

TOWN OF MILO, NEW YORK

Planning Board
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FINAL

MEETING MINUTES

Meeting Date: September 11, 2018

A. Call to order.

1. The Chairperson of the Planning Board (hereinafter called "Chairperson") called to order the September 11, 2018 meeting of the Town of Milo's Planning Board (hereinafter called "this Board") at 6:00 PM in the conference room at Town Hall, which is located at 137 Main Street, Penn Yan, New York.

B. Pledge of Allegiance.

1. All present pledged allegiance to the Flag of the United States of America.

C. Attendance.

1. Planning Board members. The following board members were present at this meeting:
 - i. Kay Williamson
 - ii. Russell Hunt
 - iii. Julie Engel
 - iv. Nate Riehl
 - v. Sallie Jensen
 - vi. Steve Acker

A quorum of the Planning Board was present to hold this meeting.

2. Town staff. The following Town staff were present at this meeting:
 - i. Anthony Validzic
3. Public.
 - i. Carol Genecco
 - ii. Douglas McCord, Landscape Architect
 - iii. Angelo Licciardello (father)
 - iv. Gary Doty
 - v. Linda Doty
 - vi. Kathy Bulman
 - vii. Ron Bulman
 - viii. James Reed
 - ix. Karen Reed

- x. Dan Condella
- xi. Dorothy Williams
- xii. Bill Laffin
- xiii. Mary Zelazny
- xiv. Jeff Kennedy
- xv. Maureen Sward
- xvi. Bengt Sward

D. Open Meetings' Law of the State of New York – Statement. The Chairperson read the Open Meetings' Law statement to all present. No requests for copies were received by the Secretary.

E. Approval of the Planning Board's minutes from last meeting.

1. The Planning Board reviewed the August 2018 meeting minutes. All members reviewed such meeting minutes and no corrections were requested.
 - i. Member Julie Engel made a motion to approve the meeting minutes as submitted. Such motion was seconded by Member Russell Hunt. The members voted, and the results were:
 - a. Kay Williamson – Aye
 - b. Russell Hunt – Aye
 - c. Julie Engel – Aye
 - d. Nate Riehl – Aye
 - e. Sallie Jensen – Aye
 - f. Steve Acker – Aye

A majority affirmative of the Planning Board was achieved, and the motion was adopted.

F. Communication from Town staff, Chairperson or other board members.

1. The Secretary respectfully asked that each board member review the transmittal and supporting documents for each application under review.

G. Applications under review.

1. Application No. PB-08-14-2018A: An application by David L Genecco Family Trust for a Special Use Permit as it pertains to a Planned Unit Development consisting of attached single unit dwellings (a.k.a., townhouses) as illustrated in the submitted site plan and submittal documents at 1 Route 54-East Lake Road, which is more specifically known as Tax Map Identification Numbers 61.42-1-6.1.
 - i. The Chairperson asked the applicant to address this Board and provide a summary of the proposed application. Douglas McCord, Landscape Architect spoke and discussed the following changes to the elements of the project, which was initially presented at the August 2018 meeting:
 - a. The site plan has changed due to the acquisition of 5 Route 54-East Lake Road that will be merged into 1 Route 54-East Lake Road. This acquisition provides for a better layout of the proposed townhouses and site utilities. Furthermore, additional townhouses can be constructed; and
 - b. The landscaping plan was amended to satisfy the requests of the residents to install a 6 feet high fence. Said fence is proposed to be located at the properties owned by Keuhne to Banach, which is illustrated on the amended site plan; and

