

PLANNING BOARD MEETING MINUTES – FINAL

WEDNESDAY, MARCH 5, 2014

MEMBERS PRESENT:

Joan Wyant, Chairman
Nathaniel Charny
James Jeffreys
John Mautone

MEMBERS ABSENT:

Jeffrey Anagnos
Kim Godfrey
Radford West

ALSO PRESENT:

Jack Campisi, Town Board Liaison

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

Public Hearings:

1. **Orange County Poughkeepsie Limited Partnership d/b/a Verizon Wireless – Site Plan-Special Use Permit – Academy Hill Road – Continuation**

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 April 2, 2014 Planning Board meeting as per an email from Scott Olson dated February 24, 2014. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

2. **Barrett Two Lot Subdivision** – Patrick Barrett was present for the continuation of the public hearing for his two lot subdivision of property located on Fitzsimmons Road, tax grid number 6573-00-023892, in the A3A zoning district. Chairman Wyant opened the public hearing and read the legal notice that was posted in the paper and sent to neighboring landowners. Mr. Barrett said he has removed the trailer from the property, obtained the Certificate of Occupancy for the open building permit, obtained the variance for each lot for minimum lot width at the building line, and has preliminary approval from the Highway Superintendent. There were no additional questions from the Board members and there was no one present in the audience for the public hearing.

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

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

Mr. Jeffreys motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Barrett Two Lot Subdivision application. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

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

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

Chairman Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Patrick and Rebecca Barrett for a two lot subdivision;

WHEREAS, a formal application for the approval of a two lot subdivision was submitted to the Town of Milan Planning Board on July 19, 2012 along with a site plan prepared by J. Charles Boolukos, P.L.S., dated July 14, 2012 and last revised on February 5, 2013; and

WHEREAS, this 7.648 acre parcel is located on Barrett Lane, tax grid number 6573-00-023892 in the A3A Zoning District and has two pre-existing, non-conforming single family dwellings on it; and

WHEREAS, this subdivision will divide the existing 7.648 acres into two lots: Lot 1 consisting of 3.851 acres which contains an existing dwelling and associated well and septic system and Lot 2 consisting of 3.825 acres which contains an existing dwelling and associated well and septic system; and

WHEREAS, the Town of Milan Highway Superintendent has issued preliminary approval of the proposed access for Lot 1; and

WHEREAS, there were two violations associated with this property that have been resolved as follows: there was a pre-existing, non-conforming trailer that straddled the property line between Lot 2 and tax parcel 6473-00-985902 which has been removed; and, there was an open building permit for an addition that has received a Certificate of Occupancy from the Town of Milan Building Inspector dated September 26, 2013; and

WHEREAS, Lots 1 and 2 as shown on the subdivision map will not meet the current zoning requirement for minimum lot width at the building line so a variance was granted by the Town of Milan Zoning Board of Appeals on November 20, 2013 allowing a minimum lot width of 137.18 feet for Lot 1 and 187.29 feet for Lot 2 where 300 feet are required; and

WHEREAS, this two lot subdivision will bring this pre-existing, non-conforming lot into conformance with current zoning by placing each existing dwelling on its own lot; and

WHEREAS, a public hearing for this proposal was opened on January 8, 2014 and closed on March 5, 2014, during which time there were no objections raised; 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 March 5, 2014; and

WHEREAS, the Town of Milan Planning Board finds that this application complies with the provisions of the town of Milan Code Chapter 177, Subdivision, and Chapter 200, Zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the Barrett two lot subdivision; 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:

All signatures are obtained on the mylar prior to presenting to the Chairman for signature.

Payment of all fees as follows and payment of any outstanding escrow fees:

Final Fee \$ 400.00

Publication Fee \$ 76.31

Please submit one check made payable to the Town of Milan in the amount of \$476.31.

Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

Conditional final approval expires in 180 days. You will need to submit for the Chairman's signature one mylar for filing plus six (6) 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, the applicant or applicant's representative must file it in the office of the Dutchess County Clerk within **60 days** from the date of signing.

