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TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, OCTOBER 5, 2022

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALSO PRESENT:

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

Public Hearings:

- 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. Chair Darby read the legal notice for Upstate Modernist that was posted in the paper and sent to neighboring landowners. Mr. Gillespie said we are proposing to develop this 31 acre parcel that lies along Boice Road into a total of four lots, each served by single driveways off of Boice Road. The property has elevation grades going largely from top to bottom gradewise. The property has significant areas of federal wetlands which are denoted by the darkened areas on the map. These lots will be much larger than are required in the zoning code. At one point, an eight lot subdivision was proposed but the owners preferred larger lots. The house locations for lots one, two and three are significantly set back off of Boice Road by about 600 feet. Visibility from Boice will only exist possibly on a winter day. The proposed house location on Lot 4 is about 250 feet off of Boice Road. We have been granted sketch endorsement, started the SEQRA circulation, and had a sight visit which included Planning Board members, the Milan highway superintendent, and the engineer for the board, Nancy Clark. The highway superintendent had some changes required to improve sight distance on a couple of the driveways. Mr. Gillespie said the board had comments about the property line that went back and cut across on Lot 2 so they straightened the line. They were going to share a couple of driveways but that was not well received so now all lots have their own driveways. Chair Darby said due to the challenges of this lot, the board requested the board's engineer to review this project. She has submitted two comment letters which board members and Mr. Gillespie have received.

Public Comment: Joanna Beard, 86 Boice Road, appeared with comments and pictures. She said she lives on the south end of Boice right as it turns on to Lamoree. Her comments are attached to the minutes. She had three requests of the Planning Board. Her first request was that they please do not cut down all the trees by requesting that the developers limit the number of trees they destroy, that

they keep the narrow, dirt portion of Boice Road safe for those who use it now by restricting truck and construction traffic to wider, paved roads with better visibility, and that they do not disrupt the neighborhood with obnoxious noise by requiring that they limit the number of hours they are allowed to run loud machinery and that they do all rock-breaking and other disruptive work simultaneously. Scott Spencer, 86 Boice Road, whose comments are attached to these minutes, echoed Ms. Beard's comments and added that the road has many dog walkers, bike riders, and people who go by the house every day. Please at least preserve the dirt section of the road and make it safe to walk on. Georgia Dent, 27 Lamoree Road said she supports the picture painted of Boice Road with the dog walkers and bikers and said it is concerning to think such a large project will be going on for some time. Jeff Parent, Lamoree Road, also supported the statements made and the preservation of the dirt portion of Boice Road.

Mr. Gillespie said we are not coming before this board for anything that is not allowed per the zoning code. We are not clear cutting trees and will only remove what is absolutely necessary. There are details on the plan indicating areas of disturbance. Mr. Gillespie will take note of these concerns and comments and formally respond as part of their next submittal. We have not heard from the fire department as yet but the thirty days allowed for responses has not gone by. Chair Darby asked how they could make a determination until the driveways are built and Mr. Jeffreys said they will look at the map. Mr. Pike said there are wetlands on this property. The new driveway on Lot 1 crosses the wetlands three times now instead of once, the start of the driveway on lot 2 is near a wetland area, and the driveway on lot 3 hugs the wetlands. Mr. Gillespie said because the highway superintendent needed more room at the corner, we had to move the driveway for Lot 1. Lots 2 and 3 avoid crossing any wetlands and lot 4 crosses twice. You have the right to fill in under a tenth of an acre without a permit and we will show that we are under that threshold. It was laid out for that specifically. Chair Darby said we walked the four driveways and went to the proposed house sites. Ms. Clark was there at the end of the visit and had some comments. It is a difficult piece of property as far as slopes, etc. We have laws and the subdivision fits within those guidelines. Chair Darby said he is on board with leaving the dirt road as it is, and we will do what we can do. Ms. Beard said all we are asking is to keep construction vehicles off of Boice. Chair Darby said that would be our intent. Mr. Dierig said we are residents of Milan and have developed other properties in town. We love the dirt road. This is our profession, and we are not greedy, money-hungry people. We are architects. We do development thoughtfully with the focus on sustainability, home site selections, and how the homes are built. Our record shows we take a light touch approach with what we do. We have the best interest of the town in mind with a thoughtful plan. Chair Darby said when we did the walk through, he was impressed and pleased to see there was an effort to have the least amount of disturbance of land as possible. They were paying attention to make it work with least amount of pounding.

