

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL  
WEDNESDAY, AUGUST 5, 2009

MEMBERS PRESENT:

Peter Goss, Chairman  
Jeffrey Anagnos  
Douglas Cook  
Mary Ann Hoffmann  
James Jeffreys  
Lauren Kingman  
George Lawrence

MEMBERS ABSENT:

None

ALSO PRESENT:

Roberta Eagan, Town Board Liaison

Chairman Goss opened the meeting at 7:00 p.m. There were no public hearings scheduled.

**Administrative Items:**

- **Approval of Minutes:** Mr. Jeffreys motioned to accept the minutes of the July 8, 2009 Planning Board meeting as amended. Ms. Hoffmann seconded.

Chairman Goss	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	Lauren Kingman	Aye
Douglas Cook	Aye	George Lawrence	Abstain
Mary Ann Hoffmann	Aye		

Motion carried 6-0-1

**Applications:**

1. **Milan Market and Pizzeria Proposed Re-Zoning** - Karen Hagstrom, attorney from Corbally, Gartland and Rappleyea, submitted a letter dated July 8, 2009 to the Town Board requesting the Town Board initiate the process for an amendment and/or supplementation to the Zoning Map and submitted an application, EAF, and maps. The Town Board forwarded the package to the Planning Board for review and comments for the Town Board meeting in September. The Planning Board discussed this application at their workshop on July 30<sup>th</sup> and as a result of that discussion, Mr. Kingman prepared a document dated August 5, 2009 entitled "Milan Market Project Initial Report (Proposed Draft)" for the Board to review tonight. The document states the two distinct actions required to achieve the project goals and what he thinks the report to the Town Board from the Planning Board should include. He explained the different areas that will need to be included in the review of an existing use to see if it would fit into the hamlet environment and a brand new use that would not necessarily be restricted to the hamlet but may be a candidate for other zones in the Town. There needs to be consideration of compatibility of a new zone and new uses with the Comprehensive Plan. There are SEQRA implications such as storm water, fresh water, sewer. This review should take into account a long term vision for the area, not just identifying an area but also considering what the implications are and how does it fit into what the town and hamlet

## TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL - 08-05-09

residents want to do for that whole area. Also, part of the report should include the opinions of all the Planning Board members, including items such as lighting, noise, jobs, etc. Mr. Lawrence said he agrees with this approach and said he thinks the Planning Board should start by advising the Town Board that the Master Plan specifically recommends this particular location for the type of development that is being proposed and quote the actual Master Plan language and then go from there. There are various potential restrictions but we don't want to over-restrict businesses. Even though immediate neighbors are in support of this project, there have to be controls in place as far as noise, etc., such as limiting the hours of operation. Mr. Lawrence went on to say that environmentally, he thinks, compared to other properties, this will be reasonably simple and will probably be okay with the DEC. The DEC will be checking for pollution but he does not think there are wetlands or underground contamination associated with this site. He thinks the Hamlet Highway Business Zone is a direction we may want to think about to minimize the overall impact of this change. Mr. Kingman said we will be addressing what was included in the letter. Mr. Kingman said he thinks the Board should include a review of what Milan Market has submitted in the site plan relative to the Bulk and Area Requirements so we can try to highlight any problems. Mr. Jeffreys said with respect to what Milan Market is trying to do with multiple uses on the site, that issue needs clarification and one beneficial standpoint from this review could be that we can tackle that issue. What is acceptable based on square footage - is this too big to be in a hamlet? He said, based on a point made by Mr. Kingman at an earlier meeting, we have to be very careful in that any changes that are made in the hamlet may offset some other aspect of the code in a negative way or it can be misinterpreted. There are other business owners in Rock City that have approached the Town wanting better utilization of their property in the Hamlet. We may want to entertain the notion of making some changes that will make it fair to those who live in the other hamlet. Mr. Jeffreys suggested the Planning Board get comments from people who have lived here all their lives to get some background of the property such as what other kind of uses have been at that site and what other activities have taken place that may either support or adversely affect the site. It may end up that the cost may be too prohibitive for the applicant to continue with this project. Mr. Kingman agreed it would be a good idea to get comments of people who have been here for a long time. He said a brand new use may involve a significant cost. Mr. Jeffreys said the definitions and the bulk tables all have to match. He said while he is not trying to dissuade Mr. Rabadi, he agrees this has the potential of getting into a lot of money with no certain outcome. If Mr. Rabadi only gets half of what he is asking for, will the cost vs. reward be worth it. This project will involve a large amount of consultant review work from the Town consultants and Mr. Rabadi will also have his own consultants. Mr. Kingman said we should try to narrow the issues down as much as possible so that the consultants have a clear idea of what we are looking for from them. We need to provide a focus for the consultants. Mr. Lawrence said Milan can use more responsible commercial development to create tax revenue but said we need to be cautious regarding how far we go in terms of the expense of it and agreed the Board

