

PLANNING BOARD MEETING MINUTES – FINAL

WEDNESDAY, AUGUST 6, 2014

MEMBERS PRESENT

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

MEMBERS ABSENT:

Nathaniel Charny  
James Jeffreys

ALSO PRESENT:

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

**Public Hearings:**

- 1. Howe/Leavitt Lot Line Adjustment:** Wesley Chase, L.S., appeared on behalf of the applicants for a lot line adjustment between property owned by Bruce Howe located at 162 Sawmill Road, 2.06 acres, tax grid number 6472-00-119262 and property owned by Craig Leavitt located on Sawmill Road, 54.91 acres, tax grid number 6472-00-174298. Both properties are located in the A3A zoning district. Chairman Wyant read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Chase said when Mr. Howe had a survey done, they found out that the stone wall was not the property line and that his well is located on Mr. Leavitt's property. The purpose of the lot line adjustment is to bring the well onto the Howe property by transferring 0.14 acres from Mr. Leavitt to Mr. Howe. There was no public comment. The Board had no questions.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Howe/Leavitt lot line adjustment application. Ms. Godfrey seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	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 Howe/Leavitt lot line adjustment application. Mr. West seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

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

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	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 Bruce and Joan Howe for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on June 30, 2014 and a site plan prepared by Lynden B. Chase, L.S. dated June 11, 2014 has been submitted for the requested lot line adjustment between two properties located on Sawmill Road in the A3A zoning districts and identified as 64672-00-119262 (Howe) and 6472-00-174298 (Leavitt/Nguyen); and

WHEREAS, the proposed action will convey 0.14 acres from Leavitt/Nguyen to Howe) bring the Leavitt/Nguyen lot to 55.11 acres and the Howe lot to 2.20 acres; and

WHEREAS, both parcels are improved with a single family dwellings, wells, and septic systems and associated out buildings; and

WHEREAS, a public hearing was held on August 6, 2014 at which time there were no complaints raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on August 6, 2014; 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 August 6, 2014; and

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

Seconded by Mr. Anagnos.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

- 2. Steckler/Aiello Lot Line Adjustment:** Wesley Chase, L.S., appeared along with George Steckler for a lot line adjustment between property owned by George Steckler located on Academy Hill Road, tax grid number 6573-00-947348 in the A5A zoning district, Jason and Lindsay Aiello located at 941 Academy Hill Road, tax grid number 6573-00-939310 in the A5A zoning district, and property owned by the estate of Martha Steckler, located at 11 Old Jackson Corners Road, tax grid number 6573-00-996452 in the A3A zoning district. Chairman Wyant read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Chase said Martha Steckler has passed away so the estate owns the old Steckler farm. Mr. Aiello is proposing to purchase the land south of the Roeliff Jansen Kill and add it to his existing property. Mr. Aiello has bought property in the past from the Stecklers and affixed it to his property. Mr. Chase said Martha Steckler deeded fishing rights to the people of NYS through the NYS DEC and he has indicated that easement area along the stream 33 feet from each bank and added a note to the map as well. Mr. Aiello's parcel will become 26.20 acres, the estate of Martha Steckler property will become 47.9 acres and Mr. Steckler's 0.56 acre lot will be eliminated. There was no public comment and no additional questions from the Board.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Aiello/Steckler/Steckler lot line adjustment application. Ms. Godfrey seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	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 Aiello/Steckler/Steckler lot line adjustment application. Mr. West seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

Chairman Wyant motioned to close the public hearing. Ms. Godfrey seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

Mr. West 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 the estate of Martha Steckler for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on June 30, 2014 and a site plan prepared by Lynden B. Chase, L.S. dated June 11, 2014 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 15.32 acres from the Estate of Martha Steckler and 0.56 acres from George Steckler to Jason Aiello thereby eliminating George Steckler’s lot (6573-00-947348); and

WHEREAS, the proposed action will bring the existing Aiello parcel to 26.20 acres and the Estate of Martha Steckler parcel to 47.9 acres; and

WHEREAS, the Aiello parcel and Estate of 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 August 6, 2014 at which time there were no complaints raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on August 6, 2014; 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 August 6, 2014; and

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 are obtained on the mylar (Board of Health, Owners’ consent);

Seconded by Mr. Mautone.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

**Administrative Items:**

- Approval of Minutes – Ms. Godfrey motioned that the Planning Board accept the minutes of June 4, 2014 as submitted. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

- Correspondence – There was no correspondence.