- c. Two development signs complying with the Zoning Law will be installed at the development's entrances at Hillcrest Drive and Route 54-East Lake Road; and
 - d. An amended permit has been submitted to NYSDOT due to the acquisition of 5 Route 54-East Lake Road; and
 - e. The applicant's Professional Engineer is working on amending the Stormwater Prevention Pollution Plan (SWPPP) due to the acquisition of 5 Route 54-East Lake Road as well as the comments received by Yates County Soil and Water Conservation District.
- ii. The Chairperson opened the meeting to conduct a Public Hearing at 6:10 PM. The following public comments were received:
- a. Bill Laffin
 - 1. Will there be an age restriction (e.g., 55 years old or higher) for the tenants?
 - (i) Applicant replied "no."
 - 2. Will the apartments be low-income housing?
 - (i) Applicant replied "no."
 - 3. What sureties is the Town seeking from the applicant to avoid the owner's current development issues in Canandaigua?
 - (i) The Secretary of the Planning Board informed the Public that the Town Attorney researched this issue and the Town cannot ask for a performance bond to ensure the completion of this project. Also, the Town spoke to the NYSDOS Division of Local Government and was told that our local law would need to state the requirement for a performance bond.
 - 4. Has the applicant applied for any tax exemptions such as a Pilot?
 - (i) The Secretary of the Planning Board informed the Public that any financial agreements and/or tax exemptions are not within the purview of the Planning Board.
 - b. Karen Reed
 - 1. She expressed her appreciation to the applicant for amending the landscaping plan to have a 6 feet high fence at her property.
 - c. Jeff Kennedy
 - 1. How will garbage/rubbish collection be handled?
 - (i) Applicant replied that each dwelling unit will have its own tote and will store it in the garage except during days of collection. There will be no dumpsters at this development.
 - 2. Will the utilities be underground?
 - (i) Applicant replied that all utilities will be underground.

3. Will each house have its own mailbox or will there be a central mailbox location?
 - (i) Applicant replied that it will be one central mailbox location.
 4. What kind of street lighting is proposed?
 - (i) Street lighting is illustrated in the amended site plans and said lighting will be dark sky compliant.
 5. How will snow removal be handled?
 - (i) The applicant replied that the roads are proposed to be dedicated to the Town. The Town would be responsible for snow removal.
 6. Is parking being provided?
 - (i) The applicant replied that each dwelling unit has an attached garage and one parking space in the driveway. Additional parking spaces, which does include ADA compliant spaces, are illustrated in the amended site plan that are adjacent to the roads proposed to be dedicated to the Town.
- d. (unknown first name) McCloud (sp?)
1. Why are no sidewalks proposed?
 - (i) The Secretary of the Planning Board explained that it is prohibited to have sidewalks within Town roads.
- e. Mary Zelazny
1. Has the applicant conducted a feasibility study to ascertain the need for this type of housing?
 - (i) The applicant explained that the Yates County Industrial Development Agency (a.k.a., Finger Lakes Economic Development Center) provided them a study that states a significant need for the proposed type of housing.
 2. Has the applicant implemented items in the Village's Community Vision Plan?
 - (i) The applicant explained that this project is in the Town of Milo, outside the Village of Penn Yan.
- f. Ronald Bulman
1. Why isn't this project being annexed into the Village of Penn Yan as expressed in an opinion article by Gene Mitchell?
 - (i) The Secretary of the Planning Board informed the Public that any annexation is not within the purview of the Planning Board.
 2. Are you refusing to answer my question?
 - (i) The Secretary of the Planning Board replied no and informed the Public that the applicant was given the choice to annex into the Village of Penn Yan. The applicant met with the Village of Penn Yan and the applicant chose not to petition annexation of these lands to the Village of Penn Yan. Ronald Bulman did express his desire to ease the tax burden on Village residents at the Public Hearing, which

the Secretary of the Planning Board did state was understandable. Said secretary told him that he should speak to the Village Board to allow the 8-unit townhouse at South Avenue, which is being proposed by the applicant and abuts 1 Route 54-East Lake Road, since that can help said tax burden.

The Chairperson closed the Public Hearing at 6:30 PM.

- iii. The Chairperson asked the members of this Board if any concerns and/or questions need to be addressed by the applicant. The members discussed and reviewed the amendments/revisions with the applicant such as but not limited to dark sky compliant lighting. No concerns were raised at this time.
- iv. The Chairperson asked for a motion to approve Resolution #2018-011 – SEQRA / Notice of Intent to Serve as Lead Agency, which replaces the initial Notice of Intent due to the acquisition of 5 Route 54-East Lake Road. The motion was made by Nate Riehl. The motion was seconded by Steve Acker. The members of this Board voted, and the results were:
 - a. Kay Williamson – Aye
 - b. Russell Hunt – Aye
 - c. Julie Engel – Aye
 - d. Nate Riehl – Aye
 - e. Sallie Jensen – Aye
 - f. Steve Acker – Aye

A major affirmative of this Board was achieved and the motion was adopted.

