

PLANNING BOARD MEETING MINUTES – FINAL

WEDNESDAY, MAY 7, 2014

MEMBERS PRESENT:

Joan Wyant, Chairman
Nathaniel Charny
James Jeffreys
John Mautone
Radford West

MEMBERS ABSENT:

Jeffrey Anagnos
Kim Godfrey

ALSO PRESENT:

Jack Campisi, Town Board Liaison

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

Public Hearings:

1. **Beam Lot Line Adjustment** – Phillip Massaro, L.S. was present for the public hearing for the lot line adjustment application between property owned by Wilfred and Cheryl Beam, 129-153 Hicks Hill Road, tax grid number 6670-00-665585 and property owned by Beam Realty Corp., 171 Hicks Hill Road, tax grid number 6670-00-754614. Both properties are located in the A3A Zoning District. Mr. Massaro said he added the requirements requested at the last meeting to the map, which were the acreage adjustment chart showing the before and after acreages for both lots, plat label now reads Lot Line Alteration – Property of Beam Realty Corp, and all the signature blocks have been added.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Beam/Beam Realty Corp. lot line adjustment application. Mr. Jeffreys seconded.

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

Motion carried 5-0.

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 Beam/Beam Realty Corp. lot line adjustment application. Mr. West seconded.

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

Motion carried 5-0.

Mr. Jeffreys motioned to close the public hearing. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathanial Charny	Aye	Radford West	Aye
Kim Godfrey	Absent		

Motion carried 5-0.

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 Wilfred and Cheryl Beam and the Beam Realty Corp. for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on March 17, 2014 and a site plan prepared by Philip J. Massaro & Son, L.S. dated December 11, 2013 has been submitted for the requested lot line adjustment between these two properties located on Hicks Hill Road in the A3A zoning district and identified as 6670-00-665585 (Wilfred and Cheryl Beam) and 6670-00-754614 (Beam Realty Corp); and

WHEREAS, the proposed action will convey 3.251 acres from 754614 leaving a remaining 3.250 acres to 665585 which will increase to 96.715 acres; and

WHEREAS, both parcels have existing single family residences with associated improvements; and

WHEREAS, a public hearing was held on May 7, 2014 at which time there were no objections raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on May 7, 2014.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds that this lot line adjustment application complies with all of the provisions of the Town of Milan Code chapters 177 (Subdivision) and 200 (Zoning); and

BE IT FURTHER 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:

- All signatures are obtained on the mylar prior to being presented to the Chairman for signature

- All fees have been paid as follows: Publication Fees: \$100.33

Seconded by Mr. Jeffreys.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathanial Charny	Aye	Radford West	Aye
Kim Godfrey	Absent		

Motion carried 5-0.

Conditional Final Approval expires in 180 days on November 3, 2014. Once the maps are signed by the Chairman, the applicant or applicant’s representative must file the map in the office of the Dutchess County Clerk within **60 days** from the date of signing or the Planning Board’s approval of the lot line adjustment becomes null and void.

2. **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 June 4, 2014 Planning Board meeting as per an email from Mark Graminski. Mr. Mautone seconded. Chairman Wyant said this two lot subdivision has been coming back month after month to be extended and asked if the Board wants to give the applicant a deadline. Mr. Jeffreys suggested giving them until next month and then have the applicant (or authorized representative) appear at the June meeting to provide an update on their progress. If they fail to appear, the application will be withdrawn.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathanial Charny	Aye	Radford West	Aye
Kim Godfrey	Absent		

Motion carried 5-0.

Administrative Items:

- Approval of Minutes – Chairman Wyant motioned that the Planning Board accept the minutes of April 2, 2014 as submitted. Mr. West seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathanial Charny	Aye	Radford West	Aye
Kim Godfrey	Absent		

Motion carried 5-0.

- Correspondence – There was no correspondence.