Mr. Jeffreys motioned that the Planning Board hold the public hearing open until the November 2nd meeting. Mr. Pike seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	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. Chair Darby read the legal notice for the public hearing that was posted in the paper and sent to neighboring landowners. Ms. Welch submitted a revised map to add the location of the driveway entrances as per the highway superintendent. The lot totals were slightly adjusted but nothing on the body of the map has changed. Ms. Welch submitted a letter dated September 12, 2022 from NYS Parks, Recreation, and Historic Preservation stating that no properties, including archaeological and/or historic resources will be impacted by this project. We had a site visit with the Planning Board members and the highway superintendent. A report was previously submitted from David Rider, P.E. dated August 12, 2022 stating he performed soil tests and with fill systems, he believes septic can be designed. Mr. Jeffreys talked to Mr. Butler, Highway Superintendent, about how close the driveways were to the power lines and about sight distance on lots 2 and 3. Mr. Butler submitted driveway access approval dated September 11, 2022 detailing what modifications will be necessary to achieve sight distance. Ms. Welch added a note to the map stating driveway locations as shown were approved by the highway superintendent and any change would require approval from the highway superintendent. At the last meeting, someone asked what the dimension of the right of way of the pipeline is and Ms. Welch said it is 60 feet wide. Ms. Welch amended the short EAF regarding the archeological question and the updated form is in the file. Chair Darby said he has concerns about the steepness of the driveways relative to the wetlands on the other side of the road. Ms. Welch said the wetlands are Army Corp, not DEC. There are no erosion and control plans in place. Chair Darby said he would like to see the driveways and the proposed house and septic locations as these lots are limited in building locations. Ms. Welch said she will add a note to the map stating driveways must be engineered to Town of Milan Highway Department specifications to ensure no run off will go across the town road.

Chair Darby asked for public comment. A person was there who lives on the corner of Pond Road and Milan Hollow Road and asked what is getting built and will it increase the cars on Pond Road. Ms. Welch said this proposal is for a two lot subdivision so it would probably be a single family dwelling for each lot. The member of the public said her house and barn were severely impacted with the work on the power lines and Pond Road is a dirt road. She doesn’t want to go through that experience again. Mr. Jeffreys said there will be excavators, etc. but nothing like what’s going on with the power lines. She commented about the

protection of the dirt road. Mr. Jeffreys said the highway superintendent has no intention of changing the dirt road.

Mr. Jeffreys motioned that the Planning Board declare a negative declaration under SEQRA for this unlisted, coordinated action. Mr. Mautone seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0

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

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0

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 Herbert Unmann for a three lot subdivision;

WHEREAS, an application dated August 17, 2022 was submitted to the Town of Milan Planning Board for a three lot subdivision of property located on Pond Road, tax grid no. 6470-00-457363 consisting of 34.49 acres in the A5A zoning district; and

WHEREAS, Lot 1 is proposed to be 13.726 acres, Lot 2 is proposed to be 10.056 acres and Lot 3 is proposed to be 10.709 acres; and

WHEREAS, a site plan entitled “Amendment to F.M. No. 11495-C Subdivision prepared for Herbert H. and Marie Unmann in the Town of Milan has been prepared and submitted by Welch Surveying dated August 15, 2022 and revised on July 19, 2022; and

WHEREAS, a letter was received from David Rider, P.E. dated August 12, 2022 stating that, with a fill system, the sites have the ability to support onsite wastewater treatment systems; and

WHEREAS, this action was declared an unlisted action under SEQRA at the Planning Board meeting on September 7, 2022 and circulated to the appropriate agencies; and

WHEREAS, a comment letter has been received from NYS Parks, Recreation, and Historic Preservation dated September 12, 2022 stating “it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the NYS and National Registers of Historic Places will be impacted by this project”; and