should try to narrow down the focus for the consultants. If we can limit this type of commercial development to Route 199, we can certainly use more of it for tax purposes and to cut down on many trips to Rhinebeck and Red Hook every day. He said he would like to open up more opportunities for businessmen in the Town. Mr. Jeffreys agreed that would be a positive thing from a tax perspective and could offer potential jobs. Mr. Jeffreys said the proposed building for this project is 7,300 square feet. There is a limit of 5,000 square feet for a building in highway business but not in the hamlet and he questioned the logic behind that. Mr. Kingman said the limit in the hamlet is 50% of the lot size. He said we need to look at this strategically to try to avoid the unintended consequence of having a gas station on all four corners. Mr. Jeffreys listed the uses and associated square footage of each use as follows: convenience store/retail/eating drinking is 3,300 sf, liquor store 1250 sf, hair salon 1250 sf, service garage 1500 sf. He thinks the 5,000 square foot prohibition was supposed to be extended into the Hamlet area. Mr. Lawrence disagreed based on the comprehensive plan. Mr. Jeffreys thought it would be helpful to get the square footage of Jenny's which is a mixed use. Ms. Hoffmann said some of the changes being requested are easier than others; maybe some guidance should be given to the Town Board and applicant on the level of difficulty for each requested use. Mr. Kingman agreed that there is a significant difference between the two zoning changes they are asking for - one is a brand new use and the other is a use that is allowed in some area in Town. Mr. Jeffreys does not think this can be done in two years. For instance, when this goes to the DOT, it will start another site distance evaluation. Mr. Lawrence said he thinks they have done some preliminary work with the DOT, DEC, and DC Planning.

Mr. Kingman said he will try to get something out in the next couple of weeks for Board review and Board members should feel free to send him any ideas or information they would like included. Mr. Jeffreys said he likes Mr. Kingman's approach and said he thinks it would also be helpful to list the requirements along with a time frame so that we are as forthcoming to the applicant as possible so that when this is not completed in 1.5 years, the applicant can't come back and say we should have told him at the beginning this was going to be a long project. Mr. Kingman said as a reminder, when we talk about a new district and a new zone, that has to go through the SEQRA review which will involve the DOT and DC Planning. Mr. Lawrence said the County endorsed the 1986 comprehensive plan. Mr. Jeffreys said due to the Lafayette House, SHPP0 will also be part of the SEQRA review. Mr. Lawrence pointed out that the Lafayette House is not listed but Mr. Kingman said under SEQRA, the site does not have to be labeled historic, it just has to have a historic significance.

There was no action taken at this meeting. This will be on the agenda for the August 27<sup>th</sup> workshop and the September 9<sup>th</sup> meeting.

2. **James Jeffreys Lot Line Adjustment** - Mr. Jeffreys recused himself and left the

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL - 08-05-09

meeting table. This lot line adjustment received conditional final approval on November 5, 2008. Afterwards, Mr. Jeffreys considered some of the suggestions made by the Planning Board and decided to slightly adjust the lines to include those suggestions. The Board reviewed the map at the last workshop meeting. The changes are minor and will not effect the final acreages of either parcel and this adjustment will make both lots more conforming because they will now have direct access to the road. The surveyor has put in the two additional pins requested by the Board.

MR. LAWRENCE MOTIONED THAT THE PLANNING BOARD GRANT THE SECOND DAY EXTENSION TO THE JEFFREY'S LOT LINE ADJUSTMENT OF PROPERTY LOCATED ON SALISBURY TURNPIKE TAX GRID NUMBERS

AND

THIS SECOND EXTENSION WILL EXPIRE ON OCTOBER

PETER GOSS CHAIRMAN JAMES JEFFREYS ABSTAIN JEFFREY ANAGNOS LAURIEN

KINCAMAN

DOUGLAS COOK

GEORGE

LAWRENCE

MARY ANN HOFFMANN MOTION CARRIED

MR. LAWRENCE MOTIONED THAT THE PLANNING BOARD APPROVE THE FOLLOWING RESOLUTION BE IT RESOLVED THE TOWN OF MILAN PLANNING BOARD REVIEWED THE LOT LINE ADJUSTMENT APPLICATION FROM JAMES AND WENDY FOSS JEFFREYS FOR PROPERTY LOCATED ON SALISBURY TURNPIKE AND IDENTIFIED AS

