

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, JUNE 1, 2016

MEMBERS PRESENT:

Joan Wyant, Chairman
Kim Godfrey
James Jeffreys
John Mautone
Radford West

MEMBERS ABSENT:

Jeffrey Anagnos
Nathaniel Charny

ALSO PRESENT:

None

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

Public Hearings:

- 1. Ahlin Special Use Permit** – Linda Ahlin, applicant, and Ed Russell were present for the public hearing for Ms. Ahlin’s special use permit application to change the existing private stable into a public stable on property located at 437 Field Road, tax grid number 6570-00-036782, in the A5A zoning district consisting of 6.197 acres. Mr. Russell said recently, the Town Board changed the law to allow a private or public stable on a minimum of three acres instead of ten acres. The definition of private stable specifically states “not for hire, remuneration or sale” so Ms. Ahlin decided to apply for a permit for a public stable. On the property now are the house, a garage, and a 140 square foot run in shed. There is no barn. There are three horses on the property now and they go in the run in shed at night. Mr. Jeffreys said the Board received a letter from Warren Replansky, an attorney, sent on behalf of the Meyers which identified several areas of concern. Mr. Jeffreys did a drive by of the property and took some photos which he shared with the Board. Mr. Replansky’s letter questions the adequacy of the present drive in terms of construction, access and width for commercial traffic and emergency vehicle access. Mr. Jeffreys asked what kind of traffic will be generated by this use. On the west side of Field Road, it is a very narrow path. Two vehicles could not pass going in different directions. The road is beveled. There is also a Class B stream on the property which goes through the road which may force a level of DEC approval. At present, there is fencing on either side of the road. Mr. Russell said before the property was sold to the Meyers, the farm used both sides of the road. There is a deeded right of way in the Meyers deed going west to east for farm use only. There are iron stakes capped in white which identify the property line. The metal fences are inside of these markers. Mr. Jeffreys asked would it be fair to say the fencing would prohibit the Meyers from crossing the road? Mr. Russell said the panels open so the fencing is not prohibiting them from crossing; they can open the gate. The fence that is prohibiting them from crossing is the old barbed wire fence. That is the original fence from the farm itself. Mr. Russell said also, there are culverts all over the property which Ms. Ahlin was going to replace. The pipes are on the property to replace the existing pipes. The pond on

the Bodian's property is illegally allowing run off onto the Meyers' property. Mr. Russell said he spoke to the DEC and determined that the pipes need to be repaired or replaced. The first culvert is roughly 75 feet in and the other one is about halfway down the driveway. However, we can't move forward with that because the Meyers want to go to court. The stream goes all the way up to their pond which is part of that Class B stream. Mr. Jeffreys said in order for the Board to consider this application under the new law, the site plan needs to be updated to show parking, where the animals will be pastured, manure storage and disposal, elevations, and length of the driveway. The driveway will need to be reviewed by the fire department to ensure it is accessible to emergency vehicles. A driveway of this length will require at least a couple of pull off areas. Mr. Russell said there will never be more than three horses on that property. We need an acre per horse and we have six acres. Mr. Jeffreys said due to the road improvements that will be required, the stream will be impacted which will require DEC involvement which will kick off the requirement for a long environmental assessment form. The Board's goal in moving this application forward is to meet what you as the applicant want to accomplish and satisfy local and state laws. Mr. West said he agrees that a certain amount of acreage is required per horse. The updated law only requires three acres for horses; it does not limit the number of horses per acre. Mr. West suggested putting a condition on the special use permit limiting this use to three horses. Mr. Jeffreys said he thinks the town engineer should do a site visit and identify any potential problems areas with the driveway, the stream, and the slope by the barn. There was some back and forth discussion on the deeded right of way. Mr. Russell said Ms. Ahlin can put the first culvert pipe in, there is no issue with the DEC, and the fence along the driveway is a portable fence which does not require a building permit. The Meyers have the use of the property on either side of the road. Their property goes all the way around the easement area and shows access coming from the barns past the first culvert, and coming onto the road where it is 51 feet, then goes all the way up the road. The road is 51 feet, the easement is 50 feet. The deeded right needs to be open but only on the 50 feet. That one foot makes the easement null and void. Mr. Russell said this is in the attorney's hands now. Mr. Jeffreys said the right of way area will need to be shown on the site plan.

Public comment: Lauren Meyers, adjacent property owner, said she does not have enough information to know exactly how it will impact us if Ms. Ahlin changes the road. The easement goes all the way back to allow us to get to the big field. We need to be able to get from side to side. Ms. Ahlin has cordoned off 35 of the 50 acres for pasture and that has precluded us from getting access the 50 feet. What are the implications after the site plan is done? We need to make sure we have access to our easement. Mr. Russell said the access to the field is still there, all they have to do is open a gate and go through it. If we widen the road, that will give them total access. Mr. Russell said he has 40 foot culvert pipes to widen the road. Ms. Ahlin said there is a stipulation on the driveway that it is for farm use only. Robert Meyers said he would like to reiterate that our interest is to understand fully the impact of this. The law has been changed. We want to make sure the rights we have are respected as we are trying to respect the process. The

easement is very clear, it is written in the deed, and it says over and across. Ms. Ahlin will not let us go from the left to the right. We have made a commitment to this farm, a substantial investment. We had it plowed which hadn't been done in decades, planted new crops, and we wish to utilize the pasture area as well as the hay fields in the back. We just want the rights that are conveyed in the deed. As far as the 51 feet, our surveyor, Robert Campbell, said that is a geometry thing. If you measure from different angles you can get 51 feet, 48 feet, 50 feet. It is a 50 foot easement as written in the deed.

