

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, FEBRUARY 12, 2014

MEMBERS PRESENT:

Joan Wyant, Chairman
Jeffrey Anagnos
Kim Godfrey
James Jeffrey
John Mautone
Radford West

MEMBERS ABSENT:

Nathaniel Charny

ALSO PRESENT:

Jack Campisi, Town Board Liaison

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

Public Hearings:

1. **Munsch Two Lot Subdivision:** Chairman Wyant motioned that the Planning Board adjourn the continuation of the public hearing for the Munsch two lot subdivision as requested in an email by the applicant's authorized representative, Mark Graminski, P.E./L.S., to the Planning Board dated March 5, 2013. Mr. West seconded.

Chairman Wyant	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Aye

Motion carried 5-0

2. **Barrett Two Lot Subdivision:** Chairman Wyant motioned that the Planning Board adjourn the continuation of the public hearing for the Barrett Two Lot Subdivision to the March 5, 2014 Planning Board meeting as per an email from Rebecca Barrett dated February 2, 2014. Ms. Godfrey seconded.

Chairman Wyant	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

3. **Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless Special Use Permit/Site Plan Approval:** Chairman Wyant motioned that the Planning Board adjourn the continuation of the public hearing for Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless to the March 5, 2014 Planning Board meeting as per an email from Scott Olson dated January 27, 2014. Mr. West seconded.

Chairman Wyant	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

- 4. South Road Farms, LLC Two Lot Subdivision:** Mark Graminski, P.E./L.S. appeared as the authorized representative regarding the proposed two lot subdivision of property located at 148 South Road, tax grid number 6570-00-911934 located in the A3A zoning district. Chairman Wyant read the legal notice that was posted in the paper and sent to neighboring landowners for the public hearing. Mr. Graminski said the purpose of this application is to create a 10 acre parcel from a 91.25 acre parcel located on the south side of South Road which is a county highway. The new lot will be Lot 2, 10.00 acres, for a new single family residence for a family member. Lot 1 will be 81.25 acres and has an existing residence. Access for Lot 1 is existing off of South Road. They are proposing to convert the existing driveway to a common driveway for a distance off of South Road before it splits off into an individual driveway to Lot 2 as shown on the presented plans. The road will have to be updated to town standards for a common drive and the Dutchess County Department of Public Works (DPW) needs to approve this access as a common access. The roadway surface will have to be widened and the plans detail that. Lot 2 will be developed with a single family residence, an on-site water supply and a septic system. Mr. Graminski has also submitted sheets 4 and 5 which detail the profiles and sight lines as required by the DPW regarding the access. To the north, sight distance is wide open and to the south, it drops down. Mr. Graminski said he has attempted to get sign off from Bill Trifilo, the DPW engineer for the east side of the Taconic. Mr. Trifilo told him he would try to have something for him next week. He has a verbal approval but needs either a letter or an application for an entrance permit to be executed. Mr. Graminski said he would like to be able to file the subdivision with Board of Health approval but it is not required as both lots are over five acres. He would need permission to file from the Health Department. Due to the common drive, this application will also require an ODA which is approved by the Town Board. This process has not been started yet but Mr. Graminski submitted the paperwork for the ODA. The Board agreed to adjourn the public hearing for this application to the March 5th meeting pending receipt of a document from the DPW and the ODA.

Chairman Wyant motioned that the Planning Board adjourn the continuation of the public hearing for the South Road Farms proposed two lot subdivision of property located on South Road, tax grid number 6570-00-911934 to the March 5, 2014 Planning Board meeting as conceptual approval for the access from the Dutchess County Department of Public Works is pending as well as approval of the Open Development Area. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

- 5. Trudell Two Lot Subdivision/Lot Line Adjustment:** Brian Trudell appeared for the public hearing for his proposed two lot subdivision and lot line adjustment of property located on Brooklyn Heights Road, tax grid numbers 6371-00-880388

and 6371-00-870388 located in the A3A zoning district. This action proposes to subdivide 880388 into two lots, Lot 1 will be 3.37 acres and has the existing residence, Lot 2 will be 3.13 acres and has Board of Health approval and an approved house location. Lot 2 will gain access via an easement over Lot 1. This action also proposes to convey 0.321 acres from 880388 to 870388 which will make this lot less non-conforming. Chairman Wyant read the public hearing notice which was published in the paper and sent to neighboring landowners and opened the public hearing. Eleanor Aimone who lives across the street went up to look at the map to get a better idea of the proposal. She said she thinks this is an improvement and had no objections.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Trudell Two Lot Subdivision/Lot Line Adjustment application. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

The Board completed the Short Environmental Assessment Form.

