

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL  
WEDNESDAY, SEPTEMBER 4, 2013

MEMBERS PRESENT:

Joan Wyant, Chairman  
Jeffrey Anagnos  
Kim Godfrey  
James Jeffrey  
Kim Koehler  
John Mautone  
Radford West

MEMBERS ABSENT:

None

ALSO PRESENT:

None

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

**Public Hearings:**

1. Chairman Wyant motioned that the Planning Board adjourn the continuation of the public hearing for the Munsch two lot subdivision as requested in an email by the applicant's authorized representative, Mark Graminski, P.E./L.S., to the Planning Board dated September 4, 2013. Mr. West seconded.

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

Motion carried 7-0

2. 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 as requested by the applicant's authorized representative, Scott Olson, Esq., per his letter to Joan Wyant, Chair of the Planning Board, dated August 30, 2013 to the October 2, 2013 Planning Board meeting.

Mr. Anagnos seconded.

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

Motion carried 7-0.

**Administrative Items:**

- Approval of Minutes: Mr. Anagnos motioned that the Planning Board accept the minutes of August 7, 2013 as presented. Mr. West seconded.

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

Motion carried 7-0.

- Correspondence:
  1. The Dutchess County Planning Federation is sponsoring two short courses to be held at the Farm and Home Center on September 24<sup>th</sup> – SEQRA Basics and Special Use Permits. Registration is open now for these courses. Both courses will earn three education credits.

**Applications:**

1. **Red Hook Fence** – Paul Hughes, property owner, appeared with Scott Galliher, potential buyer, regarding property located on Route 199/Willowbrook Road, tax grid number 6571-00-572228. Mr. Hughes received site plan approval from the Planning Board on March 4, 2009 for the primary site use of Building Materials. Mr. Galliher is proposing to use the site for office space and storage of farm equipment. The farm equipment will be used for custom farming in the area in farm operations to plant, fertilize and harvest crops at various farms. Mr. Galliher is proposing to use the existing buildings and site as it is now. At some point in the future, he said he may want to add another building. Steve Cole, Building Inspector and ZEO for the Town, has stated that this use falls under “Farm Machinery Sales and Rental”. The Planning Board agreed that this is a good use for the location and agreed with Mr. Cole’s determination of the use.

Chairman Wyant motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered a request to change the use of property located on Route 199/Willowbrook Road, tax grid number 6571-00-572228 in the Highway Business District; WHEREAS,

- There is an approved site plan on file for this property which was approved by the Planning Board on March 4, 2009 for the primary site use of “Building Materials”; and
- The property is changing ownership from Paul Hughes, Red Hook Fence, to Wesarg Headquarters, LLC who have proposed use of the site for office space and storage of farm equipment which will be used for custom farming in the area to plant, fertilize, and harvest crops at various farms; and
- Stephen Cole, Town of Milan Building Inspector, has determined, in a letter dated August 12, 2013 to Davis & Trotta, Attorneys At Law, that this use falls under the use of “Farm Machinery Sales and Rental” which is an allowed use in the Highway Business Zoning District per Table A, Schedule of Use Regulations, with site plan approval by the Planning Board; and
- The new owner has stated he plans to keep the existing accessory apartment which was granted a special use permit by the Town of Milan ZBA on June 26, 2006; and
- Per Section 200-17.P of the Zoning Code, within 60 days after the transfer of title to premises for which a special use permit has been granted for an accessory apartment, the Zoning Enforcement Officer or Building Inspector shall inspect the premises to determine that the principal

residential structure is occupied in accordance with Subsections A through L; and

- The new owner has stated that, at present, he will not be making any changes to the site plan except for what is stated below. Any changes made in the future must be approved by the Planning Board; and
- Since there will be no substantive changes to the site, an approved site plan is on file, the proposed use is an allowed use in the zoning district, and this use is in harmony with the zoning district, the Planning Board will not hold a public hearing for this change in use.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board approves the change of use from “Building Materials” to “Farm Machinery Sales and Rental” and authorizes the Chairman to sign the site plan once the following changes have been made:

- Change the box “Plan approved for primary site use of Building Materials...” to “Plan approved for primary site use of Farm Machinery Sales and Rental on \_\_\_\_\_2013”.
- Change Owner Applicant from Paul J. Hughes to Wesarg Headquarters, LLC, 291 Tripp Road, Millerton, NY 12506.
- Pictures of the new signs must be submitted to the Planning Office within 30 days of the closing date.
- There are three references to “fence materials storage area” which must be changed to “farm machinery storage area”.

Seconded by James Jeffreys.

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

Motion carried 7-0.