WHEREAS, preliminary driveway approval has been submitted by Glenn Butler, Town of Milan Highway Superintendent listing what modifications are necessary to achieve sight distance requirements and a note will be added to the map stating “Driveway locations are shown where approved by town highway superintendent. Any change to the approved locations would require a new approval from the town highway superintendent” and a note will be added to the map stating “Driveways must be engineered to Town of Milan Highway Department Specs to ensure no runoff will go into or across the town road.”; and

WHEREAS, the public hearing was held on October 5, 2022 at which time there were no objections raised; and

WHEREAS, the Town of Milan Planning Board declared a Negative Declaration for this action on October 5, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Town of Milan Planning Board grants conditional final approval to the Unmann Three Lot Subdivision; 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:

- All signatures must be on the mylar prior to being presented to the Chairman for signature.
- The following fees must be paid: \$400 final subdivision fee; \$71.57 publication fee, and \$4,500 recreation fee.
- The two notes regarding the driveways must be added to the mylar as stated above.

Seconded by Mr. Mautone.

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

Motion carried 6-0.

Approval of Minutes:

Mr. Mautone motioned to accept the minutes of September 7, 2022 as presented. Mr. Jeffreys seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0

Applications:

- 1. **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.

Mr. Pike motioned that the Planning Board declare their intent to be lead agency for this unlisted, coordinated action and circulate to the Milan Zoning Board of Appeals, the Milan Highway Superintendent, the NYS DOT, and the Milan Fire Company. Ms. Patty seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0 The applicant must submit four copies of the map.

Chair Darby motioned that the Planning Board set the date for the public hearing to be held at the November 2nd meeting contingent upon the ZBA granting the requested variances at their October 26, 2022 meeting. Mr. Mautone seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0

Discussion/Correspondence:

- 1. **Osborne-Rosolie Lot Line Alteration** – Ms. Welch was present for this discussion. She said the lot line adjustment between the Milan lot (142350) which belongs to Ms. Osborne and the Red Hook lot (076372) which belongs to the Rosolie’s, was done with the Red Hook Planning Board. When Ms. Welch went to file it at the County Clerke’s office, they said they needed a letter or signature from the Town of Milan. If you look at the aerials, the Rosolie land is part of Ms. Osborn’s pasture. There is a 10 foot deep gully between the Rosolie house and this pasture and the Rosolie’s will never use that piece of land so they agreed to sell it to her. The entire property being conveyed is in the Town of Red Hook. Chair Darby said he would like to do a site visit and there are violations to Milan’s code on the Milan property. Her camper is parked there and she is apparently living there full time. Ms. Welch said Ms. Osborn has bought a house in Red Hook. Chair Darby said there are multiple structures on the property. Mr. Jeffreys said there are no structures on the Red Hook property and all she is doing is adding the vacant property to her Milan property. Chair Darby didn’t see how the board can proceed with approving a change when there are zoning violations on the Milan property. Mr. Jeffreys said we are not a permit granting board, we are not a building permit board, and we do not adjudicate violations. We are a land use board. That vacant land in Red Hook which has no improved structures

other than fence and the attachment to the property in the Town of Milan are two different things. After some discussion, the board agreed to move forward because the lot line adjustment has been approved, and the building inspector has been notified of the violations and has sent a letter of violation to Ms. Osborn.

Mr. Jeffreys motioned that the Planning Board authorize Chairman Darby to sign a letter to the County Clerk’s office stating Milan has no interest in this lot line adjustment. Mr. Pike seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0

A site visit has been set up for Tuesday, October 11, 2022 at 11:00 a.m..

2. Chair Darby said he would like to have an education seminar dealing with driveways and slopes of driveways for the board members. He would like to invite the engineer Nancy Clark and the highway superintendent Glenn Butler to present. The board was in favor of this. The clerk will discuss with Ms. Clark.

Mr. Mautone motioned to adjourn the meeting at 8:30 p.m. Ms. Patty seconded.

Chairman Darby	Aye	Ann Patty	Aye
Stephen Callahan	Absent	Kevin Pike	Aye
James Jeffreys	Aye	Radford West	Aye
John Mautone	Aye		

Motion carried 6-0

The next Planning Board meeting is scheduled for Wednesday, November 2, 2022 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board