Chairman Wyant motioned that the Planning Board declare a Negative Declaration for the Trudell Two Lot Subdivision/Lot Line Adjustment as per Section 617.7 of the State Environmental Quality Review Act. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Chairman Wyant motioned to close the public hearing. Mr. Anagnos seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Chairman Wyant motioned that the Town of Milan Planning Board approves the following resolution: BE IT RESOLVED, the Planning Board approves the following resolution to grant conditional final approval to the Trudell two lot subdivision/lot line adjustment:

WHEREAS, a formal application for the approval of a two lot subdivision/lot line adjustment was submitted to the Town of Milan Planning Board on September 3, 2013; and

WHEREAS, this property is located on Brooklyn Heights Road in the A3A Zoning District and is identified as tax grid number 6371-00-880388 consisting of 6.73 acres and 6371-00-870388 consisting of 0.321 acres;

WHEREAS, there is currently a single family residence with access off of Brooklyn Heights Road on 880388 and 870388; and

WHEREAS, this approval is based on a subdivision/boundary line adjustment map prepared by Richard Hanback, L.S. dated August 14, 2013 and last revised January 20, 2014; and

WHEREAS, this subdivision application proposes to subdivide 880388 into two lots, Lot 1 with the existing residence to be 3.37 acres and Lot 2, a vacant lot, to be 3.13 acres; and

WHEREAS, this lot line application proposes to convey 0.227 acres from 880388 to 870388, increasing the acreage in the pre-existing, non-conforming lot (870388) to 0.548, making this lot less-non-conforming; and

WHEREAS, Lot 2 will gain access off of Brooklyn Heights Road by an easement over Lot 1 and an ODA, which included a review by Milan Fire-Rescue, was approved by the Town of Milan Town Board on January 20, 2014 for this access; and

WHEREAS, Lot 1 currently has its own access off of Brooklyn Heights Road on the southerly portion of Lot 1. If at any time the access to the existing or future dwelling on Lot 1 is relocated to the common drive, the new driveway will require fire department approval and the existing southerly access must be closed; and

WHEREAS, a site visit was held on September 26, 2013; and

WHEREAS, this application received sketch plan endorsement on October 2, 2013; and

WHEREAS, a public hearing was held for this proposal on February 12, 2014 at which time there were no objections raised; and

WHEREAS, Lot 2 has Board of Health approval which was granted on September 23, 2009 and has an approved house, well, septic and expansion area; and

WHEREAS, if the proposed house or driveway locations are changed from the final approved subdivision map, the property owner must obtain site plan approval from the Planning Board; and

WHEREAS, the Board, after considering the impacts that could reasonably be expected to result from the action against those in Part 617 of 6NYCRR of the State Environmental Quality Review Act (SEQRA), determined that the action will not result in any potential significant adverse impacts and adopted a Negative Declaration on February 12, 2014; and

WHEREAS, the Milan Planning Board finds that the conditional final approval of the Trudell Two Lot Subdivision and Lot Line Adjustment application is in compliance with the Town of Milan Subdivision Regulations and Zoning Code, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the Trudell two lot subdivision/lot line adjustment and,

BE IT FURTHER RESOLVED, that the Chairman of the Planning Board is hereby authorized to endorse approval on said plat after compliance by the applicant with such conditions as noted below:

- Building Inspector must verify and approve that the finished common drive conforms to the site plan prior to the issuance of a Certificate of Occupancy
- The owner’s certification block has been signed and the Dutchess County Health Department Permission to File block has been signed
- Payment of balance of all fees as follows and payment of any outstanding escrow fees:

Final Fee	\$ 400.00
Recreation Fee	\$ 600.00
Publication Fee	\$ 75.00

Two checks must be submitted: One in the amount of \$600 for the recreation fees and one in the amount of \$475.00 for the remaining fees plus any outstanding escrow fees if applicable. Seconded by Mr. Jeffreys.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Conditional final approval expires in 180 days (August 10, 2014). Once the conditions for final approval have been met, it is suggested the applicant submit one paper copy to the Planning Office for review. Once it has been determined that all of the conditions have been met, you will need to submit for the Chairman’s signature the signed mylar and seven paper copies for the Town files, as well as any paper copies you would like signed and returned. Once the mylar is signed by the Chairman, it must be filed in the office of the Dutchess County Clerk within **60 days** from the date of signing.

Administrative Items:

- Approval of Minutes – Chairman Wyant motioned that the Board accept the minutes of January 8, 2014 as presented. Ms. Godfrey seconded.
Chairman Wyant Aye James Jeffreys Aye
Jeffrey Anagnos Aye John Mautone Aye
Nathaniel Charny Absent Radford West Aye
Kim Godfrey Aye
Motion carried 6-0

- Correspondence:
There is a Green Infrastructure Basics: Managing Stormwater Onsite course being held at the Farm and Home Center in Millbrook on March 26th from 7 – 9 p.m. Certificates of attendance for municipal training credit will be provided.

