

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, NOVEMBER 14, 2012

MEMBERS PRESENT:

Joan Wyant, Chairman
Jeffrey Anagnos
William Fiederlein
James Jeffreys
Kim Koehler
John Mautone

MEMBERS ABSENT:

Radford West

ALSO PRESENT:

Public Hearings:

1. **Steckler/Steckler/Aiello Lot Line Adjustment:** Kirk Horton, Land Surveyor, was present on behalf of the property owners for the public hearing for this lot line adjustment of property located on Academy Hill Road and Jackson Corners Road, tax grid numbers 6573-00-947348/939310/996452-00. Chairman Wyant read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Horton said Mr. Steckler is conveying 5.30 acres to Mr. Aiello and 0.557 acres to Mrs. Steckler which will eliminate tax grid number 947348. Mr. Horton said he updated the site plan to show the existing buildings.

Mr. Jeffreys motioned that the Planning Board declare themselves lead agency for the Aiello/Steckler/Steckler lot line adjustment application. Mr. Anagnos seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

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 Aiello/Steckler/Steckler lot line adjustment application. Mr. Anagnos seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

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

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 11-14-12

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 Jason Aiello, George Steckler, and Martha Steckler for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on September 18, 2012 and a site plan prepared by Kirk Horton, L.S. dated September 15, 2012 has been submitted for the requested lot line adjustment between three properties located on Academy Hill Road and Jackson Corners Road in the A5A/A3A zoning districts and identified as 6573-00-939310 (Aiello), 6573-00-947348 (George Steckler), and 6573-00-996452 (Martha Steckler); and

WHEREAS, the proposed action will convey 5.30 acres from George Steckler to Jason Aiello and 0.557 acres from George Steckler to Martha Steckler, thereby eliminating George Steckler's lot (6573-00-947348); and

WHEREAS, the proposed action will bring the existing Aiello parcel to 10.33 acres and the Martha Steckler parcel to 63.75 acres; and

WHEREAS, the Aiello parcel and Martha Steckler parcel are improved with a single family dwellings, wells, and septic systems and associated out buildings; and

WHEREAS, a public hearing was held on November 14, 2012 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on November 14, 2012.

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. All signatures are obtained on the mylar (Board of Health, Owners' consent);

B. All fees have been paid as follows: Publication Fee: \$122.19

Seconded by Mr. Jeffreys.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

Chairman Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Aiello/M. Steckler/G. Steckler lot line adjustment (minor subdivision) application of property located on Academy Hill Road and Jackson Corners Road and identified as 6573-00-939310 (Aiello), 6573-00-947348 (George Steckler), and 6573-00-996452 (Martha Steckler); and

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 11-14-12

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identified concerns and a Determination of Non-Significance (Negative Declaration) was approved by the Planning Board on November 14, 2012; and

WHEREAS, a public hearing was opened and closed on November 14, 2012; and

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

WHEREAS, all conditions for Final Approval are detailed in the resolution for Conditional Final Approval which was approved by the Planning Board on November 14, 2012.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board finds that the approval of the Aiello/M. Steckler/G. Steckler Lot Line Adjustment (Minor Subdivision) is in compliance with the Town of Milan Subdivision Regulations (Chapter 177). Seconded by Mr. Anagnos.

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|----------------------|-----|---------------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | Motion carried 6-0. | |

2. **Crow Two Lot Subdivision:** John Decker, Land Surveyor, was present on behalf of the applicant for the continuation of the public hearing for Samuel Crow's application for a two lot subdivision of property located at 880 Salisbury Turnpike, tax grid number 6471-00-915142. As was discussed at the last meeting, Mr. Decker submitted the ag data statement, the waiver request for a letter of feasibility, he showed the monuments and 5 foot contours on the map, added the single and multiple driveway distances that were approved by the Highway Superintendent, the wetlands are shown on the map with the 100 foot buffer and the building areas that meet the minimum lot width have been shaded. He has added a wetland validation signature block on the map and defined the building envelopes. He will add the Board of Health note that the Board asked him to put on to specifically call out to a potential buyer that the lot is not Board of Health approved for a well or septic system.