- v. The Town inform the Public that the Town Engineer is in the process of reviewing this application to ensure compliance with applicable rules and regulations. This review is not complete at this time; and
 - vi. The Town informed the Public that no further action will be taken as it pertains to this application. Additionally, the Town informed the Public that this application is scheduled for further review at the October 9, 2018 meeting of the Planning Board that will be held at 6 PM and at the same location.
2. Application No.: PB-09-11-2018A: An application by Alvin Horning for a Subdivision to create one (1) new lot of record from the parent lot of record located at 1657 Stiles Road, which is more specifically known as tax map identification numbers 50.04-1-7.1.
- i. The Chairperson shall ask the applicant to address the board and provide a summary of the proposed application, if necessary. The applicant was not present, so the Secretary of the Planning Board gave a brief explanation of the application to the Board.
 - ii. The Chairperson opened the meeting to conduct a Public Hearing at 6:34 PM. No public comments were received. The Chairperson closed the Public Hearing at 6:35 PM.
 - iii. The Chairperson asked for a motion to approve Resolution #2018-007 – SEQRA / Statement of Findings – Negative Declaration. The motion was made by Steve Acker. The motion was seconded by Nate Riehl. The members of this Board voted, and the results were:
 - a. Kay Williamson – Aye
 - b. Russell Hunt – Aye
 - c. Julie Engel – Aye

- d. Nate Riehl – Aye
- e. Sallie Jensen – Aye
- f. Steve Acker – Aye

A major affirmative of this Board was achieved and the motion was adopted.

- iv. The Chairperson asked for a motion to approve Resolution #2018-008 – Final Determination. The motion was made by Julie Engel. The motion was seconded by Russell Hunt. The members of this Board voted, and the results were:
 - a. Kay Williamson – Aye
 - b. Russell Hunt – Aye
 - c. Julie Engel – Aye
 - d. Nate Riehl – Aye
 - e. Sallie Jensen – Aye
 - f. Steve Acker – Aye

A major affirmative of this Board was achieved and the motion was adopted. No further action by this Board is required for this application.

- 3. Application No.: PB-09-11-2018B: An application by Bengt A. Sward for a Subdivision to create one (1) new lot of record from the parent lot of record located at 3356 Himrod Road, which is more specifically known as tax map identification numbers 87.02-1-12.1.

- i. The Chairperson shall ask the applicant to address the board and provide a summary of the proposed application, if necessary. Bengt Sward provided a brief explanation of his application to the Board.
- ii. The Chairperson opened the meeting to conduct a Public Hearing at 6:40 PM. No public comments were received. The Chairperson closed the Public Hearing at 6:41 PM.
- iii. The Chairperson asked for a motion to approve Resolution #2018-009 – SEQRA / Statement of Findings – Negative Declaration. The motion was made by Sallie Jensen. The motion was seconded by Steve Acker. The members of this Board voted, and the results were:
 - a. Kay Williamson – Aye
 - b. Russell Hunt – Aye
 - c. Julie Engel – Aye
 - d. Nate Riehl – Aye
 - e. Sallie Jensen – Aye
 - f. Steve Acker – Aye

A major affirmative of this Board was achieved and the motion was adopted.

- iv. The Chairperson asked for a motion to approve Resolution #2018-010 – Final Determination. The motion was made by Julie Engel. The motion was seconded by Sallie Jensen. The members of this Board voted, and the results were:
 - a. Kay Williamson – Aye
 - b. Russell Hunt – Aye
 - c. Julie Engel – Aye
 - d. Nate Riehl – Aye

- e. Sallie Jensen – Aye
- f. Steve Acker – Aye

A major affirmative of this Board was achieved and the motion was adopted. No further action by this Board is required for this application.

H. Other business.

- 1. The members of this Board read and discussed “Manufactured Homes” by the NYSDOS Division of Local Government.

I. Adjournment.

- 1. The Chairperson called for a motion to adjourn the meeting. Member Nate Riehl requested adjournment of the meeting at 7:05 PM. A motion was seconded by Steve Acker. The members of this Board voted, and the results were:
 - i. Kay Williamson – Aye
 - ii. Russell Hunt – Aye
 - iii. Julie Engel – Aye
 - iv. Nate Riehl – Aye
 - v. Sallie Jensen – Aye
 - vi. Steve Acker – Aye

A majority affirmative of the Planning Board was achieved, and the motion was adopted.

Secretary’s Signature.

Anthony Validzic, Secretary

Date