

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL  
WEDNESDAY, DECEMBER 5, 2012

MEMBERS PRESENT:

Joan Wyant, Chairman  
William Fiederlein  
James Jeffreys  
Kim Koehler

MEMBERS ABSENT:

Jeffrey Anagnos  
John Mautone  
Radford West

ALSO PRESENT:

William Gallagher, Supervisor  
Jack Campisi, Town Board Liaison

Chairman Wyant called the meeting to order at 7:00 p.m. There were no public hearings scheduled.

**Administrative Items:**

1. Approval of Minutes: Mr. Jeffreys motioned to approve the minutes of November 14, 2012 as presented. Mr. Anagnos seconded.

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

**Applications:**

1. **Feder/Leavitt Lot Line Adjustment** – Leslie Chase, L.S., was present on behalf of the applicants to present this lot line adjustment of property located on Sawmill Road owned by Craig Leavitt and Lam Nguyen, tax grid number 6472-00-174298 and Linda Feder, tax grid number 6472-00-115289. Mr. Chase said the Feder property is surrounded by the Leavitt's 54.91 acre parcel. There is an old farm road that wraps around the Feder property that was used when the property was still used and plowed as a farm. Ms. Feder is purchasing this small section from Mr. Leavitt to provide some privacy and to prevent anyone from creating a driveway through the farm entrance. It will also provide her with a bit more road frontage. Ms. Feder's lot is a one acre developed parcel; Mr. Leavitt is in the process of building a house. Mr. Leavitt is conveying +/- 0.4 acres to Ms. Feder. Both lots are located in the A3A zoning district so this action will bring the Feder lot closer to three acres.

Chairman Wyant motioned to schedule the public hearing for this lot line adjustment for the January 9, 2013 Planning Board meeting. Mr. Jeffreys seconded.

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

Mr. Chase said he will stake the property and bring updated maps to the public hearing.

2. **Cobble Pond Farm Site Plan/Special Use Permit:** Ray Nelson, Architect, and George Carrothers, applicant's representative, appeared on behalf of Cobble Pond Farm to continue site plan/special use permit review to construct a convenience store with the accessory use of gasoline pumps on property located at 1065 Route 199, tax grid number 6471-00-904454. The 1.16 acre parcel is located in the Highway Business zoning district. Joseph Paggi, Town Engineer, was also present. Mr. Nelson brought updated maps. He said on page 2, the red line is showing the required setback areas. The tanks are underneath the concrete slab. They are planning on having three filling stations and he is showing a turning radius of 42 feet for trucks. The dumpsters are shown and the slab in the back is for the air conditioning compressor and generator. They also located the existing well and septic. Mr. Carrothers said there is an existing 1,000 gallon tank and leachfield. Mr. Nelson said he has also shown a strip of land that could be used for a turn off lane if the DOT approved it. It would allow cars an area to slow down off the main road as they approach the property entrance. Chairman Wyant asked if this was a new building or if they were using parts of the old building. Mr. Nelson said at the moment, this is a totally new building. He said as far as he is concerned, it does not make sense to use any of the existing building – the ceilings are too short, it is not well insulated. It is an important factor to have a well insulated building. Mr. Jeffreys pointed out that the proposed turn off lane is located within the state right-of-way. Mr. Nelson said this is a best guess from us; he does not know how the DOT will react to it. When asked about the dark brown area on the map, Mr. Nelson said that area is a grass paver parking area. It will be green in real time. Right now, they are showing a total of 21 parking spaces. The existing building is proposed to be 3,458 square feet where 2,500 are allowed for a convenience store. We shrunk the building by reducing the front meeting area so it now accommodates four tables instead of six, we narrowed and reduced the front by taking out a couple of shelving units, we narrowed the back of the building and shortened the projection in the back. We had a private hallway into the bathrooms so the doors would not open into the room and we lost that, we lost the angle in the kitchen, tightened up the kitchen and adjusted the cooler area. Mr. Nelson said he thinks this size will work but it just can't get any smaller. The size of this building now is no larger than the existing footprint of all the buildings on the site at the moment. Mr. Carrothers pointed out that this is really more than just a convenience store. It will sell local produce, eggs, etc. so will be a real benefit to the community. However, the building needs to be larger to accommodate that. Mr. Nelson said he reviewed the information Mr. Jeffreys sent him regarding the Greenway. It seems they will probably be looking for a monument sign, the building out in front and the pumps in the back, the canopy to integrate into the existing roof of the building and they will not want to see a big advertising sign out front. And also, under Milan zoning, parking is not allowed in front of the building, just along the back and sides. Mr. Nelson said he does not like the idea of bringing the building forward. It would not fit into the surrounding area; we would be the only building sitting forward and we would then have to be located within the front setback area. He said putting the building

