

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, AUGUST 4, 2021

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Ann Patty

ALSO PRESENT:

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

Public Hearings:

1. **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. Chair Darby read the legal notice that was sent to neighboring landowners and posted in the paper. Mr. Hughes said his plan is to re-subdivide the property to be what it was in the sixties before the two lots were combined. The board visited the site and said everything looked good. No one from the public was present.

Chair Darby motioned that the Planning Board declare themselves lead agency for the Hughes Two Lot Subdivision application. Mr. West seconded.

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

Motion carried 6-0.

Chair Darby motioned that the board declare this an unlisted, uncoordinated action under SEQRA. Mr. Pike seconded.

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

Motion carried 6-0. The board completed the short EAF.

Mr. West motioned that the Milan Planning Board approve a Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Hughes Two Lot Subdivision application. Mr. Pike seconded.

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

Motion carried 6-0.

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Mr. Jeffreys motioned that the board close the public hearing. Mr. Mautone seconded.

Thomas Darby, Chair	Aye	Ann Patty	Absent
Stephen Callahan	Aye	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 approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Paul Hughes Jr. 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 April 26, 2021 along with a site plan prepared by Decker Surveying dated April 20, 2021; and

WHEREAS, this 11.1 acre parcel is located at 63 Lamoree Road, tax grid number 6470-00-310373 in the A5A Zoning District and consists of a single family residence and associated accessory structures; and

WHEREAS, this subdivision will divide the existing 11.1 acres into two lots: Lot 35 will consist of 5.460 acres and contains the single family residence and associated accessory structures and Lot 34 will consist of 5.659 acres and is vacant; and

WHEREAS, these lots were previously existing in this configuration but were joined together by a previous owner; and

WHEREAS, the Planning Board conducted a site visit on July 28, 2021; and

WHEREAS, Glenn Butler, Town of Milan Highway Superintendent, granted preliminary approval to the driveway access on April 29, 2021; and

WHEREAS, a public hearing for this proposal was held on August 4, 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 August 4, 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 Hughes 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:

- A letter of feasibility is required for Lot 34 stating this 5.659 acre parcel has been tested and is suitable for the installation of a private well and an onsite wastewater treatment system to serve a single family residence
- 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:

Final Fee	\$ 200.00
Recreation Fee	\$3,000.00
Publication Fee	\$ 76.10

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 \$276.10 for the final and publication fees.

Mr. Jeffreys seconded.

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

Motion carried 6-0.

2. **CPD PROV LLC** - Scott Parker appeared as the authorized representative for CPD PROV LLC 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. Chair Darby read the legal notice that was posted in the paper and sent to neighboring landowners and opened the public hearing. Mr. Parker submitted two different parking plans for parking in front of the store. He said in the code, you have standard a parking size of 9' x 18'. There is 29' 8" to the first dispenser. As a second alternative, we are proposing 10' x 18' which allows more turning room for each spot thereby avoiding angled parking spots. Mr. Pike said the board did a site visit and based on that, we agreed that a one way in and one way out would be safer as well as angled parking spots and possibly moving a handicapped spot to the other end. Also, people with trailers are parking in the front. Chair Darby said the interpretation from the building inspector is that the convenience store and canopy should be considered one structure allowing parking in front of the convenience store but not in front of the canopy and his recommendations are that the parking spaces in front of the store should be angled for ease of backing up and be properly demarcated, the board may want to consider moving the handicapped spaces in front of the store, and changing the two full access driveways to one way in and one way out. Chair Darby said on the original approval, it shows 42

parking spaces. The board agreed that there should be a one way circulation with the entrance to the east closest to the parkway and the parking spaces should be angled. Mr. Parker said the national standard for backing up is 22 feet and we have 29 plus feet behind the spots. Their issue against angled parking is if people are at the pump and want to go into the store, they can't just pull into a spot. They would have to leave the lot and come back in. He said design-wise, straight parking spaces meet the standards. Rather than angled parking, we will increase the spots to 10'. As far as moving a handicapped space, the other side is where the drive through is. Handicap spaces should not be in a high traffic area. Mr. Jeffreys agreed with that. Chair Darby suggested installing a ramp in the back for deliveries. Mr. Parker said it's always been a curb and we get deliveries every day. No one has a problem with the curb so he would prefer not to do that. He said we will designate 11 parking spaces 10 feet wide along the front and we will add direction arrows for one way in and one way out. Mr. Pike suggested installing cross-hatching from the sidewalk to the south end of the canopy which might indicate to drivers they should slow down. As far as the trailers parking along the curb at the front of the site, Mr. Parker said they will put a trailers only sign. There were no members of the public present.

Mr. Jeffreys motioned to close the public hearing. Mr. Pike seconded.

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

Motion carried 6-0.

