

TOWN OF MILAN PLANNING BOARD MEETING MINUTES – FINAL
WEDNESDAY, AUGUST 7, 2013

MEMBERS PRESENT:

Joan Wyant, Chairman
Kim Godfrey
Kim Koehler
John Mautone

MEMBERS ABSENT:

Jeffrey Anagnos
James Jeffreys
Radford West

ALSO PRESENT:

William Gallagher, Supervisor
Jack Campisi, Town Board Liaison

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

Public Hearings:

- 1. Munsch Two Lot Subdivision:** Mark Graminski, L.S./P.E. appeared for the continuation of the public hearing regarding the Munsch two lot subdivision of property located at 212 Round Lake Road, tax grid number 6370-00-954632. Chairman Wyant re-opened the public hearing and read the rules of order. Mr. Graminski said he was representing Lauren Munsch for this two lot minor subdivision of property on the south side of Round Lake Road. The total parcel size is 7.42 acres and we are proposing two lots, lot 1 being 3.00 acres and lot 2 being 4.42 acres. Lot 2 is a flag lot at the rear of the property. Mr. Graminski said due to the configuration of the property with the new lot being created, we were required to apply to the ZBA for several variances for Lot 1 as follows: to allow minimum lot width at the building line of 192 feet where 300 are required, to allow a 12.3 foot front line setback for the existing residence where 85 feet are required, and for the existing garage to allow a front line setback of 31.6 feet where 85 feet are required and a 12.5 foot side line setback where 35 feet are required. The variances were granted on July 24, 2013. We have a pending application in front of the Dutchess County Department of Public Works (DPW) regarding access to the property. They will be eliminating the single access that is existing and replace it with a common entrance that splits off to individual driveways for lot 1 and lot 2. This application has also been reviewed by the Town Engineer for stormwater maintenance and surface water drainage. The Fire Department also reviewed the driveway to Lot 2. The Board of Health has looked at the on-site disposal. Mr. Graminski said he is holding off on the BOH detail until he has resolution with the DPW. There was a question asked by a neighbor at the last meeting regarding run off. Mr. Graminski said they have addressed surface run off and designed structures to pick up the water. There is a culvert under Round Lake Road that discharges to a pond on the parcel on the north side of Round Lake Road which is also owned by Ms. Munsch. The DPW is also reviewing those details. The town engineer deferred to the DPW to handle

drainage since it goes to a county road. Mr. Graminski said he will provide information that there is no adverse impact to existing conditions.

Ms. Koehler motioned that the Planning Board adjourn the Munsch public hearing until the September 4, 2013 Planning Board meeting. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent		

Motion carried 4-0.

2. Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless:

Scott Olson, Attorney for the Applicant, was present for the public hearing for a special use permit and site plan approval for the application of Orange County-Poughkeepsie Limited Partnership d/b/a Verizon Wireless to install and operate a communications facility off Academy Hill Road, tax parcel number 6572-00-862990. Chairman Wyant opened the public hearing, read the rules of procedure, and invited the applicant to give his presentation. Mr. Olson said they are proposing to install a 150 foot lattice cell tower facility off of Academy Hill Road. The height has varied but we are proposing 150 feet. The property is owned by Red Wing properties and is approximately 94 acres in size. This proposal has a small footprint of about a 100x100 lease area onto a 94 acre parcel. The purpose of this tower is to remedy existing wireless service gaps known to exist along the Taconic State Parkway, Jackson Corners Road and several other roads in town. The Taconic has a 4.5 to 5 mile gap in service, some with zero service. That is not a fact that is in dispute. Our engineers have analyzed it, the town's RF consultant Ronald Graiff has analyzed it, we have seen his reports, and we believe that there is a need for this site. That is the reason for the proposal for this tower, to fill those gaps. At both the July 3rd Planning Board meeting and the ZBA meeting, the question came up as to whether we can use the existing towers in town and the Near Road Gallatin tower. We are pursuing co-locating on the Near Road tower currently. We realize that the whole solution for this area is a three tower site. Once this proposed tower is up, we can look at the Woody Row Road tower and the JNS tower on Matecki Road to see about co-locating. However, no matter what combination of existing towers we came up with, there is still a large gap of about 2 miles on the Taconic with is significant under current law. There is not enough coverage by the existing towers to serve the need that is covered by the proposed tower. At the workshop, there was some question about how tall the Gallatin tower is. It is 120 feet as it stands now. The original proposal was for 150 feet but when the town went through the national inventory review, the State Historic Preservation Office said they could not go any higher than 120 feet. So, our antennas on that tower will be at 106 feet. Some people requested we analyze the Gallatin tower at 150 feet and 200 feet which they did even though it can't be built that high. It was to prove a point. Even at 200 feet and with Verizon co-locating on another town tower, there is still a huge gap in service. The existing sites are too far apart to provide coverage to the middle part of town. There is no combination of existing towers that can provide service in

