

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, JULY 7, 2021

MEMBERS PRESENT:

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

MEMBERS ABSENT:

ALSO PRESENT:

Bill Jeffway, Town Board Liaison

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

Public Hearings:

Bleakley Two Lot Subdivision – Ernest Martin, P.E./L.S., appeared as the authorized representative for the Bleakley two lot subdivision application for property located at South Road and Cold Spring Road, tax grid number 6670-00-337542.

Mr. Jeffreys motioned that the Planning Board open the public hearing. Mr. Mautone seconded.

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

Motion carried 7-0.

Chair Darby read the legal notice that was posted in the paper and sent to neighboring landowners.

Mr. Martin said this is a 12 acre parcel located at the intersection of South Road and Cold Spring Road and the Bleakley's intent is to subdivide into two parcels, one 6.9 acres and one 5.1 acres. Access for Lot 1 will be off of Cold Spring Road and for Lot 2 off of South Road. The Cold Spring Road access which was shown on a previous subdivision map has been approved by the Milan Highway Superintendent. Mr. Martin met with the Dutchess County Department of Public Works regarding the access off of South Road, a county road. There is adequate sight distance to the south but not to the north. There is a rock knob protruding out into the right of way which will need to be cut back to achieve sight distance. It will be up to whoever builds on the lot to make those improvements and maintain the permit with the DCDPW. All the maps will be filed with the county clerk. He has met with the Health Department, they've done the soil testing and submitted to the Health Department for review. It is currently under final review. Mr. Pike confirmed that the lot numbers were corrected from what was shown at last month's meeting. There was no public comment.

Mr. Jeffreys motioned that the Planning Board declare themselves lead agency for the Bleakley Two Lot Subdivision application. Mr. Mautone seconded.

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| Thomas Darby, Chair | Aye | Ann Patty | Aye |
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Town of Milan Planning Board Meeting Minutes – Final – July 7, 2021

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| Stephen Callahan | Aye | Kevin Pike | Aye |
| James Jeffreys | Aye | Radford West | Aye |
| John Mautone | Aye | | |

Motion carried 7-0.

Chair Darby and the board completed part 2 of the short environmental assessment form.

Mr. Jeffreys motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Bleakley Two Lot Subdivision application. Ms. Patty seconded.

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

Motion carried 7-0.

Mr. Jeffreys motioned that the Milan Planning Board close the public hearing for the Bleakley two lot subdivision. Ms. Patty seconded.

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

Motion carried 7-0.

Chair Darby 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 Kevin and Nancy Bleakley 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 May 19, 2021 along with a site plan prepared by Spencer S. Hall, Land Surveyor dated May 13, 2021; and

WHEREAS, this 12.00 acre parcel is located on South Road and Cold Spring Road, tax grid number 6670-00-337542 in the A5A Zoning District and is undeveloped; and

WHEREAS, this subdivision will divide the existing 12.00 acres into two lots: Lot 1 will consist of 6.88 acres and Lot 2 will consist of 5.12 acres; and

WHEREAS, the Dutchess County Department of Public Works has submitted a comment letter dated July 2, 2021 accepting the access plan off of South Road for Lot 2; and

WHEREAS, Glenn Butler, Highway Superintendent, has submitted preliminary approval for the driveway access off of Cold Spring Road (Lot 1); and

WHEREAS, the applicant has indicated they are applying for Board of Health approval for these two lots which are both over 5 acres; and

WHEREAS, a public hearing for this proposal was held on July 7, 2021, during which time there were no objections raised; and

WHEREAS, the 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 on July 7, 2021; 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 Bleakley 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:

- Board of Health approval (which is not required as both lots are over five acres) or a letter of feasibility for Lot 1 and Lot 2 must be submitted from a licensed professional.
- All signatures must be on the mylar prior to presenting to the Chairman for signature.
- Payment of all fees as follows and payment of any outstanding escrow fees:

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| Final Fee | \$ 200.00 |
| Recreation Fee | \$3,000.00 |
| Publication Fee | \$ 65.59 |

Please submit two checks made payable to the Town of Milan as follows:
One in the amount of \$3,000.00 for the recreation fee and one in the amount of \$265.59 for the final and publication fees.

Seconded by Ms. Patty.

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

Motion carried 7-0.

Approval of Minutes:

Mr. Mautone motioned to accept the minutes of June 2, 2021 as presented. Mr. Jeffreys seconded.

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

Motion carried 7-0.

Applications:

1. **Dachgruber Site Plan** – Peter Kronau from Apex Solar appeared as the authorized representative for the Johannes Dachgruber site plan application for ground mount solar on property located at 185 Rowe Road, 6571-00-128391 in the A3A zoning district. The property consists of five acres. The system will consist of 12 panels and will be a total of 3.96 kW’s. He believes there is 100 feet from the ground mount to the rear lot line but will confirm that. The board will do a site visit on Wednesday, July 28th at 3:00 p.m. The solar panels should be staked out prior to the site visit.

Mr. Jeffreys motioned that the Planning Board set the date for the public hearing for the Dachgruber site plan application for a ground mount solar array for the August 4, 2021 meeting. Ms. Patty seconded.

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

Motion carried 7-0.

Mr. Kronau confirmed that he will put a stake at the furthest most point of the array to the boundary line and the stakes will be up after July 19th.