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

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|----------------------|-----|---------------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | Motion carried 6-0. | |

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 11-14-12

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 Crow Two Lot Subdivision application. Mr. Jeffreys seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

Chairman Wyant motioned that the Planning Board close the public hearing for the Crow Two Lot Subdivision application. Mr. Anagnos seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | 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 Crow 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 May 23, 2012; and

WHEREAS, this 34.73 acre parcel is located at 880 Salisbury Turnpike, tax grid number 6471-00-915142 in the A5A Zoning District; and

WHEREAS, this approval is based on a site plan prepared by John Decker, L.S., Decker Surveying, dated May 12, 2012 and revised November 6, 2012; and

WHEREAS, this subdivision will divide the existing 34.73 acres into two lots: Lot A consisting of 14.66 acres which contains the existing dwelling and associated well and septic system and Lot B consisting of 20.07 acres which is vacant; and

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

WHEREAS, the wetland area on the property has been delineated by the DEC and has been marked on the map along with the 100 foot buffer area; and

WHEREAS, there are areas towards the front of this lot that do not meet the minimum lot width at the building line; therefore, the land surveyor has added building envelopes on the map that do meet the required 400 feet; and

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 11-14-12

WHEREAS, due to the size of the lot and the fact that the applicant is not proposing any development at this time, the applicant requested and the Planning Board granted a waiver for the requirement of a letter of feasibility from an engineer to show possible septic and well locations; and

WHEREAS, due to the steep slopes and wetlands on the property, the Building Inspector must ensure that appropriate mitigation measures are put in place to protect the wetland and neighboring properties from any run off due to construction; and

WHEREAS, a public hearing for this proposal was opened on July 11, 2012, continued for several meetings, and closed on November 7, 2012 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 617.7c(1)(i)-(xii) of 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 November 7, 2012.

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

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:

- The Board of Health note is added to the map as follows: “This property has not been Board of Health approved for a well and septic system.”
- The dimensions are included in the note on the map regarding preliminary approval for the access by the Highway Superintendent.
- 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:

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|-----------------|-----------|
| Application Fee | \$ 200.00 |
| Final Fee | \$ 200.00 |
| Recreation Fee | \$ 600.00 |
| Publication Fee | \$ 74.04 |

Two checks must be submitted: One in the amount of \$600 for the recreation fees and one in the amount of \$474.04 for the subdivision/publication fees. Mr. Jeffreys seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 11-14-12

Mr. Jeffreys motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Crow Two Lot Subdivision application of property located at 880 Salisbury Turnpike, tax grid number 6471-00-915142; and

WHEREAS, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identifiable concerns being raised and a Determination of Non-Significance (Negative Declaration) was adopted by the Planning Board on November 7, 2012; and

WHEREAS, the application complies with the provisions of the Town of Milan Code Chapter 177 (Subdivision); and

WHEREAS, all conditions for Final Conditional Approval are detailed in the resolution of Conditional Final Approval adopted by the Board on November 7, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the Milan Planning Board finds that the conditional final approval of the Crow Two Lot subdivision application is in compliance with the Town of Milan Subdivision Regulations (Chapter 177).

Mr. Anagnos seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

Administrative Items:

1. Approval of Minutes: Mr. Jeffreys motioned to approve the minutes of October 3, 2012 as presented. Mr. Anagnos seconded.

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| Joan Wyant, Chairman | Aye | Kim Koehler | Abstain |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Abstain | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

2. Discussion:

- Mr. Jeffreys said that Ciro Interrante, the architect for Chestnut Mart, contacted him to find out if a drive through window is allowed in the Town of Milan. They would like to add to their plans a drive through window on the west side of the proposed building to sell coffee and snacks. Mr. Jeffreys said the code defines a drive through business, identifies the use in the Table of Uses, and has a section (Section 200-25) which identifies the requirements for a drive through business yet in the Table of Uses, a drive through business is not allowed in any of the zoning districts. The Board will revisit this after the Cobble Pond discussion.