the area that it is needed. Mr. Olson submitted documentation to verify this. There were comments at the public hearing regarding the visual impacts of this tower. Mr. Olson said we did a balloon test and prepared photo simulations which have been on file with town for a while and provided blow ups of the photo simulations. He said the visual impact analysis and the view shed analysis shows from which points the tower will be seen. The analysis shows that from pretty much everywhere west of the Taconic there is almost no visibility. There is a tiny bit just surrounding the site. This site is very well placed in that it is not going to be seen by people on the west side of the Taconic and the evidence of that is in the record. There is a little more visibility as you cross the Taconic on the east side but, overall, the amount of visibility for this site is minor in nature. Some people may not like to hear that, people don't like cell towers, but what is important is that this board has to focus on what type of visual impact is really created as a result of this tower. A portion of the tower may be visible from some locations of the town but that does not mean it is a significant impact. The DEC has guidelines on whether an impact is significant or not. Just because someone can see the tower from a public road, that is not necessarily a significant impact. The extent of visibility relative to scenic roads is a factor to consider. Mr. Olson said they contend that the visual impact from this tower is minor in nature. He said he just drove by the site and his opinion is that no one is ever going to see this. People may disagree but given the nature of road, the topography and vegetation, people are not going to see it. Mr. Olson said he would request that the Board, after the public has had an opportunity to present their comments, they close the public hearing and issue a negative declaration under SEQRA. He would suggest that the Board deem the application complete and when it is appropriate, grant site plan approval and special use permit approval. As far as visual impacts, the fact that this use is permitted under town law as a specially permitted use demonstrates that the area in which it is proposed is appropriate. The term of special use permit has been enumerated in court and every time, the court of appeals has said when you have a use that is specially permitted, the use is in harmony with the area in which it is proposed and it is an appropriate area. This applies towards the visual impact also. Unless there is some evidence to the contrary, this is an appropriate site for this facility.

Public Comment: Chairman Wyant read the letter sent by Joe Grotto dated July 5, 2013 and then invited public comment. Joseph Grotto said he visited the three towers. Woody Row is an old tower and is very, very large and very ugly. He visited the Milan site and it is quite large, and being a triangular tower, has the black cables running up through the middle which is not attractive at all. He stopped on the Taconic to look at the Near Road tower. That tower is a monopole tower and it is so much more attractive than the two in town. If you have to have a tower, a monopole tower would infinitely be much better from a viewpoint. Also, that monopole tower is 120 feet high. Why does this tower on an equally high hill have to be 150 feet? It seems that 120 feet ought to be more than adequate. Mr. Grotto said he also drove down the Merit Parkway South in Connecticut to see a monopole tower that is designed to look like a tree. He said it is very attractive in comparison to the two just mentioned in town. He hopes

