turnpike, tax grid number 6571-00-117158 (Nolan) in the A3A Zoning District and the easement area along the Salisbury Turnpike Bridge; and

WHEREAS, a Short Environmental Assessment Form was submitted on January 20, 2011; 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 Town of Milan/Nolan Lot Line Adjustment (Minor Subdivision). Seconded by Mr. Fiederlein.

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

Motion carried 6-0.

Mr. Kingman motioned that the Planning Board close the public hearing. Mr. Fiederlein seconded.

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

Motion carried 6-0.

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

WHEREAS, an application packet was submitted to the Planning Office on January 20, 2011 and a site plan prepared by Paggi, Martin, and DelBene dated January 14, 2011 has been submitted for the requested lot line adjustment between the lands of Nolan located at 924 Salisbury Turnpike, 5.07 acres, tax grid number 6571-00-117158 in the A3A Zoning District and the easement area along the Salisbury Turnpike Bridge; and

WHEREAS, the proposed action will convey 0.022 acres from the lands of Nolan to the Town of Milan; and

WHEREAS, the Nolan parcel is improved with a single family dwelling, well and septic system and this action is taking place approximately 975 feet away from the dwelling; and

WHEREAS, this action will bring the Salisbury Turnpike Bridge totally onto Town property; and

WHEREAS, the Proposed Lot 2, as shown on the map, is to be transferred to the Town of Milan to become part of the Salisbury Turnpike Road right-of-way and is not a 'build-able' lot. Lot 2 has a total area of +/- 974 square feet or 0.022 acres; and

WHEREAS, the Town of Milan is acquiring this 0.22 acres to become part of the right-of-way, this is not an easement; and

WHEREAS, a public hearing was held on March 2, 2011 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on March 2, 2011.

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
- Owner's consent to file block signed

Seconded by Mr. Anagnos.

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

Motion carried 6-0.

Mr. Fiederlein motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Town of Milan/Nolan lot line adjustment (minor subdivision) application of property located on Salisbury Turnpike and identified as 6571-00-117158 (Nolan) and the easement area of the Salisbury Turnpike Bridge; 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 March 2, 2011; and

WHEREAS, a public hearing was opened and closed on March 2, 2011; 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 March 2, 2011.

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

Seconded by Mr. Jeffreys.

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

Motion carried 6-0.

Administrative Items:

- Approval of Minutes: Mr. Jeffreys motioned to approve the minutes of February 9, 2011, Ms. Wyant seconded.

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

Motion carried 6-0.

- Correspondence:

- A letter was received from Morris Associated dated February 28, 2011 announcing a new planner, Liz Axelson, and provided her resume.

- The Notice of Completion of Final Generic EIS dated February 23, 2011 was received from the Town of Red Hook regarding proposed adoption of amendments to their codes and comprehensive plan.

Applications:

1. **Cross Country Subdivision Request for Extension:** The Board made the following motion:

Mr. Kingman motioned that the Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board grants the second requested 90 day extension to the Cross Country Subdivision as per a memo received from Mark Graminski, P.E. & L.S. dated February 23, 2011. This extension will expire on **May 30, 2011**. Ms. Wyant seconded.

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

Motion carried 6-0

2. **Oyen Subdivision:** - The Driveway Easement and Maintenance Agreement for Common Drive Number 2 is one of the outstanding conditions of approval for the Oyen Subdivision. There have been several drafts going back and forth between John Greco, Town Attorney, and Peter Klose, the Oyen’s Attorney. Mr. Greco had several problems with the latest draft of this agreement and suggested the Planning Board take a look at it to see if it meets their requirements and if not, what needs to be adjusted. Mr. Kingman put together a list of what he thought would be the minimum requirements as well as some suggested changes so he reviewed the list with the Board. Until there is a second residence, this is just a private drive. From the Planning Board perspective, this list (in the file) would be the minimum we would require from the agreement. As far as the agreement itself, Mr. Kingman thought a “whereas” which spells out the foundation for what follows should be included which establishes Mr. Mokotoff’s adjacent lot and the existing easement. Mr. Mokotoff has an existing access easement but there is not an existing maintenance agreement. Mr. Jeffreys asked if this can’t be simplified, and Mr. Kingman said it can be simplified but that is not up to us to do that. Ms. Oyen, who was present, said she would like to get rid of everything except the whereas’s and then include those four items the Planning Board needs. Mr. Kingman said there should be a paragraph that clearly states that the owner of lot 3 is the sole arbitrator of the quality of the maintenance. Ms. Oyen said she wants to make sure it is clear that if the owner of the Mokotoff lot wants to improve his lot, the owner of Lot 3 will not be responsible to build his driveway. Mr. Kingman said also, the common drive is existing. Glenn Butler, Highway Superintendent and Jay Paggi, Town Engineer, walked the driveway. Mr. Paggi said the length of the common drive is fine as it stands and it does not need

