

PLANNING BOARD MEETING MINUTES – FINAL

WEDNESDAY, OCTOBER 1, 2014

MEMBERS PRESENT

Joan Wyant, Chairman
Jeffrey Anagnos
Nathaniel Charny
James Jeffreys
Kim Godfrey

MEMBERS ABSENT:

John Mautone
Radford West

ALSO PRESENT:

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

Public Hearings:

- 1. Nicolich/Welch Lot Line Adjustment** – Chairman Wyant read the legal notice that was sent to neighboring landowners and posted in the paper and opened the public hearing. This is a re-approval of a lot line adjustment between two properties located on Fitzsimmons Road, tax grid number 6474-00-875110 and 379 Fitzsimmons Road, tax grid number 6474-00-900103. The approval expired because the applicant never filed the mylar in the Dutchess County Clerk’s office, and Mr. Welch is now seeking re-approval. Mr. Nicolich is conveying 0.179 acres to Mr. Welch because one corner of the Welch’s driveway falls on the Nicolich property and Mr. Welch uses that triangle of property anyway and upkeepes it as well. The ZBA granted the variance for this pre-existing, non-conforming lot of 1.3 acres in 3 acre zoning at their August 28th meeting. This action will make the lot slightly less non-conforming. The final lot area after the adjustment for the Welch property will be 1.810 acres.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Welch/Nicolich lot line adjustment re-approval application. Mr. Jeffreys seconded.

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

Motion carried 4-0

Chairman Wyant motioned that the Milan Planning Board re-approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Welch/Nicholich lot line adjustment application. Mr. Jeffreys seconded.

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

Motion carried 4-0

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

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

Motion carried 4-0

Chairman Wyant motioned that the Planning Board re-approve the following resolution:

BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Timothy Welch and Carlo Nicholich for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on June 24, 2013 and re-submitted on September 3, 2014 and a site plan prepared by Robert J. Ihlenburg, L.S., dated May 22, 2013, last revised July 16, 2013, has been submitted for the requested lot line adjustment between these two properties located on Fitzsimmons Road in the A3A zoning district and identified as 6474-00-900103 (Welch) and 6474-00-875110 (Nicolich); and

WHEREAS, the proposed action will convey 0.179 acres from Nicolich to Welch; and

WHEREAS, the proposed action will bring the existing 1.62 acre Welch parcel to 1.81 acres, thereby bringing that parcel more into conformance with the existing 3 acre zoning; and

WHEREAS, the proposed action will reduce the existing 1.3 acre Nicolich parcel to 1.21 acres. Mr. Nicholich applied for and was granted an area variance on August 28, 2013 to allow this pre-existing, non-conforming lot to be further reduced as it was determined this change will have no physical impact to the property or neighborhood. This insignificant reduction will not have an impact on the buildability of this lot; and

WHEREAS, the Welch parcel is improved with a single family dwelling, well, and septic system and associated out buildings and the Nicolich property is vacant; and

WHEREAS, a public hearing was held for this re-approval on October 1, 2014 with no public comment; and

WHEREAS, the Planning Board re-approved the Negative Declaration for this action on October 1, 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:

All signatures must be on the mylar and all fees paid prior to the Chairman's signature.

Fees are due as follows:

Application Fee: \$125.00 Publication Fees: \$76.03

Please submit one check in the total amount of \$201.03.

Seconded by Mr. Jeffreys.

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

Motion carried 4-0

- **Unmann Two Lot Subdivision** – Herbert and Maria Unmann, Applicants, and Marie Welch, L.S., were present for the public hearing for this two lot subdivision of property located at 315 Pond Road, tax grid number 6470-00-448324. Chairman Wyant read the public hearing that was sent to neighboring landowners and published in the paper and opened the public hearing. Ms. Welch said the total property is 91 acres. The Unmanns will keep the thirteen acres which encompass their dwelling and put the rest up for sale. Ms. Welch said there have been concerns because part of this parcel is in the land conservation zoning district and that part of the parcel contains DEC and Army Corp. wetlands. No one could build on that part of the parcel anyway due to the wetlands. There is access to this lot from a public road. It may require some clearing to the south to bring the grade down enough to achieve sight distance but to the north is fine. That access is to the property on the east side of the road which is buildable land. Ms. Welch said she would be happy to walk the property with any board members who may be interested in doing so. She said we have not done soil tests but there is 91 acres so they do not anticipate a problem finding a suitable spot for a septic and well. Ms. Welch said it is her understanding that under current town law, it is not allowed to build in the land conservation district but the town board will be holding a public hearing in a couple of weeks on changing the law to allow a single family dwelling in the LC district with Planning Board approval. Mr. Jeffreys said he visited the property and said there are high spots which would allow access to parts of the property. Mr. Jeffreys said he would recommend the applicant identify on the map the wetlands and the land conservation district and show a potential house site location with an approved proposed access. He said he thinks this would be a selling feature for the property anyway. They should talk to Glenn Butler, Highway Superintendent, about a good driveway access location. Mr. Jeffreys did not think the wetlands needed to be delineated and the Board agreed. There should be a note on the map stating there is a 100 foot buffer surrounding the wetland area and another note stating no building permit will be issued without Board of Health approval. Chairman Wyant told Ms. Welch she would like to do a site visit with her so they will arrange the date and time for that.

Public comment: Rudy Vavra and Jenny Cook, whose property abuts the Unmann property, were present and said they support this subdivision. Ronald Elderkin, also an abutting neighbor, said he supports this subdivision as well.

Mr. Jeffreys motioned to adjourn the public hearing until the November 5th Planning Board meeting. Chairman Wyant seconded.

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

Motion carried 4-0

Administrative Items:

- Approval of Minutes: Chairman Wyant motioned that the Planning Board accept the minutes of September 3, 2014 as presented. Ms. Godfrey seconded.

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

Motion carried 4-0

Applications:

1. **Archer Acres Subdivision:** Paul Dougherty, Applicant, appeared to discuss the DEC letter dated September 8, 2014 that was submitted as part of the lead agency coordinated review for the Archer Acres subdivision. Mr. Dougherty said the DEC wetlands have changed and they have had them flagged and they will be mapped. Mr. Jeffreys said the concern in the DEC letter is the statement in the letter that “the site is located within or near record(s) of the state-listed species Blanding’s turtles”. Mr. Dougherty submitted part of a draft environmental impact statement which states that “no Blanding’s turtles were found at the site” and “no other areas of the site contain suitable habitat for the Blanding’s turtle”.

Mr. Jeffreys motioned that the Planning Board addressed the DEC letter dated September 8, 2014 which had concerns regarding the wetlands and master habitat area relative to the Blanding’s turtle through the Paul Griggs letter to Larry Biegel of October, 2002 in which the environmental biologist identified no Blanding’s turtles on the site and states that no other areas of the site contained suitable habitat for the Blanding’s turtles and that no additional action from the Planning Board is required. Chairman Wyant seconded.

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

Motion carried 4-0

Discussion Items: None

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

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

Motion carried 4-0

The next meeting will be held on Wednesday, November 5, 2014 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board