in the front and the pumps in the back makes more sense when the property is located in an urban area where people would be walking to the store. This is a rural area which will be purely a vehicular site. We are right at the 80 foot front setback line now and we will require a rear yard setback variance. Mr. Jeffreys asked if, given the style of our community, a conventional canopy will work. He said the building is aesthetically appealing now so why hide it behind the canopy which is, at the moment, taller than the building. The height at the bottom of the canopy is 18 feet. Mr. Nelson said he is trying to develop the site as green as is feasible and has tried to be as tight as possible with the macadam while making room for the storm water runoff area. If we run around to the back of the building, that all changes and the site will have a lot more macadam. The building would also need two entrances. They are proposing two signs on the building, the monument sign out front and a sign on the canopy. Sunoco wants their logo as predominant as possible on the site; the applicant will work with the Town to balance everyone's requirements. Mr. Nelson said part of the Greenway is that they would like us to design all four sides of the building. Mr. Nelson said he feels this building is a good design. There are functions that go on inside the building which mandate the outside design. For instance, there are no windows in the back half of the building due to the bathrooms and the kitchen. The cooler area also dictates window placement. He said he may change his mind and put a window in the kitchen, though. Mr. Paggi said a certain amount of ambient lighting is required in habitable space. Mr. Paggi reiterated that based on the Greenway Connections, Dutchess County Planning will almost certainly ask you to flip flop this site but Mr. Nelson makes a real good point that this is not a downtown village type setting. He said the board may want to consider a linear canopy similar to the Hess Station in Fishkill, not flat like is proposed, but pitched. He said if they match the most prevalent pitch of the store with the same pitch on the mansard, it will fit. There has to be some area under the canopy for the required lighting and fire suppression and then for protection from the weather for customers. All those requirements can be met with a pitched canopy. When asked how he determined the height of the canopy, Mr. Nelson said he got that measurement off the Sunoco website. But, trucks will be filling up and they need height room. Mr. Nelson said the main building is 22.8 at pitch and it narrows at the gable end. Currently, he has operable windows in the gable which will be very helpful to ventilate the building and will save air conditioning costs. Mr. Paggi asked about a lighting plan. Mr. Nelson said they will meet the lighting requirements. They will have recessed lighting in the canopy. Mr. Paggi said Dutchess County Planning will ask you to try to maintain the IES standards for filling stations. Mr. Nelson said he is confident they will be able to meet those standards. Chairman Wyant asked if they will have kerosene and Mr. Nelson said that has not been mentioned. They will have the underground propane tank for the generator. Mr. Jeffreys said they may want to reconsider parking on a slant if there will be both ingress and egress at both entrances. He also said if they took County Planning's idea and connected the canopy to the building, that would make both entities a single structure which would make the front of the building the end of the canopy so parking in front of the store would not be an issue. Mr. Carrothers said his only problem with that is the more mass you make, the more you will see coming down the highway. Mr. Fiederlein asked if the Mobile

station structure was limited in square footage but the Mobile station proposal was for a Group of Businesses which allows for 5,000 square feet. Mr. Paggi said you also need to consider a larger store has impacts on parking, stormwater, water supply, and sewage disposal. The larger the building, the larger the other requirements. Mr. Jeffrey suggested to the applicant that it might be helpful to spend some time with the Town Planner, run through various scenarios, and identify what may need to be modified under the zoning code. That should also prevent something new popping up three months from now that we may miss. Mr. Carrothers said that is why there are variances. Mr. Jeffrey said what works best for the town is to try to work within the law and only vary what is absolutely necessary. There are flagged wetlands right across the street. We need to make sure that they will not impact this proposal. We can probably work out the issue of the building in the front and the pumps in the back given the rural nature of this site and the aesthetics. Attaching the canopy to the building will address parking in front of the building. Mr. Paggi said in his opinion, the entire canopy would not have to be connected, just the front could be connected, which would also be nice protection from the weather for customers. He also said it is very important to get a complete lighting plan; Dutchess County Planning will definitely want that. Mr. Nelson said he has shown some lighting and if they have to put in any pole lighting, it will be on a short pole, about 12 feet.