2. **Hughes Two Lot Subdivision** – Paul Hughes, Jr. appeared regarding his two lot subdivision application of property located at 63 Lamoree Road, tax grid number 6470-00-310373 in the A5A zoning district. The property consists of 11.1 acres. Mr. Hughes said he received the variance from the Zoning Board of Appeals on June 23, 2021 allowing him two lots having 198 feet of minimum lot width where 400 feet are required in the A5A zoning district. Mr. Hughes said both lots will be a minimum of five acres. This lot was previously subdivided then the lots were joined together by a previous owner. Mr. Hughes wants to re-subdivide the lots back to the way they were originally. The board set up a site visit to be held on Wednesday, July 28th at 3:30.

Mr. Pike motioned that the Planning Board set the date for the public hearing for this two lot subdivision to be held at the August 4th Planning Board meeting. Ms. Patty seconded.

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

Motion carried 7-0.

3. **CPD PROV LLC** - Scott Parker appeared as the authorized representative for CPD for this site plan application for a liquor store to be housed in the existing lease space on property located at 1445 Route 199, tax grid number 6571-00-536267 in the Highway Business zoning district. This property consists of 2.9 acres. The site plan for this site layout, including the lease space, was previously

approved by the Planning Board. The lease is contingent upon this approval. Mr. Parker said they have a conditional liquor license for a liquor store at this location. Chair Darby said there is a parking area in the front of the store that is not supposed to be there. It is marked No Parking – Fire Lane on the approved site plan and should be striped. Mr. Jeffreys said the problem with a Fire Lane is that we have no enforcement ability – there is no state law requiring a fire lane. Where would you rather people park if not in front of the store? At the time of this site plan approval, we thought having parking further away would provide a more efficient traffic flow with the pumps. When we laid it all out, it was designed to facilitate traffic into the store and avoid cross trafficking at the pumps. In reality, we have discovered it is not ideal to have the cars parked far away and to have people walking where the cars are parked at the pump. Chair Darby said there is parking on either side of the drive through lane. There is 49 feet between the building and the pumps. Mr. Jeffreys said as far as not allowing parking in front of the building in the Highway Business zone, he would consider the store and canopy as one structure. Chair Darby said you should have a loading area in front of the stores. The clerk will ask the building inspector if a fire lane is required and what is required in the Milan zoning code. Mr. Parker said he thinks the safest place to park is in front of the store.

The board will do a site visit on Wednesday, July 28th at 4:00.

Mr. Jeffreys motioned that the Planning Board schedule the public hearing for this site plan application for the August 4th Planning Board meeting. Mr. Pike seconded.

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

Motion carried 7-0.

Discussion Items/Correspondence:

1. **1133 Taconic LLC (Durst)** – The board held a discussion with Liz Axelson, CPL, Planner for the Town of Milan Planning Board, regarding 1133 Taconic LLC. Jennifer VanTuyl, Attorney for 1133 Taconic LLC (Durst), was also present. The discussion was to highlight some of the concerns of the board members prior to the scoping sessions regarding the development planned for Pine Plains and Milan by the Durst organization Access to 199.

Some questions/issues highlighted by the board were how is the traffic flow going to work, entering and exiting on and off the Taconic is multiple points of concern; a traffic engineer should do a traffic study; there should be a pathway to the Taconic that does not involve 199; the Ferris/Woodward intersection with 199 is of concern as there is no sight distance; also of concern is the North Road intersections with the Taconic, how do people get from the development to Red Hook or Rhinebeck – there needs to be an access road to 199; affordable housing should be part of this development – multi family is a good way to go – and

public transportation; is a resort planned for Pine Plains and if so, what does resort mean; there could be environmental issues with the old maintenance sheds and the old treatment plant – what is planned for these buildings; how are the open space pieces being managed, used, maintained and preserved; what type of easement do they want to do for the open space which should involve stewardship, best practices, an environmental plan and forest management; connect multiple use areas with trails, etc.; leave the road that is east of the pond with a Ferris Lane access open for emergency vehicles; will they require architectural reviews; who will identify and address archeological concerns; push the applicant to build environmentally smart with geothermal, solar, zero carbon footprint, etc.; engage traffic engineers; identify all the intersections that are points of concern; identify potential scenic roads and viewpoints such as Shore Drive heading west, Carvel Lake, the top of Ferris Road; will there be an elevation map showing what the development looks like from the parkway; will there be certain style homes that people will choose from; what is the impact on the school system; what is the anticipated demographics and the creation of jobs; evaluate constructing affordable housing off site and within the development; identify alternatives to ownership of water and sewer instead of town-owned.

Ms. Axelson will incorporate these suggestions into the scoping document provided by Pine Plains. She encouraged the board members to continue thinking about areas of concern. After the scoping session, Ms. Axelson will provide a document for review at the special meeting on July 28 which will include these items.

Mr. Pike motioned to adjourn the meeting at 8:50 p.m. Mr. Mautone seconded.

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

Motion carried 7-0.

The next Planning Board meeting is scheduled for Wednesday, August 4, 2021 at 7:00 p.m. On Wednesday, July 28th, the board will go on the three site visits – 3:00 Dachgruber, 3:30 Hughes, 4:00 CPD PROV and will then meet at the Town Hall for a special meeting at 4:30 to review the scoping document. Ms. Axelson will aim for getting the draft scoping document with the board comments out to board members by July 23rd.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board