

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL  
WEDNESDAY, MAY 3, 2017

MEMBERS PRESENT:

Joan Wyant, Chairman  
Jeffrey Anagnos  
Nathaniel Charny (left at 8:12 p.m.)  
Kim Godfrey  
James Jeffreys  
John Mautone

MEMBERS ABSENT:

Radford West

ALSO PRESENT:

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

Mr. Jeffreys motioned that the Planning Board go into executive session at 7:02 p.m. due to possible litigation. Chairman Wyant seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried	6-0

Mr. Jeffreys motioned that the Planning Board return to public session at 7:10 p.m. Mr. Charny seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried	6-0

**Public Hearings:**

- 1. Bailes Two Lot Subdivision** – Dan Wheeler, the authorized representative for Ryan Bailes, was present for the subdivision application of Ryan Bailes on property located at 141 Battenfeld Road, tax grid number 6472-00-256170. Chairman Wyant read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Wheeler said Mr. Bailes is proposing to subdivide one lot consisting of 6.27 acres off of this 11.954 acre lot in the A3A zoning district. The lot is developed with a single family dwelling and associated improvements. Mr. Wheeler said he moved the driveway further down towards the property line as Glenn Butler, Highway Superintendent, required. Chris Byrne, 132 Sawmill Road, asked if the house was being constructed for a relative and Mr. Wheeler said he did not think so. He believes Mr. Bailes will keep the existing house and put the other house on the market. Mr. Byrne said he had concerns about the water table. Three of his neighbors' wells have gone dry. When we have a dry season like this past fall and winter and the aquifer level goes down, the sediment builds up and the water pressure goes down to nothing. His primary concern is there are four other lots in this neighborhood on this road that could be subdivided and sold off and Mr. Byrne said he does not think the aquifer could support that. He said his well is down 400 feet and he fears it will run dry. Mr. Wheeler asked if he had his well fracked and Mr. Byrne said he had his fracked about 22 years ago. Charles Underwood,

129 Battenfeld Road, said there is not an abundance of water in this area and fracking won't help. The water is just not down there. He said if we have a serious water issue, it dramatically devalues properties in the area. Mr. Wheeler said the septic and water are the purview of the Health Department and when it comes to a single family dwelling as opposed to a subdivision, the Health Department is not as rigorous. He suggested the Planning Board send a letter to the Health Department stating residents' concerns about the ability of the aquifer to sustain additional development. Mr. Anagnos said a new well would have to get five gallons a minute; three gallons a minute won't be acceptable. Mr. Byrne said right now, the ground is saturated with snow melt and the Sawmill Creek is running. Come August, it will be a different story. Mr. Wheeler said in residential construction, draw down time is not specified. If this is a problem area identified to the Health Department, they can go conservative and may require draw down for 48 hours and then measure the flow. Mr. Byrne said a few of the neighbors have gone dry and have needed to redrill their wells. Right now, we are in good shape. Mr. Mautone asked how often in 23 years have they gone dry? Mr. Underwood said in 23 years, his well has gone to the point where he doesn't get much water and has to wait 24 hours for a decent flow probably four times. Mr. Byrne said he drilled 24 years ago, hit water at 200 and went down to 425. He had an artisan well with enough pressure coming out of the tap but he does not have that anymore. Mr. Jeffreys asked why. Mr. Byrne said people who don't know about aquifers and wells, don't care. For instance, one of his neighbors has a waterfall that runs constantly. Mr. Jeffreys said the purview of this Board is whether or not the owner is within his legal right to subdivide and he clearly is. He meets the criteria. We don't have control over the final placement of the well and septic. That falls to the Board of Health. Mr. Wheeler said the real question is what is the real capacity of the aquifer and can the aquifer sustain more development.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Bailes Two Lot Subdivision application. Mr. Jeffreys seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried 6-0	

The Board completed the short environmental assessment form.