PARCEL A AND

PARCEL B BOTH OWNED BY THE APPLICANTS AND

CONDITIONALLY APPROVED THE LOT LINE ADJUSTMENT PER A SITE PLAN PREPARED BY ROBERT L. CAMPBELL L.S. DATED SEPTEMBER AND REVISED ON SEPTEMBER AND

WHEREAS THE APPLICANT HAS SUBMITTED A SITE PLAN PREPARED BY ROBERT L. CAMPBELL L.S. DATED SEPTEMBER AND REVISED ON AUGUST WHICH REFLECTS A MINOR MODIFICATION IN THE LOT LINE ADJUSTMENT BETWEEN PARCEL A AND

PARCEL B BUT DOES NOT CHANGE THE FINAL AGREEMENT FOR EACH PARCEL AND

WHEREAS BECAUSE THE CHANGE IS MINOR AND DOES NOT CHANGE THE FINAL AGREEMENTS BOTH PARCELS BELONG TO THE APPLICANT AND THE PUBLIC HEARING WAS HELD ON NOVEMBER A SECOND PUBLIC HEARING IS NOT REQUIRED AND

WHEREAS THE PLANNING BOARD DECLARED A NEGATIVE DECLARATION FOR THIS ACTION ON NOVEMBER AND THIS MINOR CHANGE WILL NOT HAVE AN ENVIRONMENTAL IMPACT

NOW THEREFORE BE IT RESOLVED THE TOWN OF MILAN PLANNING BOARD APPROVES THE REQUESTED AMENDMENT TO THE PREVIOUSLY APPROVED LOT LINE ADJUSTMENT AND AUTHORIZED THE CHAIRMAN TO SIGN THE MYLAR ONCE THE CONDITIONS SET FORTH IN THE APPROVAL DATED NOVEMBER ARE MET MR KINGMAN SECONDED

- PETER GOSS CHAIRMAN AYE JAMES
  - JEFFREYS ABSTAIN
  - JEFFREY ANAGNOS AYE LAUREN
  - KINGMAN AYE
  - DOUGLAS COOK AYE GEORGE
  - LAWRENCE AYE
  - MARY ANN HOFFMANN AYE
- MOTION CARRIED

CONDITIONAL FINAL APPROVAL EXPIRES ON OCTOBER ONCE THE CONDITIONS FOR FINAL APPROVAL HAVE BEEN MET IT IS SUGGESTED THE APPLICANT SUBMIT ONE PAPER COPY TO THE PLANNING OFFICE FOR REVIEW ONCE IT HAS BEEN DETERMINED THAT ALL OF THE CONDITIONS HAVE BEEN MET YOU WILL NEED TO SUBMIT FOR THE CHAIRMAN'S SIGNATURE ONE MYLAR FOR FILING PLUS FIVE PAPER COPIES FOR THE TOWN FILES AS WELL AS ANY PAPER COPIES YOU WOULD LIKE SIGNED AND RETURNED

ONCE THE MYLAR IS SIGNED BY THE CHAIRMAN YOU MUST FILE IT IN THE OFFICE

OF THE DUTCHESS COUNTY CLERK WITHIN   
DAYS FROM THE DATE OF SIGNING

- 3. **Chestnut Mart Site Plan** - A letter was received from Alex Ciesluk of the DEC dated July 31, 2009 which stated "The Department is ready to call this application complete and commence the public notice comment period. However, the DEC cannot notice this application as complete until the Town Planning Board has made its SEQR determination of significance". Ciro Interrante, Project Architect, has informed the Board that Dewkett Engineering will have the maps ready by August 5<sup>th</sup> at which time he will forward to the consultants and the Planning Office.

Mr. Kingman said the Board will need the comments and recommendations from the consultants on the current positive declaration and then hopefully that can be replaced with a negative declaration. Once the declaration of significance is made, we will need to set a public hearing for site plan approval. A critical step in this process will be the drafting of the Special Use Permit as it will need to include all of the conditions that have been discussed. The Special Use Permit and Conditional Final Approval would be granted at the same time as they are integrated. Once those two conditional approvals are granted, the applicant would have a stated period of time to complete the conditions before the site plan could be signed by the Chairman.