Applications:

1. **AT&T Special Use Permit Amendment** - Jeffrey Gutowski was present on behalf of AT&T regarding their application to amend an existing special use permit to upgrade an existing telecommunications tower with microwave, tower mounted radios and cables on property located at 616 Salisbury Turnpike, tax grid number 6471-00-372150. Mr. Gutowski said AT&T is proposing to add a three foot microwave addition at 105 feet for the new LTE system to bring faster speeds to customers. He said that many of their sites are not available to cable or fiber so microwave is used to bring it to the hub. He explained the process of locating fiber and bringing it to the site and said all data feeds back through microwave dishes, into fiber, and right back out. Mr. Charny said then a microwave dish is two way experience, very specific point to point and Mr. Gutowski said yes, a microwave dish directly communicates to another dish. The size of the dish is

relative to the distance. A dish can range from a ½ foot to 8 feet depending on how far you need to go and how well they can see each other. Mr. Charny asked if this is the smallest dish we can put in to accomplish this goal and Mr. Gutowski said yes, this is the smallest. The capacity is in the radio. The dish is just to see its path. Mr. Charny asked if the only visible difference is this three foot dish and Mr. Gutowski said there is a cable that comes down the tower and the radio gets attached to the dish. The guide wires do not change and the housing below does not change. The radio is 1 foot by 1 foot by 6 inches and sits with the dish and a duplicate sits inside the shed. Mr. Charny asked Mr. Gutowski if he knew which tower this dish is communicating with; he did not know but said he could find out. Mr. Jeffreys asked if this is something that is going to be resold by AT&T and Mr. Gutowski said this is strictly for AT&T; it is licensed with the FCC for AT&T. Mr. Jeffreys said this is taking the place of faster band width equipment. Mr. Charny asked if Mr. Gutowski had a sense of when AT&T may need to add something else to the tower. Mr. Gutowski said it's all the end user and what they demand. Typically, we won't need to do a lot of antennas swaps because the antenna bands are wider. Most of the work will be changing out cards. With new technology, there are wider bands on all antennas. Mr. Charny asked if AT&T controls the tower this microwave is communicating with and Mr. Gutowski said AT&T is a renter there.

Chairman Wyant motioned that the Milan Planning Board declare the AT&T special use permit amendment a Type II action pursuant to Part 617.5, Type II Actions, of the State Environmental Quality Review Act requiring no further review. Mr. Jeffreys seconded.

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

Motion carried 5-0.

The Board discussed whether a public hearing was necessary. Mr. Charny asked if this is a new technology and Mr. Jeffreys said no, it is an equivalent function intended to provide the ability to communicate data speed and data access. Since this is an amendment and the modification is not outside the original scope, Mr. Jeffreys did not think a public hearing was necessary. Mr. Charny said he believes this is outside the original scope. Mr. Jeffreys said there is a microwave dish on the tower now. It's been on there since the tower was installed.

Mr. Jeffreys motioned that a public hearing is not required for this special use permit amendment for the installation of additional microwave, tower mounted radios to supplement AT&T's backhaul equipment to an existing tower configuration. Chairman Wyant seconded. Mr. Charny said he will vote no because according to the zoning code, new technology requires a public hearing and the public has a right to the opportunity to be heard by the board. He said this Board is not in a position to subvert the public by withholding information. Mr. Jeffreys disagreed and said this is not new technology. Microwave has been around since 1972. There is nothing to be gained by delaying AT&T's voluntary request for this Board to review this. Mr. Charny said there is nothing

voluntary to this request; it is obligatory under the zoning code. Mr. Mautone agreed with Mr. Jeffreys and said this change will have no impact.

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

Motion carried 4-1.

Chairman Wyant motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the formal application from AT&T Wireless for an amendment to an existing special use permit; and

WHEREAS, an application packet was submitted to the Planning Office on April 14, 2014 and a site plan prepared by Infinigy Engineering dated April 1, 2014 has been submitted for the requested special use permit amendment on property located at 616 Salisbury Turnpike, tax grid number 6471-00-372150; and

WHEREAS, the proposal is to upgrade an existing telecommunications tower with the addition of microwave, tower mounted radios and cables; and

WHEREAS, this is a pre-existing, non-conforming 120 foot cell tower that was constructed in 1992 prior to the enactment of the Wireless Communications Facilities Law in 2000 which received site plan/special use permit approval from the Planning Board on February 4, 2009 due to an upgrade; and

WHEREAS, the Planning Board has reviewed the application and has found that the upgrade to the existing technology is not substantial; and

WHEREAS, if any changes are made to the physical installation or characteristics to the site at any time in the future, the site must be brought into conformance with the current zoning code which requires Planning Board approval; and

NOW, THEREFORE, BE IT RESOLVED, the Planning Board hereby grants approval for this Special Use Permit amendment known as the AT&T Microwave Addition subject to the following conditions:

Any change to the physical installation or characteristics to the site will require the site to be brought into conformance with the current zoning code which requires Planning Board approval.