Chairman Wyant motioned that the Planning Board, after considering the impacts that could reasonably be expected to result from the action against those in Part 617 of 6NYCRR 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 for the Bailes Two Lot Subdivision application. Mr. Jeffreys seconded.

Joan Wyant, Chairman	Aye	James Jeffreys	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried 6-0	

Mr. Charny motioned that based on the comments made at the public hearing, the Board will send a letter to the Board of Health stating that neighbors attended this public hearing and voiced concerns with regard to the depletion of the aquifer due to seasonal variations and increased development, that they experience times of very low pressure when there is a dry season, and have concerns about the real capacity of the aquifer and whether it can sustain more development as there are several additional lots in this area that have the capability of being subdivided.

Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried	6-0

Chairman Wyant motioned that the Milan Planning Board close the public hearing for the Bailes two lot subdivision. Mr. Jeffrey seconded.

Joan Wyant, Chairman	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried	6-0

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 Ryan Bailes for a two lot subdivision;

WHEREAS, a formal application for the approval of a two lot subdivision was submitted to the Town of Milan Planning Board on February 23, 2017 along with a site plan prepared by D.F. Wheeler Engineers dated February 13, 2012; and

WHEREAS, this 11.95 acre parcel is located 141 Battenfeld Road, tax grid number 6472-00-256170 in the A3A Zoning District and has a single family dwelling with associated improvements on the property; and

WHEREAS, this subdivision will divide the existing 11.95 acres into two lots: Lot 1 will consist of 5.68 acres and will contain the existing dwelling and associated improvements and Lot 2 will consist of 6.27 acres which is vacant; and

WHEREAS, Glenn Butler, Milan Highway Superintendent, signed off on preliminary driveway approval on March 30, 2017 detailing modifications necessary to achieve sight distance; and

WHEREAS, the applicant has submitted engineered plans to the Dutchess County Department of Health and is awaiting approval; and

WHEREAS, a public hearing for this proposal was held on May 3, 2017, during which time two adjoining neighbors raised concerns of the depletion of the aquifer due to seasonal variations and increased development; and

WHEREAS, the Planning Board adopted a Negative Declaration for this action on May 3, 2017; 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, that the Planning Board of the Town of Milan grants conditional final approval to the Bailes two 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 such conditions as noted below:

- Final approval from the Dutchess County Board of Health
- Final approval from Town of Milan Highway Superintendent
- Owner’s consent to file block needs to be added to the map
- Planning Board approval block needs to be added to the map
- All signatures are obtained on the mylar prior to presenting to the Chairman for signature.
- Payment of all fees as follows and payment of any outstanding escrow fees:

Final Fee	\$ 200.00
Recreation Fee	\$1,500.00
Publication Fee	\$ 94.41

Please submit two checks made payable to the Town of Milan as follows: One in the amount of \$1,500.00 for the recreation fee and one in the amount of \$294.41 for the final and publication fees. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried 6-0	

**Administrative:**

- Approval of Minutes: Mr. Jeffrey motioned that the Planning Board accept the minutes of April 5, 2017 as presented. Mr. Charny seconded.

Joan Wyant, Chairman	Aye	James Jeffrey	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Nathaniel Charny	Aye	Radford West	Absent
Kim Godfrey	Aye	Motion carried 6-0	

**Applications:**

1. **Vosburgh Two Lot Subdivision** – Bryan Vosburgh was present for a pre-sketch discussion of a two lot subdivision of property located at 72 Willow Glen Road,

tax grid number 6572-00-247838 consisting of 24.77 acres in the 5 acre zoning district. Mr. Vosburgh said the Board of Health had no problem with the well and septic. His next step will be to have John Decker come out and complete the survey. He submitted a report from David Rider, P.E. dated May 1, 2017 describing the soil testing that was performed and design criteria for the septic system. He said his attorney is aware of the requirement for an ODA. Mr. Vosburgh said he will come up with a site plan, building envelope, and placement of well and septic for the next meeting. There was no action taken at this meeting.