the board sincerely takes that into account as to the appearance and what we will all be looking at. Mr. Grotto said Mr. Oliosi is terribly affected as he just built a gorgeous house on Academy Hill Road. To Howard Zelbo, us, and several others, it is very important to keep Milan as pretty and good looking as it is which is the responsible thing to do. Al LoBrutto, Academy Hill Road, said he thinks it would be premature to close the public hearing. The Board must keep it open until we get all the information. The Planning Board has retained the Town planner to look at some of this material which has not been done yet. We would like to see her work completed and presented at a public hearing. Mr. LoBrutto asked if the Town's RF consultant, Mr. Graiff, has put together his own RF maps and put them side by side to the applicant's analysis. David Gordon, an attorney representing a homeowner on Academy Hill Road, echoed the statement made by Mr. LoBrutto about keep the public hearing open. He said there is a great deal of interest in this by residents, the Planning Board has retained a planner, and the Planning Board has not considered a declaration of significance yet. Mr. Gordon responded to Mr. Olson's statement regarding the court of appeals has said when you have a use that is specially permitted, the use is in harmony with the area in which it is proposed and it is consistent with zoning in the area. He said as a general, rule that is true but it has been challenged if it is inconsistent. A special use is not a use permitted as right. Special uses are considered by a town to be a potential problem for that particular zone which is why there is the special use permit procedure. This is an agricultural residential zone and we are talking about a cell tower. The findings as part of SEQRA and the review of the site plan and special use permit must find this will not damage the neighborhood. The use itself is not necessarily inconsistent with the zoning code but the Board must still make factual findings. It is not a principally permitted use in this zone. The findings may be problematic. Mr. Gordon referred to the visual observations Mr. Olson made as he drove down. Mr. Gordon said he also drove down and made his own visual observations. He was struck by the beauty of this area. The cell tower is in the very vicinity of these homes as is the visibility of the cell tower. The cell tower will be seen by a number of properties in town as well as the Taconic State Parkway which is on the National Register of Historic Places. This is a scenic area in Town and there will be an impact on local homeowners and visitors. Mr. Gordon said he has had the pleasure of bicycling with the Northern Dutchess Bike Club and has been struck by how attractive this Town is. Academy Hill Road has potential and a level of attractiveness. The Board needs to be very careful about whether this tower is permitted, and if so, how high it is allowed to be and what it looks like. On his initial review of the application, he said the applicant submitted a number of RF analysis to discuss the gap in coverage on the Taconic and ways to remedy it. He said he noticed that the applicant did not believe the combination of a 130 foot high tower and the combined use of the Town's tower would close the gaps. He said he also noticed what they purport to do in these maps, which are in bright colors, is to show coverage from each tower with very conspicuous white spots, particularly on the Taconic where the predicted gaps are. He said the plots look good and are nice colors providing coverage of 85 decibels, but he wonders what they are calling gaps in coverage – that does not mean you get no coverage. What it means is,

you are not getting 85 decibels. In some cases, that gap in coverage is relatively short - it looks like you have about a ¼ mile gap. What does that gap mean? Is a dead zone or does it mean from 85 decibels to minus 90 decibels. What percentage of calls get lost or do any calls get lost or is it 1% of calls over that quarter mile? We are looking at a range of alternatives, all beyond the Town zoning code. The real question is, as part of SEQRA and the special use permit/site plan review and the Zoning Board of Appeals, do you need the 150 feet. When you at the white spot on the map, what does that mean for the motorist talking on the cell phone? Mr. Gordon said his suspicion is that they would go from 85 to something a bit less strong and most calls would not be lost. These are the trade-offs the Board needs to weigh carefully. Ron Graiff, the Town's RF consultant, said he sent a letter on July 23rd addressing the applicant's submittal dated July 3rd and the engineering reports submitted by Verizon on July 18th. The issues came up regarding the height of the tower. Mr. Graiff said he was just handed a report by the applicant dated August 7th and has reviewed it briefly. There was a question at the July 3rd Planning Board meeting asking if there has been a demonstration of minimum height necessary to provide seamless coverage specially along the Taconic as that is their target area and indisputably, there is a significant gap in coverage along the Taconic. There is not a lot of coverage in Milan to begin with. The purpose of Verizon's July 18th submittal was to answer those questions. Exhibit 1 shows coverage at 850 MHz at -85 dB, their standard coverage for in vehicle in a suburban area. 85 dB is the standard accepted by the work standard organization for telecommunications. Mr. Graiff said he does not always agree with that and it could be a dB less. Sup 1 shows hypothetical coverage from collocation on the Mariner tower at 120 feet and the Woody Row Road tower at 180 feet – you can see the gaps between the Gallatin and Milan boundary and along the Taconic. Sup 2 shows hypothetical coverage from collocation on Mariner and the JNS tower in Milan which is further to the south – the gap is even larger. The tower is further south and does not provide coverage on the Taconic. Sup 3 shows Mariner at 120 and Academy Hill Road at 146 – there remains a significant gap in coverage of over a ¼ mile. Sup 4 shows the decrease in coverage if Academy Hill Road were reduced to 130 - what were pixelations before are now major gaps. Sup 5 shows the decrease along the Taconic if Academy Hill Road were reduced to 110 feet – the gap is even greater. Mr. Graiff said to provide seamless coverage will require a minimum of a three site solution which would hopefully prevent any more towers in town and will meet the needs of the carrier. Sup 6 shows Woody Row Road at 180 feet, Academy Hill Road at 146 feet and Gallatin at 106 feet and in Mr. Graiff's opinion, those three sites provide excellent coverage, 85 dB on the Taconic and fill the gaps in a large area of Town to the north west that does not have any coverage now (see Sup 1). Sup 7 shows Woody Row Road at 180 feet, Academy Hill Road at 130 feet and Gallatin at 106 and the gaps are open and significant. 130 feet for Academy Hill Road does not fill in the gaps. Sup 8 shows Academy Hill Road at 110 feet, Woody Row Road at 180 feet and Gallatin at 106 and the gap is even larger. Sup 9 looks at a 3 site scenario and which existing tower would work better, Woody Row Road or JNS. It shows Academy Hill Road at 146, JNS at 140 (if it is available at 140) and there is seamless coverage on the