- Leavitt/Pujol Lot Line Adjustment** - Wesley Chase, L.S. was present as the authorized representative for the public hearing for the lot line adjustment of property owned by Craig Leavitt and Lam Nguyen located on Sawmill Road, tax grid number 6472-00-174298 and property owned by Francisco Pujol and Jon Crafton located at 15 Shookville Road, tax grid number 6472-00-302392. Both properties are located in the A3A zoning district. Chairman Wyant opened the public hearing and read the public

notice that was sent to neighboring properties and published in the paper. Mr. Chase said this is a simple lot line alteration on the north east side of the property. Mr. Pujol is conveying 0.79 of an acre to Mr. Leavitt so that he can meet the required zoning setbacks when erecting a deer fence. Mr. Pujol’s property is already improved and Mr. Leavitt is in the process of constructing a residence with associated accessory structures on his property. Ann Green, a neighbor, asked if the Board will be discussing any other lot line adjustments for this property tonight and the answer was no. Ms. Green told the Board that she and several other neighbors had appeared at the ZBA meetings to discuss their concerns about the fence. She said they had concerns about safety, such as deer hitting the fence and running back into the road thus becoming a danger to traffic, and aesthetics but she realizes that the fence is not under the purview of the Planning Board.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Leavitt/Nguyen and Pujol/Crafton lot line adjustment application. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

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 Leavitt/Nguyen and Pujol/Crafton lot line adjustment application. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

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

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

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 Craig Leavitt/Lam Nguyen and Francisco Pujol/Jon Crafton for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on January 27, 2014 and a site plan prepared by Lynden B. Chase, L.S. dated January 22, 2014 has been submitted for the requested lot line adjustment between these two properties located on Sawmill Road/Shookville Road in the A3A zoning district and identified as tax grid numbers 6472-00-174298 (Leavitt/Nguyen) and 6472-00-302392 (Pujol/Crafton); and

WHEREAS, the proposed action will convey 0.79 acres from Pujol/Crafton to Leavitt/Nguyen to allow Leavitt/Nguyen to meet the required side setback under the current zoning law to install a deer fence; and

WHEREAS, the proposed action will bring the Leavitt/Nguyen parcel from 54.46 acres to 55.25 acres and the Pujol/Crafton parcel from 88.10 acres to 87.30 acres; and

WHEREAS, the Pujol/Crafton parcel is improved with a single family dwelling and on-site water supply and there is a current building permit for the Leavitt/Nguyen parcel for a single family dwelling, on site water supply, and associated out buildings; and

WHEREAS, a public hearing was held on March 5, 2014 at which time there were no objections raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on March 5, 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:

Owner's Consent to File blocks need to be added to the map for both Leavitt/Nguyen and Pujol/Crafton.

Before and after acreage needs to be added for the Pujol/Crafton parcel

All signatures are obtained on the mylar prior to submitting to the Chairman for signature.

Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

4. **Munsch Two Lot Subdivision** – Chairman Wyant motioned that the Planning Board adjourn the continuation of the public hearing for the Munsch proposed two lot subdivision of property located on Round Lake Road, tax grid number 6370-00-954632 to the April 2, 2014 Planning Board meeting as per an email from Mark Graminski. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

5. **South Road Farm LLC Two Lot Subdivision** – Mark Graminski, P.E./L.S. was present for the continuation of the public hearing for this two lot subdivision of property located on South Road, tax grid number 6570-00-911934. Mr. Graminski submitted a letter of conditional approval from the Dutchess County Department of Public Works dated March 5, 2014. To obtain the approval, he had to widen the entrance a bit and slide it about 5 feet to the west so as not to encroach on the adjoining property to the east. He will be doing some regrading and then a new apron will be installed. Once the conditions are met, they will apply to the DPW for a highway work permit. The Board reviewed the map details for the DPW and Mr. Graminski said they conform to the county standards for the negative off of South Road. Mr. Graminski showed the Board the plans for the Health Department showing the driveway location and grading with respect to the well and septic locations. He said he presented two scenarios to the DPW – he showed all available sight lines within the right of way and then what you actually see now. He said within the right of way, the line of sight was slightly deficient, but then he showed what he can actually get. He said the properties to the north side of South Road are already developed so the likelihood of development in the area is slim to none. The DPW found this acceptable to grant a common driveway but they did limit the driveway to two houses. There was no one present for the public hearing.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the South Road Farm LLC Two Lot Subdivision application. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