**Applications:**

1. **Archer Acres Subdivision/Lot Line Adjustment** – Dennis Lynch from Day Engineering and Paul Doherty, Applicant, appeared regarding this subdivision/lot line adjustment of properties located at the corner of Odak Farm Road and Turkey Hill Road, tax grid numbers 6473-00-236616-00, 6473-00-314508-00, 6473-00-313482-00, and 6473-00-316534 located in the A3A zoning district. Mr. Lynch said they were last before the Board in 2012 and have made a couple of minor changes. This proposal is realigning the lot lines between four existing parcels creating six parcels – four three acre parcels, the existing house will remain on the twenty acre parcel and the remaining 100 acres will not be developed at this time. Mr. Doherty has met with Glenn Butler, Highway Superintendent, who has conceptually approved the driveway entrances. Previously, there was a problem with the dip in the road but they redid the road. The Clerk said that Mr. Butler stopped into the Planning Office today and said that the sight distance was fine for all the accesses. Mr. Day said they are working with the Board of Health and have done the deep and perc tests. The Board of Health is close to approving everything. The initial well test for the existing house had a level of chloroform in it but it has since been retested and passed. They are not in the final stretch with the Board of Health so felt it was time to come back to the Board. Since an escrow account has been established, the Board discussed whether this application should go to the town engineer for driveway construction and gradients and the Board agreed it was not necessary as there are no steep grades.

Mr. West motioned that the Planning Board declare intent to be lead agency for this subdivision/lot line adjustment application and circulate this unlisted action to the following agencies: Involved: Dutchess County Department of Health and Town of Milan Highway Department; Interested: New York State DEC and Town of Red Hook. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

Chairman Wyant motioned that the Milan Planning Board set the date for the public hearing to be held at the September 3, 2014 Planning Board meeting. Mr. Anagnos seconded.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

**Discussion Items:**

1. **LC District** - At the July Planning Board meeting, Glenn Marron discussed with the Board her desire to subdivide her property to create one additional lot on property located at 564 Milan Hollow Road, tax grid number 6470-00-646771. The problem is the property is located in the LC zoning district which prohibits single family dwellings. The property is 21.59 acres and while there are wetlands along the back of the property, the front part of the property does not have wetlands. At this time, Ms. Marron would not be able to subdivide her property because the Planning Board cannot create a lot that is unbuildable. One solution to this would be to allow a single family dwelling in the LC district with site plan approval/special use permit approval by the Planning Board. The Board agreed this was a good solution and agreed to forward a recommendation to the Town Board.

Chairman Wyant motioned that the Planning Board send the following recommendation to the Town Board:

BE IT RESOLVED, the Town of Milan Planning Board recommends the Town of Milan Town Board amend Table A, Schedule of Use Regulations, of the Town of Milan Zoning Code to allow single family dwellings in the LC district with site plan/special use permit approval by the Planning Board;

WHEREAS, under Section 200-8(E), LC – “The purpose of the Land Conservation District is to recognize and provide for the preservation of permanent open space, view shed protection, and **limited development** on severely constrained lands, such as wetlands and floodplains, as well as lands that are under the ownership or control of agencies and organizations providing for parks and designated open space.”; and

WHEREAS, the Site Plan and Special Use Permit regulations will enable the Planning Board to allow single family dwellings on LC parcels only where the applicant can demonstrate the dwelling and associated improvements will not impact the natural resources and open space. Seconded by Mr. Anagnos.

Chairman Wyant	Aye	James Jeffreys	Absent
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye	Motion carried 5-0	

2. **Bed and Breakfast** – John and Ingrid Kulich appeared at the July meeting with a sketch proposal for a Bed and Breakfast establishment on their property located at 269 Milan Hollow Road, tax grid number 6470-00-627183. They have not filed an application for site plan approval as yet. The regulations for a Bed and Breakfast require that the dwelling shall be limited to a single structure affording overnight accommodations. The Kulichs would like to use their house for one guest room and the public rooms and use their barn for the remainder of the guest rooms. The Board discussed sending a recommendation to the Town Board to change the law to read “limited to two structures”. The Board agreed they would like another month to consider this and asked the Clerk to

find out what the Bed and Breakfast requirements are for the surrounding towns.

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

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

Motion carried 5-0.

The next meeting will be held on Wednesday, September 3 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board