The Special Use Permit must be renewed every five years beginning in February of 2014. Seconded by Mr. Jeffreys.

Mr. Charny said he will have to vote nay because in his opinion, this is the addition of new technology and requires, at the very least, a public hearing and he believes the process is being subverted to avoid public input. Mr. Jeffreys disagreed saying we are not subverting the code; we are staying within the spirit of the law. Chairman Wyant

added that there is no impact with this change which will just improve the functionality of the equipment.

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

Motion carried 4-1.

A Building Permit application must be submitted and approved before any work is commenced relative to this special use permit amendment.

- 2. Foote Lot Line Adjustment** – Tom Foote appeared along with Marty Willms to present his lot line adjustment of property located 567 Field Road, tax grid number 6471-0-942072 (Parcel A) and 563 Field Road, tax grid number 6571-00-009119. Both properties are owned by Mr. Foote who is proposing to transfer 1.61 acres from 009119 to 942072. Lot 009119 is currently 6.75 acres and will be reduced to 5.14 acres and lot 942072 is currently 19.57 acres and will be increased to 21.18. Both lots are located in the A5A zoning district and each has existing single family dwellings with associated improvements. Mr. Willms said this lot line adjustment will provide a little more space for the residents on 942072. Neither one of the homes will be visible from the other. Most of each lot is wooded and will remain so. They will not be removing the stone wall. Mr. Foote said they are not changing anything and are not selling either of the residences. The Board agreed a site visit is not necessary.

Chairman Wyant motioned to set the date for the public hearing to be held at the June 4, 2014 Planning Board meeting. Mr. Mautone seconded.

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

Motion carried 5-0.

- 3. Painter Two Lot Subdivision** – Barbie Painter appeared to discuss with the Board how to move forward with a two lot subdivision of property located at 480 Academy Hill Road, tax grid number 6572-00-612291. Ms. Painter received conditional final approval back on August 29, 2007 but was unable to complete the conditions of approval. She would like to complete the subdivision but also wants to move the location of the proposed dwelling. Ms. Painter said the only thing that she is proposing to change is the location of the proposed house. She got an estimate of \$22,000 for the driveway so decided she would rather have the house up closer to the road. She would like to situate the house in the wood line but with the field out in front. One bulk and area requirement that may be problematic is the required 400 feet lot width at the building line. Mr. Mautone suggested the Board may want to consider a site visit for this property and the Board agreed. Mr. Jeffreys told Ms. Painter before she spends any money on engineering, let the Board do a site visit. She could then come back before the Board at

the June 4th meeting and she and the Board can discuss how to best move forward. The Board agreed the best date for the site visit is Tuesday, May 20th at 9:30 a.m.

- 4. Riccobono Lot Line Adjustment** – Mr. Riccobono was present to discuss with the Board a lot line adjustment he is proposing between property located at 63 Sawmill Road, tax grid number 6471-00-012999, 0.78 acres and property located on Sawmill Road, tax grid number 6471-00-090924, 14.01 acres. Sawmill Road runs between both properties. Mr. Riccobono owns both parcels and said he would like to have the pond and barn as part of the house site even though they are separated by Sawmill Road. Mr. Riccobono said he would be willing to stipulate in the deed that these two parcels can never be separated and the part of the parcel with the house and barn can never be used as a building lot. He would leave as much road frontage as is required to allow access to the remaining acreage on 090924. There is an old logging road there now which has great sight distance. Glenn Butler, Highway Superintendent, has been out to the site to evaluate the sight distance. Mr. Riccobono said he would plan on using the existing road as the driveway to provide access to the rear of the parcel. There is a stone fence that clearly shows the opening.

The Board suggested Mr. Riccobono show where he is proposing to divide the property, where the access will be, and where he would propose to place the house, keeping in mind the bulk and area requirements. He will appear at the June 4th meeting with a sketch.

Discussion Items: None

Mr. Jeffreys motioned to adjourn the meeting at 8:30 p.m. Mr. West seconded.

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

Motion carried 5-0.

The next workshop will be held on Thursday, May 29th at 7:00 p.m. (if needed) and the next regular meeting will be held on Wednesday, June 4th at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board