

PLANNING BOARD MEETING MINUTES – FINAL

WEDNESDAY, JANUARY 7, 2015

MEMBERS PRESENT

Joan Wyant, Chairman  
Jeffrey Anagnos  
James Jeffreys  
John Mautone  
Radford West

MEMBERS ABSENT:

Nathaniel Charny  
Kim Godfrey

ALSO PRESENT:

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

**Public Hearings:**

- 1. Riccobono Lot Line Adjustment** – Wesley Chase, L.S., was present on behalf of Robert Riccobono for the public hearing for a lot line adjustment of two properties belonging to Mr. Riccobono located on Sawmill Road, tax grid numbers 6471-00-012999 and 6471-00-090924. 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 this is a lot line adjustment between two properties owned by Mr. Riccobono, one with his residence and one across the street with a barn and pond. Mr. Riccobono wants to make sure the barn and pond stay with the house parcel for aesthetic reasons and because he uses the barn so they are taking 0.46 acres which include the barn and pond and adding to the .078 house parcel to create one parcel of 1.24 acres, leaving 13.54 acres on the east side of the road. Mr. Riccobono added the note that the Board requested at the last meeting which states that Parcel A (0.46 acres) on the east side of Sawmill Road as noted on this map is not a separate building lot, and shall not be separated or divided from the 0.78 acre lot on the west side of Sawmill Road. That note is on the map under Notes and also printed inside Parcel A and will be included in the deed. The Board agreed that all items raised at the last meeting have been addressed. There was no public comment.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Riccobono lot line adjustment application. Mr. West seconded.

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

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

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

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

WHEREAS, an application packet was submitted to the Planning Office on November 25, 2014 and a site plan prepared by Lynden B. Chase, L.S. dated October 12, 2014 has been submitted for the requested lot line adjustment between these two properties owned by Robert Riccobono located on Sawmill Road in the A3A zoning district and identified as 6471-00-012999, 63 Sawmill Road, consisting of 0.78 acres and 6471-00-090924, Sawmill Road, consisting of 14.01 acres; and

WHEREAS, the applicant wishes to keep the barn and pond located on 090924 together with their dwelling located on 012999 for convenience and aesthetic purposes; and

WHEREAS, the proposed action will convey 0.46 acres from 090924 to 012999 and the resulting acreages will be 1.24 acres on 012999 and 13.54 acres on 090924; and

WHEREAS, 012999 is a pre-existing, non-conforming lot consisting of 0.78 acres; as a result of this action, the acreage will increase to 1.24 acres making this lot less non-conforming; and

WHEREAS, the proposed action will create a land hook over Sawmill Road so a notation has been added to the map stating that the 0.46 acres on the east side of Sawmill Road is not a building lot and shall not be separated or divided from the 0.78 acres lot on the west side of Sawmill Road, and the deed shall specifically restrict the subdivision or separation of the lots into separate parcels and specify that the 0.46 acres on the east side of Sawmill Road is not a building lot and shall not be separated or divided from the 0.78 acre lot on the west side of Sawmill Road; and

WHEREAS, the Town of Milan Highway Superintendent has signed off on preliminary approval for the access to the remaining lands of 090924 as shown on the map prepared by Lynden B. Chase, L.S. dated October 12, 2014; and

WHEREAS, a public hearing was held on January 7, 2015 at which time there were no objections raised; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on January 7, 2015.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board finds that this lot line adjustment application complies with all of the provisions of the Town of Milan Code chapters 177 (Subdivision) and 200 (Zoning); and

BE IT FURTHER 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 prior to being presented to the Chairman for signature.

Mr. Jeffreys seconded.

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

Conditional Final Approval: Expires in 180 days (Monday, July 6, 2015)

Please submit one mylar for filing plus six (6) paper copies for the Town files, as well as any paper copies you would like signed and returned.

Once the maps are signed by the Chairman, the applicant or applicant's representative must file the map in the office of the Dutchess County Clerk within 60 days from the date of signing.

#### **Administrative Items:**

- Approval of Minutes: Mr. Anagnos motioned that the Planning Board accept the minutes of November 5, 2014 as presented. Mr. Mautone seconded.

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

#### **Applications:**

1. **Gardom Conversion** – Bruce Gardom was present regarding his application to convert an existing studio into an accessory apartment on his property located at 76 East Lake Road, tax grid number 6473-00-229984. Mr. Gardom said they recently renovated an existing art studio and added a new septic system just for that building which has been inspected by Health Department. He has a CO for the art studio but now would like to convert it into an accessory apartment. It is a very small, one person apartment. Mr. Gardom said he talked to both his neighbors and they have no problem with it. There is room for parking. This would be the second accessory apartment on the property as there is a cottage there now that they rent out. Mr. Jeffreys said before the Planning Board can continue with this application, Mr. Gardom will have to go to the ZBA to request a

variance for lot area as a conversion in the A3A zoning district requires six acres for two units and Mr. Gardom has 4 acres.

Mr. Jeffreys motioned that the Planning Board recommend the applicant, Bruce Gardom, apply for an area variance from the Zoning Board of Appeals for lot area from the required six acres to four acres pursuant to Section 200-23 of the Zoning Law for conversion of an existing studio into a second accessory dwelling unit on the above referenced parcel located in the A3A zoning district. Mr. Mautone seconded.