Taconic. There is a large white area in the north west of Town which is filled in when Woody Row is used. Sup 10 shows Academy Hill at 130 and JNS at 140 and Gallatin at 106 and there is a significant gap along the Taconic and new holes develop in Milan. Sup 11 shows a three site scenario with Academy Hill Road at 110, JNS at 140 and Gallatin at 106 and the coverage is useless and does nothing. It would be inappropriate for a carrier to build a tower that does not provide coverage. Mr. Graiff said in his professional opinion and as shown by these coverage maps, 150 feet is the minimum height necessary. He also said, in response to a comment, he does not do his own propagation maps. Verizon's model has been verified by scan drive tests and you can believe what they are showing you. Their ruler and model designs their system. He will not do a "dualing model". Your job is to look at evidence presented. Since it is verified that the model is accurate, you can believe what they are showing. He said he would show the same thing, but even if it were different, it would not necessarily mean his would be better than theirs. The Board must rely and trust their model. Another question was raised which asked if there is a two site solution using just Gallatin and either JNS or Woody Row. Sup 12 shows Gallatin at 200 feet and Woody Row at 180 and the obvious gap is significant and not much better than it is now. Sup 13 shows Gallatin at 200 and JNS which is further south and that is disastrous and no help at all. You need a site somewhere in the middle. Mr. Graiff said the Academy Hill Road site, as far as the coverage maps are concerned, provides the relief they seek from a RF propagation review, not from any other point of view. The spacing of sites is important in a cell system. The sites must be regularly spaced and the spacing of sites with this proposed tower from Red Hook, Rhinebeck, and Milan is quite elegant and is a nice design. They did not pick this spot only on availability of land. Mr. Graiff said they are proposing a self-supporting tower and there is no need for that, a monopole would be more attractive and less of an impact and the applicant can do that. Either way, it is technically the same. Visually, that is what this Board or your planner look at. Mr. Graiff said he believes the applicant has handled all of July 3rd issues and in his professional opinion, 150 feet is the minimum height that is required and all information has been submitted to establish the record for this process. Mr. LoBrutto said, again, getting back to trust and verify, he would like to see Mr. Graiff do this type of analysis so we can see side by side what is covered and what is not covered. Mr. Graiff said if the trust and verify becomes an issue for this board, he could make one recommendation. They have done the scan tests which utilizes a special vehicle with a gps receiver and antenna and gives us a map showing dots on signal levels and that is used for the evaluation. There is another test, a continuous wave (cw) drive test. Being that this site is not unapproachable, if the applicant is asked to do a cw test, it would require bringing in a crane which brings an antenna up to 150 feet and transmits a continuous wave signal and that same vehicle now drives around and measures the continuous wave frequency and comes up with the same type of map to overlay on the existing system. Then you take the same crane and drop the antenna to 140, 130, 120 feet and do the same thing. Then you have the gold standard. That is irrefutable evidence that this is what the coverage would be if that is a serious consideration of the Board. Mr. Graiff said he believes their model is consistent.

He said he has heard applications carriers will request minus 75 dB signal which is 10dBm stronger than this applicant is requesting. Minus 75 dB is considered in urban area coverage. 85 dB has been what most carrier's request. When signals get 3 or 4 dB's below 85, they won't work in cars. Mr. Olson said our position here is not to do the continuous wave test. The Board has retained Mr. Graiff as their RF consultant and he has verified our system. Our system has been referred to as the gold standard in other towns. We do very good modeling. It is computer modeling and the software is continually updated for topo, etc. and is extremely accurate. A continuous wave test will not show you anything more. It might give you more detail and confirmation but it will not show you that there is not a need for this site. That need exists and is not in dispute. The cw test will just show you what that signal strength will be at different locations. Mr. Olson said he believes, based on the information provided, on a technical level we have demonstrated the need for this new site and that it must be in that location. We can't use the Gallatin tower in combination with either JNS or Woody Row. Mr. Graiff said in his first report that 146 feet appears to fill in the gap. He did not say this is the only site. There is still a small gap remaining. We have demonstrated that this will fill in the majority of the gap but we still need a third site. We can't use a combination of existing sites to fill this gap.

