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TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, SEPTEMBER 7, 2022

MEMBERS PRESENT:

Thomas Darby, Chairperson
Stephen Callahan
James Jeffreys (arrived 7:10 pm)
John Mautone
Ann Patty
Radford West

MEMBERS ABSENT:

Kevin Pike

ALSO PRESENT:

Chair Darby opened the meeting at 7:00 p.m.

Public Hearings:

- 1. Miller/Fowler Lot Line Adjustment** – Spencer Hall, LS, appeared as the authorized representative for a lot line adjustment between two properties owned by Byron and Sharon Fowler located at 22 Fowler Lane, tax grid numbers 6470-00-234745 consisting of 7.61 acres and 6470-00-194898 consisting of 22.59 acres. Both parcels are in the A5A zoning district. Chair Darby read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. There was no one present from the public for this application.

Mr. Callahan motioned to close the public hearing. Ms. Patty seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Absent
James Jeffreys	Absent	Radford West	Aye
John Mautone	Aye		

Motion carried 5-0

Chair Darby motioned that the Town of Milan Planning Board approves the following resolution: BE IT RESOLVED, the Planning Board has considered the application of Dawn Miller and Byron Fowler for a lot line adjustment:

WHEREAS, an application dated July 20, 2022 was submitted to the Town of Milan Planning Board for a lot line adjustment between two lots owned by Byron Leroy and Sharon Lee Fowler as follows: tax grid no. 6470-00-234745 located at 22 Fowler Lane consisting of 7.61 acres in the A5A zoning district with improvements (Parcel B) and tax grid no. 6470-00-194898 located on Fowler Lane consisting of 22.59 acres in the A5A zoning district with improvements (Parcel A); and

WHEREAS, after the transfer of 0.84 acres from Parcel A to Parcel B, Parcel A will be 23.48 acres and Parcel B will be 8.46 acres; and

WHEREAS, the purpose of this lot line adjustment is to have the well located on the same lot as the house it services, Parcel B; and

WHEREAS, a survey map has been prepared and submitted by Spencer Hall, L.S. for this lot line adjustment dated November 15, 2021 and revised on July 19, 2022; and

WHEREAS, this action was declared a Type II action under SEQRA requiring no further review at the Planning Board meeting on August 3, 2022; and

WHEREAS, the public hearing was held on September 7, 2022 at which time there were no objections raised; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Milan Planning Board grants conditional final approval to the Miller/Fowler Line Adjustment; and

BE IT FURTHER RESOLVED that the Chairman of the Planning Board is hereby authorized to endorse approval on said plat after compliance by the applicant with the following conditions:

- The owners' signatures must be on the mylar prior to being presented to the Chairman for signature.

Seconded by Mr. Mautone.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Absent
James Jeffreys	Absent	Radford West	Aye
John Mautone	Aye		

Motion carried 5-0.

- 2. Gilroy Site Plan Application for Ground Mount Solar** – Roger Weisman from Plug PV LLC was present as the authorized representative for Mary Gilroy seeking site plan approval to place a ground mount solar system on property located at 248 Milan Hollow Road, tax grid number 640-00-667126, consisting of 5.02 acres in the A5A zoning district. Chair Darby read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. The board agreed this proposal meets all the requirements set forth in Section 200-30 of the zoning code. The board did a site visit and established that all the setbacks have been met. The ground mount will be installed in the side part of the yard. The homeowner from 242 Milan Hollow Road was present to make sure they won't get any glare from the panels at their house. Mr. Weisman showed him the map and said the panels are facing to the east of the house so 242 Milan Hollow Road should not get any glare.

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

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Absent
James Jeffreys	Absent	Radford West	Aye
John Mautone	Aye		

Motion carried 5-0.

Mr. Callahan motioned that the Town of Milan Planning Board approves the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Mary Gilroy for site plan approval for a ground mount solar array as required per Section 200-30, Solar energy systems, of the Town of Milan Zoning Code;

WHEREAS, an application packet was submitted to the Planning Office on August 1, 2022 and a site plan prepared by PlugPV LLC dated June 22, 2022 has been submitted for the requested site plan approval on property owned by Mary Gilroy located at 248 Milan Hill Road, tax grid number and 6470-00-667126 consisting of 5.02 acres in the A5A zoning district; and

WHEREAS, the proposed action is to construct a 12kW DC ground mount solar array consisting of 30 panels with a rear leg height of 110.5”; and

WHEREAS, this is a residential lot improved with a single family dwelling and associated accessory structures; and

WHEREAS, the solar array is located behind the front building line of the dwelling and meets the 100 foot setback requirement from any public or private road and any boundary line on the lot thereby minimizing any visual impact on neighboring parcels and does not exceed the maximum lot coverage set forth in the Schedule of Area and Bulk Regulations for the A3A zoning district; and

WHEREAS, the Planning Board declared this lot line adjustment to be a Type II action required no further review on August 3, 2022; and

WHEREAS, a public hearing was held on September 7, 2022 at which time there were no objections raised; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants site plan approval for this ground mounted solar array and sets the following conditions:

- All connection and distribution cables, lines and wires shall be trenched and buried underground in conduit.
- This solar energy system shall be removed, at the owner’s or operator’s expense, within one year of determination by the Zoning Enforcement Officer that the system is no longer being maintained in an operable state of good repair or is no longer supplying solar power.

Mr. West seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Absent
James Jeffreys	Absent	Radford West	Aye
John Mautone	Aye		

Motion carried 5-0.