Applications:

- 1. Irish Hills LLC Lot Line Adjustment:** Paul Doherty, property owner, was present for the lot line adjustment of property owned by Irish Hills LLC, tax grid number 6474-00-583275 located at the rear of Spring Lake Road and property owned by Red Wing Properties, Inc., tax grid number 6474-00-302341 located on Spring Lake Road. Both properties are located in the A3A zoning district. The purpose of this lot line adjustment is to provide access to 583275. Part of these properties is located in Clermont, Columbia County. Mr. Doherty provided the Board with a copy of the final signed map from the Clermont Planning Board which was the only outstanding item for this application.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Irish Hills Lot Line Adjustment application. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Chairman Wyant motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Irish Hills lot line adjustment application. Ms. Godfrey seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Chairman Wyant motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Irish Hills LLC/Paul Doherty for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on November 25, 2013 and a site plan prepared by Robert J. Ihlenburg, L.S., dated February 2, 2005, last revised January 3, 2014, has been submitted for the requested lot line adjustment between these two properties located on Spring Lake Road in the A3A zoning district and identified as 6474-00-583275 and 6474-00-302341; and

WHEREAS, the proposed action will convey 1.3 acres from 302341 to 583275 to allow for additional road frontage for 583275; and

WHEREAS, part of the property is located in the Town of Clermont; the Town of Clermont Planning Board has approved this action and a copy of the signed map is in the file; and

WHEREAS, a public hearing was held on January 8, 2014 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on February 12, 2014; and

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

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 have been met:

- A. The signed map from the Town of Clermont is submitted.
- B. All signatures must be on the mylar and all fees paid prior to the Chairman's signature.
- C. Fees are due as follows:
Application Fee: \$125.00 Publication Fees: \$78.45
Please submit one check made payable to the Town of Milan in the amount of \$203.45.

Seconded by Mr. West.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Conditional final approval expires in 180 days (August 10, 2014). Once the conditions for final approval have been met, it is suggested the applicant submit

one paper copy to the Planning Office for review. Once it has been determined that all of the conditions have been met, you will need to submit for the Chairman’s signature the signed mylar and six paper copies for the Town files, as well as any paper copies you would like signed and returned. Once the mylar is signed by the Chairman, it must be filed in the office of the Dutchess County Clerk within **60 days** from the date of signing.

2. **Leavitt/Pujol Lot Line Adjustment** - Wesley Chase, L.S., was present on behalf of the applicants to present a lot line adjustment of property owned by Craig Leavitt/Lam Nguyen, Sawmill Road, tax grid number 6472-00-174298 and property owned by Francisco Pujol/Jon Crafton, 15 Shookville Road, tax grid number 6472-00-302392. Both properties are located in the A3A Zoning District. Mr. Leavitt’s property is 54.46 acres and he is in the process of building a house on the property with the intention of encompassing the property with a deer fence. Mr. Leavitt is proposing to purchase 0.78 acres from Mr. Pujol so that he will meet the required side setback from where he would like to put the deer fence. This will bring his property up to 55.25 acres. The Pujol property is currently 89.3 acres.

Mr. Jeffreys motioned to set the date for the public hearing for the Leavitt/Pujol Lot Line Adjustment for the March 5th Planning Board meeting. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

3. **AT&T Special Permit Renewal** - New Cingular Wireless PCS submitted the paperwork to renew the special use permit for the wireless communications facility located on Salisbury Turnpike, tax grid number 6471-00-372150. The Board agreed the information submitted supports the special use permit renewal.

Mr. Anagnos motioned that the Town of Milan Planning Board approve the renewal of the Special Use Permit for New Cingular Wireless PCS, LLC for the pre-existing, non-conforming site consisting of a wireless telecommunications facility and associated appurtenances based on the submittal dated January 29, 2014 by new Cingular Wireless PCS, LLC in accordance with the provisions of Section 200-21, Wireless Communications Facilities and Article VIII, Special Use Permits of the Town Code with the following condition:

- o This Special Use Permit must be renewed every five years with the next renewal date being February of 2019.

Seconded by Mr. Jeffreys.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

Discussion Items:

- **Chestnut Mart Mobil Sign** – The Board discussed the sign that has been installed on the Chestnut Mart site at 1445 Route 199, tax grid number 6570-00-536267. Mr. Jeffreys said the sign that was installed is the sign that was approved with the site plan but the sign was altered between the time it was last reviewed and the final site plan was submitted to this Board for approval. Part of the changes are due to new regulations that both cash and credit prices must be displayed. However, the sign is up and can be modified. The Board agreed that the stone pedestal shown on the previous sign should be added as well as the gooseneck lamps. The sign has LED lights to show the prices per gallon and the Board agreed that LED’s are less intrusive than bright lights and are considered state of the art now. The Board also said they would like a canopy top to the sign that resembles the style of the pump canopy. The Board agreed these changes will allow the sign to blend into the rural character of this site.

Chairman Wyant will send a letter to Chris Gent, Construction Manager at Chestnut Petroleum Distributors.

Mr. Anagnos motioned that the Planning Board adjourn the meeting at 8:30 p.m. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 6-0

The next regular meeting is scheduled for Wednesday, March 5th. The meeting is held at the Town Hall and starts at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board