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 South Road Farm LLC Two Lot Subdivision application. Mr. Jeffreys seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

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

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

Chairman Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from South Road Farm LLC for a two lot subdivision;

WHEREAS, a formal application for the approval of a two lot subdivision was submitted to the Town of Milan Planning Board on July 31, 2013 along with a site plan prepared by Mark Graminski, L.S./P.E. dated July 20, 2013; and

WHEREAS, this 91.215 acre parcel is located on South Road, tax grid number 6570-00-911934 in the A3A Zoning District; and

WHEREAS, this subdivision will divide the existing 91.215 acres into two lots: Lot 1 consisting of 81.215 acres which contains the existing dwelling with individual water supply and sanitary disposal system, and Lot 2 consisting of 10.00 acres with a proposed single family residence, individual water supply and sanitary disposal system as shown on the site plan submitted by Mark Graminski, L.S./P.E. dated January 8, 2014 and last revised on February 27, 2014; and

WHEREAS, access is proposed via common driveway shared with the existing residence and the Dutchess County Department of Public Works has issued conceptual approval of the proposed common access for Lots 1 and 2 dated March 5, 2014; and

WHEREAS, due to the proximity to the Taconic State Parkway, this application was sent to the New York State Office of Parks, Recreation and Historic Preservation as part of the SEQRA circulation and the OPRHP replied in a memo dated December 04, 2013 that “The OPRHP has no archeological concerns for the proposed project.”; and

WHEREAS, a public hearing for this proposal was opened on February 12, 2014 and closed on March 5, 2014, during which time there were no objections raised; 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 March 5, 2014; and

WHEREAS, the Town of Milan Planning Board finds that this application complies with the provisions of the town of Milan Code Chapter 177, Subdivision, and Chapter 200, Zoning.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board of the Town of Milan grants conditional final approval to the South Road Farm two lot subdivision; 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:

Approval of the Open Development Area (ODA) by the Town of Milan Town Board is obtained and all changes (if any) required by the Fire Department are complied with and noted on the map.

A note is added to the map stating the common access is subject to the issuance of a highway work permit by the Dutchess County Department of Public Works; and

Board of Health signature block is added to the map.

All signatures are obtained on the mylar prior to presenting to the Chairman for signature.

Payment of all fees as follows and payment of any outstanding escrow fees:

Final Fee	\$ 400.00
Recreation Fee	\$ 600.00
Publication Fee	\$ 78.08

Please submit two checks made payable to the Town of Milan as follows:

One check for \$600.00 for the recreation fees; one check for \$478.08 for the final and publication fees.

Mr. Graminski added that the town has the five sheet map set showing the engineering details. He wanted to make sure that the Board was aware that it is page one that is filed with the County Clerk's office. Mr. Jeffreys asked to have a note put on the map stating the access is subject to the issuance of a Highway Work Permit.

Seconded by Mr. Jeffreys.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

Conditional final approval expires in 180 days. You will need to submit for the Chairman's signature one mylar for filing plus five (5) 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, the applicant or applicant's representative must file it in the office of the Dutchess County Clerk within 60 days from the date of signing.

Administrative Items:

- Approval of Minutes – Mr. Jeffreys motioned that the Planning Board accept the minutes of February 12, 2014 as submitted. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

- Correspondence – There was no correspondence.

Applications: There were no new applications.

Discussion Items:

- Mr. Jeffreys said, in case everyone was not aware of this, regarding the reworking of the sign, the Mobil station consented to the stonework at the bottom, the cap on the sign, and hiding the lighting in the hood instead of using goosenecks. They did not agree to the stonework on the vertical column because they said that would not work with the sign design but they agreed to paint the vertical pole any color the Board wanted.

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

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Absent	Motion carried 4-0.	

The next workshop will be held on Thursday, March 27th at 7:00 p.m. and the next regular meeting will be held on Wednesday, April 2nd at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board