

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, FEBRUARY 1, 2012

MEMBERS PRESENT:

Peter Goss, Chairman
William Fiederlein
James Jeffreys
Kim Koehler
Joan Wyant

MEMBERS ABSENT:

Jeffrey Anagnos
George Lawrence

Chairman Goss opened the meeting at 7:01 p.m.

Administrative Items:

- Minutes of January 4, 2012 – Mr. Jeffreys motioned to approve the minutes of January 4, 2012 as presented. Ms. Wyant seconded.

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| Peter Goss, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Absent | George Lawrence | Absent |
| William Fiederlein | Aye | Joan Wyant | Aye |
| James Jeffreys | Aye | | |

Motion carried 5-0

Discussion Items:

- **North Road Treasures Auctions** – Ann Marie Johnson appeared on behalf of Don Johnson regarding their site plan approval of property located at 26 North Road, tax grid number 6571-00-957459 to allow auctions to be held every other Saturday May through September. The Johnsons would like to amend that site plan approval to allow the auctions to be held April 1st through October 31st. Mr. Jeffreys said since no complaints have been lodged against this use, he would support extending the time frame. The Board did not think another public hearing would be necessary since this is a minor change to the site plan approval.

Mr. Jeffreys motioned to amend the site plan approval for North Road Treasures Auctions located at 26 North Road, tax grid number 6571-00-957459 that was granted on August 3, 2011 allowing the auctions to be held every other Saturday May through September to now allow the auctions to be held every other Saturday from April 1st through October 31st. Ms. Wyant seconded.

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| Peter Goss, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Absent | George Lawrence | Absent |
| William Fiederlein | Aye | Joan Wyant | Aye |
| James Jeffreys | Aye | | |

Motion carried 5-0

- **Enigma Site Plan** – George Carrothers appeared before the Board to discuss the outstanding conditions of his site plan approval for Enigma located on Route 199, tax grid number 6471-00-935427. Mr. Jeffreys asked Mr. Carrothers about the sprinkler situation. Mr. Carrothers said we are in a serious recession in America and it makes no business sense to put in a sprinkler system which would cost around \$100,000 and would require a 10 to 12,000 gallon water tank which would be a forced system requiring a backup generator. Mr. Carrothers said he has gotten bids from various people and all were in excess of \$80,000. Mr. Carrothers said he has a letter from Tim Ross, P.E., stating a sprinkler system is not necessary under the NYS Building Code. However, that letter was rejected. He said he has had a meeting with Steve Cole, Milan Building Inspector, and he has now decided to apply for a variance to the NYS Fire Underwriters for a variance from the sprinkler system requirement. Mr. Jeffreys said he thought the sprinkler system requirement was based on occupancy; that if 100 or more people can occupy the building, the sprinklers are required. Mr. Carrothers said it's more than just that. If the maximum occupancy is under 99 people, a sprinkler system is not required under the fire code. The occupancy is based on square footage. Because the building is 5,600 square feet, based on the square footage, it requires a sprinkler system unless a variance is granted. Mr. Jeffreys said so irrespective of the body count inside the building, based on square footage, the NYS building code requires a sprinkler. Mr. Carrothers said yes which is why he is applying for a variance; variances are why you see many places in excess of 100 people with no sprinkler system, some of them with only two exits out of the building. Mr. Carrothers said his building has four exits in the dance hall plus five 4x6 windows in the dance floor area, plus an exit out of the bar and an exit out of the kitchen. He said it is a safe building; most of it is concrete with the framework and dance floor being wood. Mr. Carrothers said the bottom line is that Steve (Cole) said he would support a variance for the building. When asked about the trailer on the property, Mr. Carrothers said the trailer is grandfathered in, put there in 1971, and he collects rents from it. The government has no right to tell him he has to remove it. Chairman Goss said the condition put on the variance that was granted in 2006 expired on October 26, 2011 with regards to the trailer. Mr. Carrothers said town government said all trailers had to be removed which is illegal. This trailer has a skirt around it which is required. Mr. Carrothers said he did propose to the Town that he remove the trailer and build a house with a two bay garage, which would accomplish the removal of the trailer and provide an income producing structure for him. He was told he would have to subdivide to do that. Mr. Carrothers said subdividing doesn't make any sense. He could subdivide this lot into three lots. He would then have five pieces of property along 199 which would have the potential for a strip development. He said the Town does not want this. Mr. Jeffreys asked Mr. Carrothers if he was granted the variance which would resolve the sprinkler issue, where would he stand then. Mr. Carrothers said the DOT is requiring curbing which is the