MS  HOFFMANN MOTIONED THAT THE  
PLANNING BOARD TABLE THE VOTE ON THE  
POSITIVE DECLARATION FOR THE CHESTNUT  
MART APPLICATION UNTIL THE SEPTEMBER   
 PLANNING BOARD MEETING  MR   
JEFFREYS SECONDED   
PETER GOSS  CHAIRMAN  AYE

DOUGLAS COOK  AYE  LAUREN KINGMAN  AYE   
MARY ANN HOFFMANN  AYE   
MOTION CARRIED

JA  
MIES  
JEFFREYS AYE  
LAUREN KINGMAN AYE

- 4. **George Carrothers Site Plan** - Mr. Carrothers received conditional site plan approval for Enigma located on Route 199, tax grid number 6471-00-904454, on December 3, 2008, a three month extension on March 4, 2009, and a second and final three month extension on June 3, 2009. Mr. Carrothers said he is experiencing delays with both the NYS DOT and DCBOH and in all probability will not be able to submit a complete site plan and meet all the conditions of final approval by the expiration date of September 3,

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL - 08-05-09

2009. He said that two months ago, he met with Chuck Walters, the Northern Dutchess Engineer of the DOT, to discuss the access. According to Mr. Carrothers, Mr. Walters agreed that curbing would be a safety hazard and would not be necessary and was in support of the plans. Mr. Carrothers paid the fee and installed the swale. However, when the plan went to the head engineer for the County, Mike Temple, for approval, Mr. Temple said curbing will be required because curbing is a state law and they were going to insist the diner had curbing. Mr. Carrothers explained to him that when he owned the diner, he went through the DOT and it was agreed that curbing was not feasible because if there was curbing, there would be no room for parking spaces. Mr. Carrothers went on to list the other business along Route 199 who do not have curbing, such as Sam Lore's, Tom's, the Fire Department, Mancini's, Red Hook Fence, and said there is no curbing between Red Hook and Pine Plains. Mr. Carrothers said he thinks it is a safety issue to have curbing; however, the DOT says curbing defines the building. Mr. Carrothers said he has asked for a hearing and was told that Mike Temple is setting it up. Mr. Graminski is working on Board of Health approval. They did the deep tests and they were okay. Mr. Carrothers said he is trying to meet the September deadline but may be unable to do so but he understands that other applicants are facing the same hold ups at various governmental agencies.

Mr. Kingman said Mr. Carrothers has been granted his second extension so, according to the zoning code, there can be no more extensions. Mr. Carrothers will need to submit a new application, EAF, and application fee.

**Discussion Items:**

1. **Verizon** - Verizon has not yet responded to the inquiries by the Planning Board for them to appear at a workshop session to explain what work was actually done in what is believed to be a recent upgrade and to provide an updated site plan. Mr. Jeffreys said he thinks the solution is to contact Crown Castle who is actually the tower owner. It would have been Crown Castle who was responsible for coming to the board for permits, site plan approval, etc. The Clerk will attempt to contact Crown Castle.
2. **Doral Farm** - Suzanne Battenfeld received conditional final approval for her site plan/special use permit application for a public stable on property located on Route 199, tax grid number 6471-00-540601 on December 3, 2008. That approval expired on March 3, 2009 and Ms. Battenfeld applied for re-approval which was granted on May 6, 2009. This approval was slated to expire on August 6<sup>th</sup> unless the conditions were met and the site plan was presented for signature. Ms. Battenfeld submitted an email dated August 3, 2009 requesting a three month extension.

**MR. KINGMAN MOTIONED THAT THE PLANNING BOARD GRANTS A THREE MONTH EXTENSION TO**

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL - 08-05-09

THE SPECIAL USE PERMIT SITE PLAN APPROVAL  
FOR DORAL FARMS SUZANNE BATTENFIELD FOR A  
PUBLIC STABLE ON PROPERTY LOCATED AT  
ROUTE TAX GRID NUMBER  
THIS THREE MONTH EXTENSION WILL  
EXPIRE ON NOVEMBER SECONDED BY  
MR ANAGNOS

CHAIRMAN GOSS AYE JAMES  
JEFFREYS AYE  
JEFFREY ANAGNOS AYE LAURIEN  
KINGMAN AYE  
DOUGLAS COOK AYE GEORGE  
LAWRENCE AYE  
MARY ANN HOFFMANN AYE MOTION  
CARRIED

MR ANAGNOS MOTIONED TO ADJOURN THE MEETING  
AT P.M. MS HOFFMANN SECONDED

CHAIRMAN GOSS AYE JAMES  
JEFFREYS AYE  
JEFFREY ANAGNOS AYE LAURIEN  
KINGMAN AYE  
DOUGLAS COOK AYE GEORGE  
LAWRENCE AYE  
MARY ANN HOFFMANN AYE  
MOTION CARRIED

The next Planning Board workshop is scheduled for Thursday, August 27, 2009 at 7:00 p.m. and the next regular meeting is scheduled for Wednesday, September 9, 2009 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board Members