Chairman Wyant motioned that the Planning Board adjourn the public hearing for the Orange County-Poughkeepsie Limited Partnership d/b/a/ Verizon Wireless application until the Wednesday, September 4, 2013 Planning Board meeting.

Ms. Koehler seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent		

Motion carried 4-0.

Liz Axelson, Certified Planner from Morris Associates who has been retained by the Planning Board, said she determines this action to be a Type 1 action and the Planning Board must circulate for lead agency. She has not had a chance to review the materials yet as she was just retained but she will review the LEAF right away and suggest any changes necessary for the circulation and will then require about two weeks for the overall review. As part of the circulation, she suggested the Board include the adjacent municipalities as interested agencies. She said she will review this application according to the supplemental regulations. She said a special use permit means that you have designated uses that have to comply with generalized special standards under zoning, in this case, specific requirements for communication facilities. For a special permit, you must show you meet the criteria before the Planning Board can find the special use permit can be granted. Ms. Axelson recommended the Board leave the public hearing open until the SEQRA review is concluded. She agreed with Mr. Graiff that a monopole is typically less visible. She said she has mixed feelings with having it resemble a tree – it really depends on the site. The visual analysis focuses on adverse visual impacts based on the visibility of the tower from places

where there are many views such as a scenic road or county road. She will look at the viewpoints and said there may be other viewpoints that the Board would like to have photos taken.

Chairman Wyant motioned that the Planning Board declare their intent to be lead agency for this action which is a Type 1 Coordinated Review under the State Environmental Quality Review Act with the involved agency being the Town of Milan Zoning Board of Appeals and the interested agencies being the Dutchess County Department of Planning and Development and the Towns of Pine Plains, Stanford, Clinton, Rhinebeck, Red Hook, Gallatin, and Clermont. Ms. Godfrey seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent	Motion carried 4-0.	

Chairman Wyant said there are two parcels involved in this application. The big parcel is hosting the cell tower but there is a swath of property that runs in between the large parcel and Academy Hill Road. They can't gain access to the large parcel without crossing that swath of property. Mr. Olson said he is unaware of that additional lot. She also said the zoning code has a limit on the noise generated from the site which is 50 dB. Mr. Olson said we are below that noise criteria. We do have an internal generator located within the equipment structure but that generator will only kick on during emergency purposes and will run for one hour a month to maintain the warranty. The generator will allow cell phones to work during a power outage. Mr. Olson also said if the Board wants a monopole, it can work structurally. Ms. Axelson will look at that and the possibility of a camouflaged tower. She added that it may be beneficial to have a couple of photos taken from points where the tower is potentially most visible and she thought it would be helpful to have both a simulation of a monopole and a simulation of a tree camouflage model. A monopole is a cylinder and the arms would be at the top. Mr. Graiff said it may be preferable to have close mounting antennas if a monopole is used. The carriers have flexibility in that. He suggested the Board be aware as they are out and about of cell towers, their design and color and note how much it stands out. The color can be changed.

Administrative Items:

Approval of Minutes:

- Mr. Mautone motioned that the Planning Board accept the minutes of June 5, 2013 as presented. Ms. Koehler seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent	Motion carried 4-0.	

- Ms. Godfrey motioned that the Planning Board accept the minutes of July 3, 2013 as presented. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent		

Motion carried 4-0.

Applications:

1. **Chestnut Mart of Milan** – Scott Parker, Facilities Manager, was present to amend the site plan approval for Chestnut Mart of Milan located at 1445 Route 199, tax grid number 6570-00-536267. Chestnut Petroleum Distributors received site plan approval/special use permit approval on May 1, 2013. The approval was for a 2,475 square foot convenience store. Since then, the Town Board approved a zoning change to increase the allowable size of a convenience store from 2,500 square foot to 4,000 square feet. Subsequently, CPD modified their plans to increase the convenience store to 3,465 square feet and the lease space to 1,485 square feet which also necessitated modifying the roof line and placement of signs.