- 2. Nicolich/Welch Lot Line Adjustment:** Robert Ihlenburg, L.S., appeared as the authorized representative for Carlo Nicolich and Timothy Welch for their proposed lot line adjustment of two properties located on Fitzsimmons Road, tax grid number 6474-00-875110 and 379 Fitzsimmons Road, tax grid number 6474-00-900103. 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 upkeeps it as well. Mr. Ihlenburg said he did make application for a variance for the Nicolich property because it is a pre-existing, non-conforming lot of 1.3 acres in 3 acre zoning and this action will make it slightly more non-conforming. The ZBA granted the variance at their August 28<sup>th</sup> meeting. The final lot area after the adjustment for the Welch property will be 1.810 acres. Mr. Ihlenburg said he will add a locator sketch on the map and a note stating the variance that was granted with the date it was granted. The Board agreed that this action classifies as a lot line adjustment and that no site visit is required.

The Board agreed the sketch plan of the Welch/Nicolich lot line adjustment meets the objectives of the Subdivision Regulations and that this will be an unlisted, uncoordinated action under SEQRA.

The Planning Board motioned to set the date for the public hearing for the Welch/Nicolich lot line adjustment for the October 2<sup>nd</sup> Planning Board meeting.

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

Motion carried 7-0.

- 3. Trudell Subdivision/Lot Line Adjustment:** Brian Trudell appeared regarding his proposed two lot subdivision and lot line adjustment of property located on Brooklyn Heights Road, tax grid numbers 6371-00-880388 and 6371-00-870388 in the A3A zoning district. Mr. Trudell is proposing to split 880388 into two lots, lot 1 being 3.37 acres and Lot 2 being 3.13 acres. Lot 2 has been granted Board of Health approval with an approved well, septic and expansion area. Lot 2 has the required road frontage but due to the steep terrain would gain access over Lot 1 with an easement. As part of the same process, Mr. Trudell wants to adjust the lot line of parcel 870388 to allow that parcel room for an expansion area for the septic system. Mr. Trudell owns both lots. There is an existing mobile home on 880388 and there is a house under construction on 870388. Mr. Trudell spoke to Glenn Butler, Highway Superintendent, regarding the driveway accesses and Mr. Butler, who was present at the meeting, said there is no problem with the driveways being side by side on Brooklyn Heights Road. The entrance to 880388 is existing and the proposed entrance for the easement to Lot 2 meets sight distance requirements. There is an area on Brooklyn Heights Road where a proposed driveway entrance for Lot 2 could be placed that meets sight distance if Lot 2 ever requires its own driveway. The entrance to 876346 is via an easement over proposed Lot 1 and is side by side to the proposed easement area for proposed Lot 2 with about 12 feet between them. Mr. Trudell said at some point and possibly as part of this application, he may do a lot line adjustment with 876346 so that the easement area becomes part of 876346 so the entrance is on that property. Mr. Butler said the entrance to 876346 cannot be moved any further over or it will not meet sight distance. The Board agreed that this action classifies as a minor subdivision with a lot line adjustment and that they would like to do a site visit. Mr. Jeffreys said there are DEC wetlands across the street which may have an impact. The map also needs two foot contours and the distance between the driveways added. A note will also be needed stating proposed Lot 2 was granted Board of Health approval with the date and any restrictions. The width of the driveways needs to be shown. Mr. Trudell said Lot 2 is rugged but once you get up there, it is a beautiful site.

The Board agreed to set the site visit for this application for Thursday, September 26<sup>th</sup> at 4:30 p.m., meeting at the new driveway location.

**Discussion Items:**

1. Red Wing Properties: Paul Doherty submitted a parcel merge request to Scott Hobson, Town Assessor, requesting that parcels 6572-00-862990 and 6572-00-902892 on Academy Hill Road be merged together. Mr. Hobson asked the Planning Board to comment.

The Planning Board agreed to send the following note to Mr. Hobson: “At the Planning Board meeting held on Wednesday, September 4, 2013, the Planning Board agreed that there would be no negative impacts as a result of a merger of the two properties above.

2. South Road Farm: The Board agreed to set the site visit for the South Road Farm proposed two lot subdivision to be held on Thursday, September 26<sup>th</sup> at 3:30 p.m. Mr. West asked if the Board could be provided with a map that shows the proposed house site and driveway.

Mr. Anagnos motioned that the Planning Board adjourn the meeting at 7:50 p.m.. Mr. West seconded.

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

Motion carried 7-0.

The next workshop is scheduled for Thursday, September 26<sup>th</sup> and the next regular meeting is scheduled for Wednesday, October 2<sup>nd</sup>. 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