Chair Darby motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from CPD PROV LLC for site plan approval for a Miscellaneous Retail Store (liquor store) as required per Table A, Schedule of Use Regulations, of the Town of Milan Zoning Code;

WHEREAS, an application packet was submitted to the Planning Office on June 23, 2021 and a site plan has been submitted showing the proposed interior alterations to an existing tenant space on property owned by CPD PROV LLC located at 1445 Route 199, tax grid numbers 6571-00-536267 consisting of 2.9 acres in the HB (Highway Business) zoning district; and

WHEREAS, the proposed action is to renovate an existing lease space for use as a liquor store; and

WHEREAS, per a memo from Samuel Harkins, Building Inspector/ZEO, dated July 7, 2021, a liquor store falls under Miscellaneous Retail Store as per Table A, Schedule of Use Regulations, in the Town of Milan Zoning Code; and

WHEREAS, this lease space was included as part of the Chestnut Mart of Milan Site Plan/Special Use Permit approval process where site plan approval was granted on May 1, 2013 for approval of the 2,475 SF convenience store including

a drive through window, 2,475 SF of lease space, 12 gasoline fueling stations, 2 diesel fueling stations, 42 parking spaces and related site amenities; and

WHEREAS, a condition of site plan approval was “Any additional proposed business use and any change of an existing business use must obtain site plan approval from the Town of Milan Planning Board and Special Use Permit (if required) before a building permit or certificate of occupancy will be issued for that use.”

WHEREAS, this application complies with all of the provisions of the Town of Milan Zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants site plan approval for a Miscellaneous Retail Store (liquor store) when the following conditions are met:

- Eleven 10’ x 18’ parking spaces are delineated in front of the existing store and tenant. space as shown on the drawing submitted at the August 4, 2021 Planning Board meeting
- The east access will be designated as the one-way entrance and the west access will be designated as the one-way exit with signage.
- The space between Route 199 and the existing pump canopy will be designated with signage as “Trailers Only”.
- A cross-hatched walkway will be installed from the northeast corner of the canopy to the sidewalk.
- All of the existing lines will be re-striped.

Seconded by Mr. Mautone.

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

Motion carried 6-0.

3. **Dachgruber Site Plan** – Johannes Dachgruber submitted a 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 board visited the site and said everything looked good but confirmation that the rear setback is a minimum of 100 feet will be a condition of approval. There was no one from the public present for this application.

Mr. Jeffreys motioned that the Planning Board declare this application to be a Type II action under SEQRA requiring no further review. Mr. West seconded.

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

Motion carried 6-0.

Mr. Jeffreys motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Apex Solar Power LLC for Johannes Dachgruber for site plan approval for a ground mount solar array as required per Section 200-30, Solar energy systems, of the Town of Milan Zoning Code;

WHEREAS, an application packet was submitted to the Planning Office on June 7, 2021 for the requested site plan approval on property owned by Johannes Dachgruber located at 185 Rowe Road, tax grid number 6571-00-128391 consisting of 5.0 acres in the A3A zoning district; and

WHEREAS, the proposed action is to construct a 3.9kw ground mount solar array consisting of 1 inverter and 12 panels at a height of 11'11" inches at the rear; and

WHEREAS, this is a residential lot improved with a single family dwelling with an existing solar array on the roof and associated accessory structures; and

WHEREAS, the solar array is located behind the front building line of the dwelling and meets the 100 foot setback requirement from any public or private road and any boundary line on the lot thereby minimizing any visual impact on neighboring parcels and does not exceed the maximum lot coverage set forth in the Schedule of Area and Bulk Regulations for the A3A zoning district; and

WHEREAS, a site visit was conducted by the Board on Wednesday, July 28, 2021; and

WHEREAS, the Planning Board declared this site plan application to be a Type II action requiring no further review on August 4, 2021; and

WHEREAS, a public hearing was held on August 4, 2021 at which time there were no objections raised; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants site plan approval for this ground mounted solar array and sets the following conditions:

- Payment of the publication fee in the amount of \$58.28
- Verification that the solar array meets the 100 foot rear setback
- All connection and distribution cables, lines and wires shall be trenched and buried underground in conduit.
- This solar energy system shall be removed, at the owner's or operator's expense, within one year of determination by the Zoning Enforcement Officer that the system is no longer being maintained in an operable state of good repair or is no longer supplying solar power.

Mr. Pike seconded.

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

Motion carried 6-0.

Approval of Minutes:

Mr. Pike motioned to accept the minutes of July 7, 2021 as presented. Mr. Callahan seconded.

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

Motion carried 6-0.

Applications: **None**

Discussion/Correspondence:

Durst Scoping Document - The board just received the draft scoping document from Liz Axelson, Planner for the board. Chair Darby said if anyone has any changes or additions to the document, send to Liz no later than noon on Monday the 9th. She will make the changes and send to Karen who will forward to the Pine Plains Planning Board with the cover letter.

A letter was received from Campanelli & Associated, P.C. regarding the 5G Rollout and controlling the siting of wireless facilities within the Town of Milan. The Town Board is working on a motion addressing this.

Mr. Pike motioned to adjourn the meeting at 7:55 p.m. Mr. Mautone seconded.

Thomas Darby, Chair	Aye	Ann Patty	Absent
Stephen Callahan	Aye	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, September 1, 2021 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board