

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, APRIL 6, 2011

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

Chairman Goss opened the meeting at 7:00 p.m. There were no public hearings scheduled.

Applications:

1. **Jacoby/Mazoh Lot Line Adjustment** – John Marvin, Attorney for the applicant, was present to present this lot line adjustment between two properties located at 465 Field Road, tax grid number 6470-00-975782 owned by Leland Jacoby Family LLC and at 17-19 Pink Lane, tax grid number 6470-00-975423 owned by Stephen Mazoh. Mr. Marvin said Jacoby is conveying 5.7 acres to Mazoh to preserve the view shed at the top of the hill. Both lots are improved with dwellings and accessory structures but this land conveyance is far away from the improvements. This area is just open fields. Mr. Kingman said the developed areas need to be delineated on the map to indicate that the lots are residential sites, not vacant land; they don't have to survey the area, just draw in a building envelope encompassing the general area of development.

The Planning Board agreed this application meets the requirements of sketch plan endorsement.

Mr. Jeffreys motioned to set the public hearing for the Jacoby/Mazoh Lot Line Adjustment for the May 4, 2011 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.

2. **Glucksman Subdivision** – Per a request by Marie Welch, L. S., the Board made the following motion: Mr. Kingman motioned to grant the second and last 90 day extension to the Glucksman Subdivision pursuant to the letter submitted by Marie Welch dated March 31, 2011 requesting this extension. This 90 day extension will expire on July 2, 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
All aye 7-0.

Discussion Items:

- **North Road Treasures Auctions:** Mrs. Johnson appeared on behalf of her husband, Don, who would like to run a small general merchandise auction on their property at 26 North Road in the Hamlet Zoning District. The property has an existing 36 x 36 steel structure on it which is the only building on the property. They would use this building for the auctions. Mrs. Johnson said there is adequate parking so no one would have to park on North Road. She thought they could comfortably fit 35 people. She is before the Board to find out what needs to be done so they can get site plan approval for the auctions. They have completed the application papers and submitted a proposal. They are proposing to run an auction every other Saturday. Mr. Jeffreys said because an auction is not defined in the zoning code and is not listed in the Schedule of Uses, it is not a permitted use. Mr. Kingman agreed. Mrs. Johnson said someone suggested listing it as a miscellaneous business service but Mr. Kingman said, after reading the definition of that use, that he did not think an auction would fit that definition. That use seems to have to do with companies who's main line of business have to do with servicing other businesses such as advertising and mailing, building maintenance, protective services, etc. Mr. Fiederlein said there was an auction business on North Road at one time, probably during the 60s or 70s. Mrs. Johnson agreed and said the building that housed that auction is two houses past our garage. Ms. Wyant suggested seeing if this use would fit under miscellaneous retail store. Mr. Kingman said if there is a question about the use, the appropriate action for this Board would be to refer this proposal to the Zoning Board of Appeals for an interpretation as to whether or not this use fits into a category in the Schedule of Use Regulations and if they determine it does, the applicant would then come back before the Planning Board for site plan approval.

Mr. Kingman motioned that the Planning Board refer North Road Treasures Auctions to the Zoning Board of Appeals for an interpretation as to whether or not this use fits under a category in Table A, Schedule of Use Regulations. 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.

Return to Applications: (Mr. Smith just arrived.)

- **A.C. Smith & Son:** Arthur Smith, Jr. appeared before the Board regarding his site plan application that had been before the Board several years ago but was never completed. Mr. Smith is proposing to erect a 60 x 80 steel frame building on property located on Route 199 and Milan Hollow Road, tax grid number 6471-00-880425 to be used as an office building and to store and maintain vehicles. He is back before the Board to finish the process. Mr. Smith said nothing has changed so they have re-submitted the same application materials as before with the addition of a letter from the DEC Division of Fish, Wildlife & Marine Resources dated November 2, 2004. Mr. Jeffreys said there seems to be an issue with the proximity to the wetlands and a Blandings Turtle habitat which was discovered about a half mile away from the site. Mr. Kingman asked Mr. Smith if he has an engineer involved and Mr. Smith said his engineer is William Povall who was involved before. They had an environmental study done by Michael Nowicki in 2007. Mr. Smith does not have a copy of that study so will need to get a copy from Mr. Nowicki. Mr. Nowicki delineated the wetlands as well. Mr. Kingman said the wetland delineation will have to be validated by the DEC. Mr. Kingman provided a project overview for the benefit of the new Planning Board members. He said the site has a number of things in its favor, such as it is well off the road, there is a thick buffer of trees so that even in leaf off conditions, it is fairly well screened, the facility that Mr. Smith wants to establish would be purely for maintenance work and the storage of vehicles and an office, there will be no major work or storing of hazardous materials. However, there are several items that will need to be addressed which is why he wanted to know if there was an engineer involved. There are the DEC wetlands, even though the proposed use is located outside the buffer zone of the wetland, there is the Blandings Turtle habitat in the vicinity which will be considered by the DEC, and this is the headwaters of the Wappingers Creek watershed. There is also a new Federal ruling which requires the DEC to include in their review a sign off from SHPO (Office of Parks, Recreation and Historic Preservation). According to the SHPO map, this site is about a half mile or a little more away from one of the archeological sites. That should not be a problem but we would encourage your engineer to be proactive and contact SHPO directly as it is much better to know about any problems early in the process. Mr. Jeffreys said there is 153 feet between their proposal and the wetland buffer; that should be plenty of buffer. Mr. Kingman said when we ended the review the last time, the applicant was in the process of getting the wetlands delineated. That is now done. The key will be to get SEQRA taken care of and primary to SEQRA will be getting the DEC wetland stamp which will validate Mr. Nowicki's flagging. Once that is taken care of, the Board can proceed with the basic site plan items.

Discussion Items:

Mr. Lawrence said he just wanted to discuss with the Board the problems he had getting a driveway approval from the Dutchess County Department of Public Works. He said it took him 14 months to get an active, existing driveway access approved that had been used for the past 50 years. He said he ended up having to do a topo map and spend thousands of dollars as well as over a year's worth of time for an approval that did not even involve asking for a new curb cut. He said he just wanted the Board aware of how difficult and time consuming and expensive it can be to meet the requirements of outside agencies.

Mr. Anagnos motioned to adjourn the meeting at 7:45 p.m. 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.

The next workshop is scheduled for Thursday, April 28th and the next meeting is scheduled for Wednesday, May 4th. 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