2. **Taconic Retreat Center** – Paul Bowen was present as the authorized representative for the site plan application for the Taconic Retreat Center on property located at 64 White Road, tax grid number 6571-00-584466. Liz Axelson, Planner for the Town, was also present. Mr. Bowen said he did speak with his attorney, Mr. Replansky, earlier in the day but had no idea he was going to actually send a letter to the Planning Board regarding the escrow account. Mr. Bowen said his goal is a path of least resistance which will get them to Phase 1. Ms. Axelson said it's great they did a master plan which has enough generic information about development with thresholds with a decent enough margin to work within. Her goal is to get the Board to a point of a neg dec. Fletemeyer & Lee, the planners hired by Taconic Retreat to do the master plan, submitted a full expanded EAF leaning on the master plan and maps. However, there are blanks of items that Ms. Axelson needs to quantify such as totals. Due to the type of use and existing nature of site, there are a lot of buildings and surfaces on the ground already that may not comply with zoning but need to be documented and mapped so you can take credit for what exists and to verify the expansion is appropriate. Since she has no totals, she is estimating existing coverage and impervious surfaces such as buildings, roadways and pathways, to be at least 10%. Mr. Bowen thinks it is 4%. Ms. Axelson said that may be just buildings. Ms. Axelson said they may need a variance for coverage. The nature of this facility is a lot of pedestrians. Mr. Bowen said it is critical buildings are handicapped accessible and paths for handicapped access need to be paved. Ms. Axelson said in a campus setting, you want blacktopped surfaces and when you have groups of people and cars, you need ample coverage so you have safe, convenient access to facilities and emergency access. This should be talked about up front - how the board feels about increasing coverage and making a positive recommendation to the ZBA. Mr. Bowen said he believes the coverage is slightly under 4% currently and we are requesting to go a little over 5%. Mr. Bowen said this site has less than 40 acres in the valley that is usable. The rest is protected by ridges and is undevelopable. Ms. Axelson said you should be able to show us that with the excel table. Add up all existing and proposed building footprints then add in impervious surfaces. Break out the coverage. Impervious surfaces are building footprints, paved areas, concrete sidewalks, paved or compacted, tennis courts, pools, gravel surfaces and packed shale. Chairman Wyant asked about the maximum and minimum number of people on the site. Mr. Bowen said our usage is short term. A few staff lives on site. All of our guests other than staff are one week or less as permitted by the Health Department. The refugee project got defunded so that is gone. Currently, 80% of churches come in vans and cars.

About 20% rent a tour bus which drop guests off Monday night and pick everyone up Sunday night. Our busiest time is July and August. We have a different camp each week all through July which adds up to almost 200 people a week, including staff. During the school year, usage is mostly weekends. School groups do come in for a day but don't spend the night. Chairman Wyant asked if there is one water supply. Mr. Bowen said the staff lives on the east side of lake by the Taconic and the guests live on the west side of the lake. There are six wells on the property. The guests' water, two wells, goes to a central well house and they are tested daily. The Health Department comes in every week and tests the water. The Fire Department comes on the site monthly to test their equipment and they get their water from the lake. The Fire Department would like them to put in a dry well and Mr. Bowen said he is happy to do it but it is not needed at this point. Water has never been a problem The wells are great. Mr. Bowen said they also have documentation by the DEC and Ms. Axelson asked for a write up of what took place with the DEC and copies of any documentation as that was not in the documents submitted for review.

There was no action taken at this meeting. Ms. Axelson will have a discussion with Fletemeyer & Lee so they know what is still required to move forward.

**Discussion Items: None**

**Correspondence:**

- Memo received from Warren Replansky, PC dated May 3, 2017 regarding the Taconic Retreat Center.

Mr. Anagnos motioned that the Planning Board adjourn the meeting at 8:25 p.m. Mr. Mautone seconded.

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

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

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board