regrading or additional item 4. As such, you probably want to avoid the use of an “unimproved” driveway which implies it will need to be improved. The only areas that need improvement are the accessway and the pull off. Common Drive #2 is an existing drive. The agreement should also convey that in the event the owner of lot 3 chooses to build a home and use that driveway, then the owner of lot 3 shall be responsible for the care and maintenance of that driveway. Mr. Kingman said there is a driveway there now that requires two improvements: the access and the pull off. As far as this board is concerned, when a building permit is issued for either lot 3 or the Mokotoff lot, those two items will be taken care of prior to the issuance of a Certificate of Occupancy. It should be clear in the agreement that the first property owner to develop their property will be the person to provide the apron and pull off in conformance with the Town specifications in effect at that time. Mr. Kingman suggested that there be some leverage included to induce the owner of the Mokotoff lot to enter into a new agreement to share the cost of the maintenance of the common drive should that lot be improved such as a paragraph that states the maintenance will be at the sole discretion of the owner of lot 3 unless this agreement is amended with the owner of the Mokotoff lot.

These comments will be forwarded to Mr. Greco. Mr. Jeffreys said it should also be added into the agreement that a driveway permit will be required to commence construction.

2. **Coon Subdivision:** The Coon/Mancini lot line adjustment was approved at the December 1, 2010 Planning Board meeting. One of the conditions of final approval was Board of Health permission to file. In a letter dated February 22, 2011 from the Board of Health, they will not approve the applicant’s plans until the surveyor’s sealed map matches the engineering plan property lines. Mr. Coon was present and explained that the surveyor had to slightly adjust the line between Lot 3C which is owned by his sister, and his lot, Lot 3B, because the lot line was too close to the proposed SDS location on Lot 3C. The acreage for both lots remains the same. The Board agreed this minor adjustment would only require a revision to the final motion to reflect the latest map showing the adjustment.

Mr. Kingman motioned that the Planning Board amend the Conditional Final Approval that was granted at the December 1, 2010 Planning Board meeting to reflect the approval be based on the map entitled “Lot Line Revision, Lots 3B & 3C – Filed Map #5948B prepared by John H. Decker, L.S. dated October 19, 2010 and last revised on March 1, 2011. Mr. Anagnos seconded.

Peter Goss, Chairman	Aye	Lauren Kingman	Aye
Jeffrey Anagnos	Aye	George Lawrence	Absent
William Fiederlein	Aye	Joan Wyant	Aye
James Jeffreys	Aye	Motion carried 6-0.	

Discussion:

1. Mr. Jeffreys said he had a conversation with Joe and Margaret Licitra who own an improved lot on Route 199 and are trying to sell it. There is a right of way called Van Wey Lane that cuts through the back corner of their lot which provides access to Charles and Margaret Coons' property. The Licitras would like to get that right of way off of their property by conveying it to the Coons. Is that possible to do? Mr. Kingman said the easiest thing is for the Licitras to grant an easement to the Coons, only that corner of the property. A second option would be to do a lot line adjustment but they would have to be able to do a land hook over the paper road in between the two properties. Mr. Kingman said based on what we did previously with the Mancini subdivision, a lot line adjustment with a land hook could probably be done but an escrow account would have to be established by the applicant for town attorney review.

Mr. Anagnos motioned to adjourn the meeting at 8:15 p.m. Mr. Jeffreys seconded.

Peter Goss, Chairman	Aye	Lauren Kingman	Aye
Jeffrey Anagnos	Aye	George Lawrence	Absent
William Fiederlein	Aye	Joan Wyant	Aye
James Jeffreys	Aye	Motion carried 6-0.	

The next workshop is scheduled for Thursday, March 31st and the next meeting is scheduled for Wednesday, April 6. 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