Approval of Minutes:

Mr. Jeffreys motioned to accept the minutes of August 3, 2022 as presented. Mr. Mautone seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

Applications:

- 1. Upstate Modernist Four Lot Subdivision** – Michael Gillespie, P.E. appeared as the authorized representative for preliminary approval of this proposed four lot subdivision of property located on Boice Road, tax grid number 6370-00-954482 consisting of 31.79 acres located in the A3A zoning district. Property owners Christopher Dierig and Douglas Maxwell were also present. Mr. Gillespie said we were before the board last month for sketch endorsement but had not had the formal survey completed which we do now. This plan shows four lots and four individual driveways. Once we had the wetlands delineated, the shared driveways did not work. The driveways cross the Army Corps. wetlands in a couple of spots. They are not close to the tenth of a mile threshold for a work permit and have stayed under the five-acre threshold for stormwater. The driveway locations are staked out but need to go to the Highway Superintendent for approval. The board wants to do a site visit so they will get everything staked out by the surveyor prior to the site visit. Mr. Jeffreys pointed out that the driveway for Lot 2 is very close to the property line and asked what the setbacks are to the wetlands for the septic expansion area for Lot 3. Mr. Gillespie said the requirement from the Department of Health is not a setback distance but that the expansion area can't be near an open water wetland. The area near Lot 3 is just wetland vegetation, not running water. Chair Darby said he would like to see a definitive setback from the property line for the driveways, especially if they are close to the property line. Mr. Gillespie said they can adjust the driveway so it is not as close to the boundary line. Chair Darby said the board wants to do a site visit and especially due to the slopes and wetlands, we should send this to the engineer for the board for review. Mr. Jeffreys commented that the driveways are long and steep with a 15% grade on most of them and the houses would be facing east blocking the sun. From a practical standpoint, that will make the driveways hard to traverse. Mr. Gillespie said for Lot 1, the original location of the driveway was all rock and would have required blasting.

After some discussion, the board agreed to schedule the site visit for Wednesday, September 21st at 1:00 provided the staking is done for the driveways, house sites, septic locations, and wetlands and to send this application to the engineer for the board for review. An escrow account has been established.

The board reviewed the short environmental assessment form. Mr. Jeffreys motioned that the Planning Board declare intent to be lead agency for this unlisted, coordinated review and to send the application to the Town Highway Department, the Milan Volunteer Fire Department, the Army Corp. of Engineers, and the Department of Health. Ms. Patty seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

Mr. Jeffreys motioned to set the date for the public hearing for this application for the October 5th Planning Board meeting. Ms. Patty seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

- 2. Unmann Three Lot Subdivision** – Marie Welch, LS, was present as the authorized representative for Herbert and Marie Unmann’s application for a three lot subdivision of property located on Pond Road, tax grid number 6470-00-457363 in the A5A zoning district consisting of 34.49 acres. Ms. Welch said this is one parcel because of the lot line adjustment done four years ago. The Unmanns sold the property across the street and now want to sell off the two corner lots. Pond Road is a user road so the property line runs to the center line of the road. We have submitted a feasibility study from David Rider, P.E. These are steep lots. We need to add the driveways to map.

The board reviewed the short Environmental Assessment Form. Mr. Jeffreys motioned that the board declare intent to be lead agency for this unlisted, coordinated action and to circulate to the Town Highway Department and the Milan Volunteer Fire Department. Mr. Callahan seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

Mr. Jeffreys motioned that the board set the date for the public hearing for this application to be held at the October 5th Planning Board meeting. Ms. Patty seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

The board agreed to schedule the site visit for Wednesday, September 21st at noon.

- 3. Eastgate Motors Automobile Storage** – Frank Mazzarella, Architect, was present as the authorized representative for Christine and Gregory Verrilli’s site plan application for a commercial garage on property located at 1359 Route 199, tax grid number 6571-00-57228 in the Highway Business zoning district consisting of 2.35 acres. The property owners were also present.

The board has done a site visit. Mr. Mazzarella said the two new buildings are now 5,000 square feet which is allowed under zoning. The actual drive is further north because the land is a little flatter there and it improves sight distance. People storing vehicles will leave their cars and Greg Verrilli will drive them into the buildings to store. The Highway Superintendent needs to look at the access locations off of Willowbrook Road. They will make use of all the existing buildings as well as putting up the two additional buildings and the car storage buildings will be climate controlled. Setback variances have been granted in the past. This is a triangular shaped lot and will need area variances for lot area and possibly a setback variance.

The board agreed this is a good use for this property.

Chair Darby motioned that the Planning Board send a positive recommendation to the Zoning Board of Appeals for the variance requests for increased lot coverage and setback variance(s) for the new building(s) from Eastgate Motors. The Planning Board considers this proposal to be a good use for the property. Mr. Jeffreys seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

Mr. Jeffreys asked, when the board is ready to circulate this application, should the NYS Department of Transportation be included in the circulation since the property borders Route 199. The clerk will ask the attorney for the board.

Discussion/Correspondence: None

Chair Darby motioned to adjourn the meeting at 8:35 p.m. Ms. Patty seconded.

Thomas Darby, Chair	Aye	Ann Patty	Aye
Stephen Callahan	Aye	Kevin Pike	Absent
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0.

Town of Milan Planning Board Meeting Minutes –Final – September 7, 2022

The next Planning Board meeting is scheduled for Wednesday, October 5, 2022 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board