

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, JUNE 5, 2013

MEMBERS PRESENT:

Joan Wyant, Chairman
Jeffrey Anagnos
Kim Koehler
John Mauntone

MEMBERS ABSENT:

James Jeffreys
Radford West

ALSO PRESENT:

Jack Campisi, Town Board Liaison

Chairman Wyant opened the meeting at 7:00 p.m. There were no public hearings scheduled.

Administrative Items:

- **Approval of Minutes:** Chairman Wyant motioned to approve the minutes of May 1, 2013 as presented. Mr. Anagnos seconded.

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

Applications:

1. **Munsch Two Lot Subdivision:** Mark Graminski, P.E./L.S. appeared as the authorized representative for Lauren Munsch for her two lot subdivision application of property located at 212 Round Lake Road, tax grid number 6370-00-954632. Mr. Graminski submitted the plan and profile of the proposed common entrance onto Round Lake Road which will replace the existing access into Lot 1. He also submitted the driveway profile, grading, and erosion and sediment control for the proposed driveway to Lot 2. He said the driveway does not exceed 15%, there is a short piece at 15%, then it levels off to 12% down to 2%. He has submitted the plan to the County DPW and has provided a sight line analysis for this proposed access. He said he has met with the DPW several times at the site and at their office but has not submitted the formal application yet. Mr. Graminski said as far as he knows at this point, to the east, the north side of the road, there has to be some clearing done, and to the west on the south side of Round Lake Road, that is a minor piece of regrading that has to occur on the neighboring Murray/Garrick property. Lauren Munsch has been in touch with the owners and they are working out an agreement as the County will require a formal easement over that property to do the regrading. They will be applying for a few variances for Lot 1 for the existing buildings. The existing garage will need a front and side yard variance, the existing house will need a front yard variance, and a variance will be required for minimum lot width at the building line for the dwelling on lot 1. Mr. Graminski said he has done some preliminary testing for lot 2 and will be filing to the Health Department for lot 2. He will have to do some design work for lot 1 as he will have to show a reserve area for that lot. As

far as the driveway for lot 2, the biggest grade is right at the beginning. He has to follow County standards which includes a negative grade off the road. He said the grade starts out at 15% for about 100 feet, then flattens out to 12, then 8, and then down to 2% once you get into the lot. He will have to do some regrading; it is solid rock. He said he will have to have a ditch on both sides and a culvert to pick up the water coming down which will dump out across the road into the pond. The Board agreed an escrow account in the amount of \$1,000 needs to be established so that this application can be reviewed by the Town Engineer and it will be sent to the Fire Department for a review.

The Board agreed the sketch plan of the Munsch two lot subdivision meets the objectives of the Subdivision Regulations.

Mr. Anagnos motioned that the Planning Board declare their intent to be lead agency for this two lot subdivision and to declare this an unlisted coordinated action under SEQRA with involved agencies being the Dutchess County Department of Health and Dutchess County Department of Public Works and interested agencies being the Town of Milan ZBA and the Town of Milan Fire Department. Mr. Mautone seconded.

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

Motion carried 4-0.

Mr. Anagnos motioned that the Planning Board send a positive recommendation to the Zoning Board of Appeals to grant the requested variances for the side and front yard for the existing garage, the front yard for the existing dwelling, and for minimum lot width at the building line for lot 1 as these variances are necessary to allow the applicant to move forward in the subdivision process. Mr. Mautone seconded.

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

Motion carried 4-0.

Mr. Graminski asked if the Board would be willing to set the date for the public hearing to be held at the July meeting. He said he would like to get the application out there earlier as opposed to later to find out if there will be any public feedback. Mr. Anagnos asked Mr. Graminski if he was confident that he will receive DPW approval and Mr. Graminski said he was. The Board agreed to set the date for the hearing but said that it will probably be held over until the August meeting since the ZBA's public hearing won't be held until, at the earliest, July 24th.

The Planning Board motioned to set the date for the public hearing for the Munsch two lot subdivision for the July 3rd Planning Board meeting with the

understanding that the hearing will probably be continued into the August 7th Planning Board meeting.

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

Motion carried 4-0.

Mr. Graminski will submit the variance application by June 17th and supply the maps for the SEQRA circulation, for the Town Engineer, and for the ZBA.