Planning Board's fault since they asked for DOT approval. He said he does not feel curbing is appropriate in this case. There is no curbing between here and Pine Plains except at the country store where there is poor drainage and poor sight distance. G&S was also forced to put curbing in. Mr. Jeffreys said that was a safety issue; we wanted to make sure the propane trucks would pull all the way onto the G&S property, not just pull off the road and park. Mr. Carrothers said if you look at all the commercial properties in Milan, there is no curbing anywhere. The curbing is a requirement of the Planning Board, not the DOT. Mr. Carrothers said it is a hazard and he is asking the Planning Board to remove that requirement. He said he has a driveway permit onto Morehouse Lane which was granted by the Town of Milan Highway Superintendent which allows egress and ingress off of Morehouse. The sign is done. Mr. Carrothers said he has had the Board of Health out to the site and they have inspected. They are requiring an ultra-violet water purification system. However, he does not have a kitchen so will not need a grey water system. When asked about the adequacy of the existing septic system, Mr. Carrothers said when the nursery was there, the owner put in a 1200 gallon tank with a leach field which is working fine. When asked about the increased usage from a nursery to bar/tavern, Mr. Carrothers said it is a greater use for a shorter period of time, i.e. four hour events, so it is not necessarily a greater usage. Chairman Goss said one of the conditions of site plan approval is a letter of approval from the Board of Health. Mr. Carrothers said the big issue he has is how much money does one throw at a project that has a questionable return. He feels the building is a definite asset to the community and either the Town works with him or the property will be sold and will become a strip mall. He said he will be submitting the variance application this week. Ms. Wyant said the sprinkler system is state mandated even if it is a hardship. Mr. Jeffreys said your site plan approval has expired so you need to submit a new application and come back with your site plan. Mr. Carrothers suggested that this be considered a brand new application and that nothing from the old application have any bearing on this new one. Mr. Jeffreys said the Board has done a lot of work on this application with regards to signage, the building, drainage, etc. That work needs to be considered in this re-application. Mr. Carrothers needs to come back to the Board with a new application, an updated site plan, and his request for a waiver for the curbing. He still needs to resolve the sprinkler system and will need approval letters from the DOT and the Board of Health. The Board agreed a new public hearing will probably not be required.

There was no action taken at this meeting.

- **Glucksman Subdivision** – A memo was received from Welch Surveying requesting a 90 day extension for the Glucksman subdivision to complete the conditions of final approval. Their current approval expires on March 4th.

Mr. Jeffreys motioned that the Planning Board approve a 90 day extension for the Glucksman Subdivision located on Academy Hill Road, tax grid number 6572-00-081196, to allow for the completion of the conditions not yet finished. Ms. Wyant seconded.

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| Peter Goss, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Absent | George Lawrence | Absent |
| William Fiederlein | Aye | Joan Wyant | Aye |
| James Jeffreys | Aye | | |

Motion carried 5-0.

This extension will expire on June 1, 2012.

- **Proposed Zoning Changes** – The Board reviewed the list of proposed changes to the zoning code that the building inspector put together. Ms. Wyant said she would like to see restrictions on clear cutting of property and Mr. Fiederlein said he would like to see something added which would allow the highway superintendent to make the determination on sight distance on town roads. Mr. Jeffreys added that a table showing the requirements for sight distance for different speeds would be helpful, something that provides the criteria that the sight distance requirement is based on.

Mr. Jeffreys motioned to adjourn the meeting at 8:05 p.m. Ms. Wyant seconded.

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| Peter Goss, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Absent | George Lawrence | Absent |
| William Fiederlein | Aye | Joan Wyant | Aye |
| James Jeffreys | Aye | | |

Motion carried 5-0.

The next workshop is scheduled for Thursday, March 1, 2012 and the next meeting is scheduled for Wednesday, March 7, 2012. 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