Mr. Jeffreys said in order to move forward with this application, the applicant will need to establish an escrow account in the amount of \$3,000 to cover the work done by the town engineer and submit a site plan application. Once the escrow check and site plan application are received, we will ask the town engineer to review the application, the short form to ascertain if a long form is needed, Mr. Replansky's letter dated June 1, 2016, the minutes and any other documents that may be submitted as well as do a site visit. The Board will also ask the fire department to do a formal review of the road. The site plan will also need to be updated to show the parking area, where the animals will be pastured, manure storage and disposal, elevations, the right of way, and the length of the driveway. Based on the town engineer's review, there may be additional items to be added to the site plan.

Mr. Jeffreys motioned that the Planning Board hold over the public hearing for the special use permit for Linda Ahlin for a public stable until the July 6th Planning Board meeting. Mr. Mautone seconded.

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

- 2. Catskill Farms/Ventura Lot Line Adjustment** – William Onofry from Catskill Farms, Inc. and August Ventura were present for the public hearing for this lot line adjustment between property owned by Catskill Farms, Inc. located at 45 Mitchell Lane, tax grid number 6473-00-796319 consisting of 4.56 acres in the A3A zoning district and property owned by August Ventura located at 41 Mitchell Lane, tax grid number 6473-00-736328, consisting of 3.2 acres in the A3A zoning district. Mr. Onofry said Catskill Farms is seeking a lot line adjustment for this parcel which they acquired in 2014. It is a flag lot and a survey has revealed that the road overlaps onto the Ventura property so Catskill Farms and Mr. Ventura have agreed to modify the lot lines to allow the existing gravel driveway to sit on the Catskill Farms parcel and in compensation for this, they will swap lands with Mr. Ventura allowing him to have additional land at the rear of his property. The Board members agreed that this lot line adjustment will improve the area and is straight forward as both parties are in agreement.

Public comment: Mr. Ventura looked at the map to verify that the changes being made reflect the correct numbers and he said they do.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Catskill Farms Inc./Ventura lot line adjustment application. Mr. West seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 5-0.

The Board completed the short environmental assessment form and Chairman Wyant signed the form.

Mr. Jeffreys motioned that the Milan Planning Board approve the Negative Declaration for the Catskill Farms Inc./Ventura lot line adjustment pursuant to Part 617.7 of the State Environmental Quality Review Act. Mr. Mautone seconded.

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 5-0.

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

Chairman Wyant	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 5-0.

Chairman Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Catskill Farms Inc. for a lot line adjustment (minor subdivision);

WHEREAS, a formal application for the approval of a lot line adjustment with an adjoining parcel owned by August Ventura was submitted to the Town of Milan Planning Board on April 18, 2016 along with a site plan prepared by Lawson Surveying & Mapping dated January 21, 2016 and last revised on April 5, 2016; and

WHEREAS, the Catskill Farms Inc. parcel is 4.565 acres located at 45 Mitchell Lane, tax grid number 6473-00-796319 in the A3A zoning district and the Ventura parcel is 3.2 acres located at 41 Mitchell Lane, tax grid number 6473-00-736328 in the A3A zoning district; and

WHEREAS, Catskill Farms Inc. is conveying 0.058 acres to August Ventura; therefore, the acreages after the lot line adjustment will be: 6473-00-796319 is decreased to 4.486 acres and 6473-00-736328 is increased to 3.258; and

WHEREAS, a public hearing for this proposal was held on June 1, 2016 at 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 Part 617 of NYCRR 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 June 1, 2016; and

WHEREAS, the Town of Milan Planning Board finds that this application complies with the provisions of the town of Milan Code Chapter 177, Subdivision, and Chapter 200, Zoning.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board of the Town of Milan grants conditional final approval to the Catskill Farms, Inc./Ventura lot line adjustment based upon a site plan prepared by Lawson Surveying & Mapping dated January 21, 2016 and last revised on May 9, 2016; and

BE IT FURTHER RESOLVED, 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:

- All signatures are obtained on the mylar prior to presenting to the Chairman for signature

Mr. Jeffrey's seconded.

Chairman Wyant	Aye	James Jeffrey's	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Nathaniel Charny	Absent	Radford West	Aye
Kim Godfrey	Aye		

Motion carried 5-0.

Conditional final approval expires in 180 days, November 28, 2016. Please submit one mylar (for filing with the Dutchess County Clerk's Office) plus five paper copies (for the Town's files) for the Chairman's signature once the conditions for final approval stated above have been met.

Once the mylar has been signed by the Chairman, the applicant or applicant's representative must file it in the office of the Dutchess County Clerk within 60 days from the date of signing.

Administrative:

- Approval of Minutes: Mr. Mautone motioned that the Planning Board accept the minutes of May 4, 2016 as presented. Mr. Jeffrey seconded.

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

Correspondence: None

Applications: None

Mr. Jeffrey motioned that the Planning Board adjourn the meeting at 8:05 p.m. Ms. Godfrey seconded.

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

The next Planning Board meeting is scheduled for Wednesday, July 6th at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board