Chairman Wyant motioned that the Planning Board approve the following resolution:

Be it resolved, the town of Milan Planning Board has received an amended map set entitled “Site Plan – showing everything” Sheet Numbers SP-1.0, A1, A4, and A5 prepared for Chestnut Mart of Milan by Ciro Interrante, Architect, dated June 8, 2004 and last revised on August 5, 2013; WHEREAS,

- The property is located at 1445 Route 199, tax grid number 6571-0-536267; and
- The applicant, Chestnut Petroleum Distributors, has requested to amend their site plan/special use permit to increase the square footage of the convenience store to 3,465 square feet and decrease the square footage of the lease space to 1,485 square feet; and
- Chestnut Petroleum Distributors received site plan approval and special use permit approval from the Planning Board on May 1, 2013 for the storage of flammable materials and the retail sale of gasoline or other petroleum products as an accessory use to a convenience store; and
- That approval was for a 2,475 square foot convenience store including a drive-thru window and 2,475 square feet of lease space; and
- The Planning Board re-issued a Notice of Determination of Non-Significance on May 1, 2013; and
- The requested change is a minor, internal adjustment of square footage between the convenience store and attached lease space and associated roof line and sign placement changes and does not change the overall square footage of the building or the footprint of the building, as such, a public hearing is not required; and

- This adjustment in square footage is predicated on the fact that the Town Board approved Local Law #1 of 2013 on April 15, 2013 which amended the zoning code to allow convenience stores to be up to 4,000 square feet from the previously allowed 2,500 square feet.

Now, therefore, be it resolved, the Planning Board approves this minor, internal change to the square footage of the convenience store/lease space and associated roof line and sign placement changes for Chestnut Petroleum Distributors. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent	Motion carried 4-0.	

2. **South Road Farm LLC** – Mark Graminski, P.E./L.S. was present on behalf of the applicant to present a proposal for a two lot subdivision of property located at 148 South Road, tax grid number 6570-00-911934. Mr. Graminski said this used to be the Raptor Center and was purchased some time ago by South Road Farm LLC. The property is located on the south side of South Road and is a 91 plus acre parcel. It is owned by a family and they are proposing this subdivision because a family member wants to construct a house along with the existing residence and barns on the property. Their intention is to keep the balance of the property open, wooded and rural. The proposal utilizes the existing driveway to the current residence which will be converted to a common driveway to allow access to the new lot. The new lot will be 10 acres. Mr. Graminski will submit plans for the common drive and individual drive to be created as well as the necessary easements and maintenance agreement. South Road is a county road so he has been to the Department of Public Works and the sight distance is very close to the standards so there will not be an issue for the access. He will need to submit a formal application to convert the existing individual access into a common access. The DPW will require the access be moved off of the east boundary line and there will be some construction required along South Road. As this property is adjacent to the Taconic which is a scenic highway, it will be a Type 1 action which requires a long EAF. Mr. Graminski said there are no wetlands or endangered species involved. It will require application to the Department of Health. The existing driveway will need to be widened to meet the specifications of a common drive. The proposed length is 550 feet so it will require one pull off for emergency vehicles.

The Planning Board classified this action as a minor subdivision to be known as the South Road Farm LLC Subdivision and agreed that this proposal meets the objectives of the Subdivision Regulations and sketch plan endorsement.

Ms. Koehler motioned that the Planning Board declare their intent to be lead agency for the South Road Farm LLC application and that this is a Type 1 Action as defined by SEQRA with a coordinated review. Involved agencies are the Dutchess County Department of Public Works, Dutchess County Department of

Health, Town of Milan Town Board and the interested agency is the Town of Milan Fire Department and NYS Office of Parks, Recreation and Historic Preservation. Mr. Mautone seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent		

Motion carried 4-0.

Discussion Items:

1. Jim Foti, who received site plan approval for his property located at 1 Tribute Lane, tax grid number 6571-00-560279, is interested in leasing out the garage and would like to know specifically what the tenant would be allowed to do. The Board agreed to send the following letter to Mr. Foti:

“Based on your site plan approval that was granted by the Planning Board and shown on a site plan map signed on February 7, 2006 (attached), the Planning Board agreed at their August 7, 2013 meeting that auto body repair, vehicle inspection, general repairs, and car maintenance are uses allowed under this site plan approval.

Please note that your approved site plan identifies parking areas for automobiles. You cannot exceed that number of parking spaces. The wetland buffer is also identified on the site plan.

You must apply for approval to amend the existing site plan if any changes are proposed to the site such as additional signage or additional parking.”

Ms. Godfrey motioned to adjourn the meeting at 8:50 p.m. Ms. Koehler seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Kim Godfrey	Aye	Radford West	Absent
James Jeffreys	Absent		

Motion carried 4-0.

The next workshop is scheduled on Thursday, August 29, 2013 and the next meeting is Wednesday, September 4, 2013. Both meetings are held at the Town Hall and start at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board