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

- 2. Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless Special Use Permit/Site Plan Approval** – Scott Olson, Attorney, was present for the continuation of the application review for site plan approval/special use permit approval to locate a cell tower on property located on Academy Hill Road, tax grid number 6572-00-862990. Mr. Olson brought a sample of the branches used for a camouflaged antenna and said they would paint the actual antenna. Mr. Jeffreys said this is more natural looking than they used to be; it's not bottle brush. Mr. Olson said where the branches start on the pole depends on the location of the tower – they want to make sure they start low enough so that the pole is not noticeable. Mr. Jeffreys suggested starting the branches at 40 to 50 feet. Mr. Olson said Verizon received ZBA approval for a variance up to 150 feet total which is fine – he said they can still design the tower and make it look decent. He said we are here now before the Planning Board to finish up site plan and special use permit approvals. They submitted additional information to address Mr. Paggi's and Ms. Axelson's outstanding items and received subsequent letters from each.

Mr. Paggi reviewed his comments. Number 3 under New Comments suggests the road be super-elevated towards the east which they will do and will update the plans to show that. Number 3 also requests double-reinforced soil erosion control measures be placed at the toe of the slope along the west side of the access drive and the applicant was fine with that also. Mr. Paggi said those were his only new comments. Mr. Paggi said back in March, he pointed out some outstanding issues from his last memo and those issues have been answered in their response letter. Mr. Paggi said we did emphasize that if any blasting is to occur, the applicant must get a permit from the town and ensure adjacent areas have pre-blast inventories and are monitored during the blast to make sure vibrations do not travel off site. Mr. Olson said it is very rare that they have to blast, not to say it won't happen, but it probably won't. There are other methods we use. Mr. Jeffreys said the material in that area is all shale and is hammerable so they probably won't have to blast. Mr. Paggi said he had asked that due to the steep section of the access drive it be monitored post construction. The applicant has added those notes to the maintenance table and to the roadway construction detail. There will be post construction monitoring for the SWPPP and while they are doing that, they will take a look at the roadway and if erosion occurred, they will take care of it at that point. As part of the SWPPP, bio retention areas were proposed and the applicant's engineer has concluded

that there will be no adverse impacts to the downside slopes as a result of the groundwater discharge from the bio-retention area. The construction sequencing plan has been changed to be broken down into three sections. At the finish of one section and before the next section is started, the previous section will be stabilized including permanent and temporary vegetative cover. According to the SWPPP, Povall Engineering will be doing the construction monitoring. The applicant will also need to obtain a work permit from the Dutchess County Department of Public Works as the access is onto a county road. At the public hearing, neighboring property owners, the DiCarlos, asked that the town insure that additional run off not be directed toward their property after the completion of construction. Povall Engineer concluded that there will actually be less drainage post-construction than the pre-development area so the impact to the DiCarlos will be lessened.

Ms. Axelson reviewed outstanding items in her comment letter. Number 4 - The applicant has agreed to update the plans to show the variance that was granted. Number 7 regarding plan notations – the applicant submitted a draft of the plan notes and Ms. Axelson had four suggested changes. The applicant agreed to the first three but Mr. Olson said they object to the insurance information asking Milan to be an additional named insured. Mr. Olson said usually the town is an additionally insured. If the town is a named insured, it means the town is a policy holder. If Verizon does not pay their bill, the town will have to pay it, and that bill is not just for this site, but for all the Verizon sites. Ms. Axelson and the Board agreed with not making that change and keeping the town as additional insured. Number 8 – Mr. Olson said he will copy verbatim what the law says and will forward to Ms. Axelson. Number 10 is asking for plan notation to describe what activities would be permitted or prohibited in the 50' wide no disturb buffer areas shown on the plans and to ensure permanence of the proposed buffering. Mr. Olson said the plans show the buffer; he is happy to put that notation on the plan and the landlord is okay with it as well. Number 12 regarding bonding, Mr. Olson said we will get an estimate for the removal bond and submit to Mr. Paggi. Mr. Olson said as far as Number 13, he brought the tree branch sample tonight. He said he can't bring a sample of the shelter but typically, it is stone, usually tan, a typical utility building. The Board agreed a sample of the utility building is not necessary. Mr. Olson said he will try to get a sample trunk section. It will be similar to the trunk of the branches but will be textured. He said to the best of his knowledge, they put a composite material on the tower as a shell which has ridges and looks like bark. Mr. Olson said as far as Number 17, they will update the plans well in advance of the next meeting. Mr. Olson said as far as the bond, Mr. Paggi, as engineer to the Town, approves the bond amount that we provide and then it goes to the Town Board for sign off on the amount of the removal bond. Mr. Paggi said he is not clear what work they are securing with this bond. Ms. Axelson said if they end the tower and fail to remove it and the town has to cause it to be removed. Mr. Jeffreys asked why the town would want it removed to which Ms. Axelson replied if the tower is abandoned and not maintained and becomes an attractive nuisance, it's a problem. Mr. Jeffreys said in reality, other than towers that violated construction or zoning and went up illegally, in his tenure he has never seen one removed. Ms. Axelson said there is so much demand for these locations, the owner will try to get people on it. Mr. Olson said the reality is that this is not getting removed in the life time of anyone

here. Once you go through this process, it's a valuable asset worth so much and once the service is provided, customers don't want it terminated. Mr. Jeffreys asked about the life expectancy of a tower and Mr. Olson said with these towers, it could be 100 years.

Towers are designed much stronger now. Mr. Olson said removal is not difficult and the raw materials of the tower itself are not that expensive.

In discussion, it was agreed that if most of these issues are addressed in time for review prior to the February 4<sup>th</sup> meeting, it is feasible that the Board will be able to entertain conditional site plan and special use permit motions at that meeting. Ms. Axelson said she will start working on draft motions.

**Discussion Items: None**

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

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

The next meeting will be held on Wednesday, February 4, 2015 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board