- Cobble Pond – George Carrothers was present for a discussion regarding the proposed convenience store/gas station on property located at 1165 Route 199, tax grid number 6471-00-904454. He said the survey is done and the architect is doing the plans which will include elevations, floor plan, etc. He said he received both of Mr. Jeffreys’ letters and forwarded them to the engineer. Mr. Carrothers said he has a letter from Heather Gierloff of the DEC that states wetlands are not close enough to worry about. Mr. Jeffreys asked about the size of the building, and Mr. Carrothers said they are planning on a 2,900 square foot building. The existing building is 2,600 square feet. Mr. Jeffreys said the code allows 2,500 square feet so a variance will be required for the size of the building as well as for the canopies, and the sign. More variances may be identified once the drawings are received.

Mr. Jeffreys motioned that the Planning Board accept the startup amount of \$2,500 for the Cobble Pond escrow account. Mr. Anagnos seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

Mr. Jeffreys motioned that the Planning Board contract with the Town Engineer, Paggi, Martin and DelBene, for review of the Cobble Pond application. Mr. Anagnos seconded.

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| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

As far as SEQRA, thus far, the identified involved agencies will be the NYS DOT, the NYS Liquor Authority, the NYS DEC, the DC BOH, and the Town of Milan ZBA. Interested agencies will be DC Planning and Development and the Milan Fire Department. Mr. Carrothers said Cobble Pond is planning on keeping the chicken sign and will be refurbishing it. Proposed hours of operation are 5 a.m. to 11 p.m. As far as a possible time line, the Public Information Session will be on Thursday, November 29th. At the December 5th Planning Board meeting, the Board’s intent, if possible, will be to classify the action, declare intent to be lead agency, identify interested and involved agencies, make a motion to circulate for lead agency which is a 30 day review period, identify, if possible, variances that will be required and make a motion to send the application to the ZBA.

- The Board returned to the discussion regarding the drive through business. Mr. Jeffreys suggested the Planning Board send a request to the Town Board asking if they would consider modifying Table A, Schedule of Uses, to allow a drive through business to be located in the hamlet or highway business zones.

Mr. Jeffreys motioned that the Planning Board send the following resolution to the Town Board:

BE IT RESOLVED, the Planning Board reviewed the definition of Drive In Business to determine whether it is an allowed use in the Town of Milan;

WHEREAS, Section 200-5 of the Zoning Code defines a Drive In Business as “An establishment which, by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services and obtain goods while remaining in their motor vehicles.” This definition was added in 2003 by L.L. #1 of 2003; and

WHEREAS, Section 200-25 of the Zoning Code states “Plans for the erection or structural alteration of drive-in business establishments as herein defined shall be submitted to the Planning Board for approval. The Planning Board shall require such changes therein in relation to yards, driveways, driveway entrances and exits and the location and height of buildings and enclosures as it may deem best suited to ensure safety, to minimize traffic hazards or difficulties and to safeguard adjacent properties.”; and

WHEREAS, Table A, Schedule of Use Regulations, of the Zoning Code prohibits a Drive-in business (excluding drive-in outdoor theater) in any zoning district in Town; and

WHEREAS, Based on the fact that there is a definition in the code and an actual section of the code that states the procedure one must follow if one desires to establish a drive in business, it appears there may have been an oversight in Table A.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board is requesting the Town Board consider modifying the Zoning Code to allow a Drive-in Business in the Hamlet Zoning District and the Highway Business Zoning District with site plan approval from the Planning Board. Seconded by Mr. Anagnos.

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|----------------------|-----|---------------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | Motion carried 6-0. | |

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL – 11-14-12

Mr. Anagnos motioned to adjourn the meeting at 7:50 p.m. Mr. Fiederlein seconded.

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|----------------------|-----|--------------|--------|
| Joan Wyant, Chairman | Aye | Kim Koehler | Aye |
| Jeffrey Anagnos | Aye | John Mautone | Aye |
| William Fiederlein | Aye | Radford West | Absent |
| James Jeffreys | Aye | | |

Motion carried 6-0.

The next meeting will be held on Thursday, November 29, 2012 at 7:00 p.m. and will be the Public Information Session for Cobble Pond Farms. The next regular meeting will be held on Wednesday, December 5, 2012 at 7:00 p.m.

Respectfully submitted,



Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board