- 2. Verizon Wireless “Jackson Corners” Unmanned Communications Facility -** Scott Olson, Attorney and representative for the Applicant and Ronald Graiff, Radio Frequency Engineer and consultant for the Planning Board were present along with the RF Engineers for the applicant, Rick Andras and Bill Tucci. This application is for a 160’ wireless communications facility (cell tower) proposed to be located on property owned by Red Wing Properties, Inc, Academy Hill Road, tax grid number 6572-00-862990. Mr. Olson said as part of the Town’s regulations, a balloon test was required so that was done in April and a visual resource evaluation was submitted for a 160 foot tower. They have provided a revised full EAF and a structural letter stating the tower will be built pursuant to existing current standards. Mr. Olson said when they were before this Board in March, they were proposing a 150 foot tower but one of the Board members requested it be raised to 160 feet. The new documents that have been submitted are for a 160’ tower. They will be applying for a height variance and, possibly, for a noise variance. Chairman Wyant read Section 200-21 B(3) which states “The Zoning Board of Appeals may allow wireless communications facilities up to 150 feet if an independent radio frequency consultant determines that adequate coverage would not be provided by a tower of lesser height.....” When asked, Mr. Olson said that he would like it on the record that 150 feet works fine for Verizon but increased the tower height to 160 feet due to a Planning Board concern to accommodate future carriers. Mr. Graiff said in his letter of April 23rd, he determined that 150 feet was the minimum height required by Verizon to achieve coverage goals. However, in looking at Exhibit 7, a significant gap still remains on the Taconic State Parkway and even at 160 feet, it does not fill that gap due to intervening terrain. An antenna orientation change or a change in the height of the antennas could affect that. Mr. Graiff said, as he discussed in his April 23rd letter, to serve this area, it is a three site solution utilizing the tower on Near Road in Gallatin, the tower on Woody Row Road in Milan, and this site. The combination of those three towers would provide for seamless coverage. But for this site, 150 feet is the minimum. He said they put the microwave antennas on the old tower at a high level and at this proposed tower, even higher. If they left the microwave antennas at the same height as the old tower, at 86 feet, it would provide more room for additional carriers and it worked. Mr. Graiff said this tower is justified at 150 feet so to consider future carriers, construct the tower so it is structurally strong enough to accommodate the additional 10 feet in case a future carrier appears and demonstrates a need to go to 160 feet to the Board. Mr. Graiff said many carriers use the same sites with different technologies but they

propagate differently. They should clean up the bottom of tower to make space for additional carriers. However, to reiterate, this tower will not end coverage gaps in Milan; there will still be a gap on the Taconic which can be filled with the existing tower on Woody Row Road and the existing tower on Near Road in Gallatin. One other recommendation, not knowing the terrain, would be if they moved further south they may be able to get around the terrain. Jack Campisi said a legal question the Town may have to get answered is that the zoning law limits the ability of the ZBA to vary beyond 150 feet. Mr. Olson said no town can limit an applicant from requesting a variance. We can seek a variance from any provision. Mr. Olson said, again, we have no problem at 150 feet and we can over design the foundation and steel to support a 160 foot tower should another carrier wish to pursue a variance to 160 feet. Mr. Campisi clarified Mr. Olson's comment, that Verizon has the right to ask and the ZBA has the right to deny it, and Mr. Olson said yes, that is correct. Mr. Graiff said to cover all the bases, this application did not include a tow air, an aeronautical study to find if this structure will interfere with navigation. In other words, should the tower be lit? If there were a public use airport in Rhinebeck or a nearby location that anyone can land at, if that is in a certain distance to slope factor, the tower would have to be lit. The applicant should submit a tow air to prove it does not have to be lit. Mr. Anagnos said the closest public airport is about 20 miles to the west. Mr. Graiff said that should be okay, the distance is about 10 miles to require a lit tower, but they should submit the report to do a full due diligence. Also, the letter to notify neighboring towns was sent out at 120 feet; that should probably be resent stating the correct height. Mr. Olson said he will check on that. Chairman Wyant said a neighbor has asked if the access road will be gated to allow restricted access and if the access road will remain totally on this property and not touch the contiguous properties on Willow Glenn Road to the north. Mr. Graiff said the applicant has proposed a double swing gate right by the road. There is typically a sign on the gate that identifies the tower and provides the antenna registration number. Typically, the combination to the lock is given out to the first responders. There is also a fence and gate around the compound so that area is secure as well. As far as the access road, Mr. Olson said the road will be built as it appears on the site plan, page SU1, and will not touch contiguous properties. Mr. Olson asked if the Board will consider sending the ZBA a referral on the height variance and setting the date for the public hearing for the July meeting. Board members agreed that the referral to the ZBA should be to 150 feet with the condition that the tower be built to accommodate an additional 10 feet if a future carrier wishes to apply for a variance to 160 feet. Mr. Olson said they will agree to locate the microwave antennas to their original height of 86 feet. Mr. Anagnos asked why they were raised in the first place and Mr. Graiff said for path clearance as microwaves travel from point to point but 86 feet works and clears some area for co-locators which is good planning.

Mr. Anagnos motioned that the Planning Board send a positive recommendation to the Zoning Board of Appeals to grant the requested height variance for this communications facility to 150 feet per Section 200-21B.(3)(b) of the zoning code with the condition that the facility be structurally sound enough to support an

Town of Milan Planning Board Meeting Minutes – June 5, 2013 - Final

additional 10 feet to allow for the possibility of a future carrier who may wish to apply for a variance to 160 feet to co-locate. This area variance is required to allow the applicant to move forward in the site plan/special use permit application that is before the Planning Board. Mr. Mautone seconded.

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

Motion carried 4-0.

Mr. Anagnos motioned that the Planning Board set the date for the public hearing for the Verizon Wireless “Jackson Corners” Unmanned Communications Facility to be held at the July 3rd Planning Board meeting. Mr. Mautone seconded.

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

Motion carried 4-0.

Mr. Olson will submit the variance application no later than Monday, June 17th.

Mr. Anagnos motioned to adjourn the meeting at 8:30 p.m., Mr. Mautone seconded.

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

Motion carried 4-0.

The next workshop is scheduled for Thursday, June 27th and the next meeting is scheduled for Wednesday, July 3rd. Both meetings are held at the Town Hall and start at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board