Mr. Jeffrey said there are some administrative items that need to be taken care of. First, the name of this project needs to be identified. Everyone agreed to Cobble Pond of Milan. The action needs to be identified under SEQRA and everyone agreed it is an unlisted, coordinated action. The involved agencies will be Dutchess County Board of Health, New York State Department of Transportation, New York State Department of Environmental Conservation, and the Town of Milan Zoning Board of Appeals. Interested agencies will be Dutchess County Department of Planning and Development and the Town of Milan Fire Department. The Board agreed the applicant needs to submit a long environmental assessment form prior to the SEQRA circulation. The Board agreed that this application meets sketch endorsement.

Chairman Wyant motioned that the Planning Board declare its intent to be lead agency for the Cobble Pond of Milan Site Plan/Special Use Permit application, that this is an unlisted, coordinated action under SEQRA, and that the involved agencies are the DC Board of Health, the NYS DOT, the NYS DEC, and the Town of Milan ZBA, and the interested agencies are DC Department of Planning and the Town of Milan Fire Department. Mr. Jeffrey seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Absent
William Fiederlein	Aye	Radford West	Absent
James Jeffrey	Aye		

Motion carried 4-0.

The SEQRA circulation will be sent out as soon as the long EAF and application are received

Mr. Jeffreys suggested one more time that a meeting with the Town Planner would be beneficial to the applicant in order to identify any potential issues. Mr. Carrothers said they would prefer not to do that.

Mr. Jeffreys said based on this drawing, it looks like variances will be required for the size of the building and a rear yard setback variance but that is not an all inclusive review. Parking needs to be configured based on the code requirements per square footage to include the required number of handicapped spaces. He asked Mr. Nelson if the spaces shown on the map are based on the code requirements or just what fits. Mr. Nelson said he did not configure the number of spaces based on the code, just where they fit on the property. The Board referred to the zoning code, section 200-38, parking. This use would be considered convenience retail and requires 4 parking spaces per 1,000 square feet of gross floor area. Mr. Nelson said the 3,458 square feet is gross floor area. The plan now shows 11 in front of the store, six at each pump, and 10 along the sides. They are showing 1 handicapped spot. When asked, Mr. Nelson said they have not considered having tire air and a vacuum. If that is something that the Town would like to have, it could possibly be located by the dumpster. Mr. Nelson said he has shown some of the lighting on the plan. Mr. Paggi said more lighting at a lesser intensity would be preferred, and there should be lights at each side of the entrances. Mr. Paggi suggested Mr. Nelson review the checklist for site plan in the zoning code. Mr. Nelson said he did review that. Mr. Paggi said, while this is not based on a formal review since he just received the new maps, he believes that the site plan is consistent with the survey now. They still need to show existing topography and proposed topography at two foot elevations, they will need the regulatory agency approvals, they should consider changing the orientation of the parking spaces but prior to changing anything, get a read from the DOT. The DOT may ask for one way in and one way out access and if that is the case, the angled parking will work. They will need Board of Health approval for sewage disposal and water supply, an erosion control plan during construction, a stormwater and erosion control plan which is especially important due to the wetlands across the street and should focus on quality, not quantity. Mr. Paggi said he likes the idea of handling the stormwater with swales. They will need to submit a complete lighting plan with illumination levels, show vehicle movements for large trucks for the diesel and for filling to make sure the trucks can get in and get out easily. Mr. Paggi said that can be demonstrated in auto cad and it can be put right on the plan. Mr. Nelson said he will look into that. Mr. Jeffreys said back when Freedom Propane was looking for site plan approval, the DOT required they reorient the driveway so a filling truck could get completely off the road and could not back onto 199. Mr. Paggi said this existing plan probably would not be approved by the DOT with the tractor trailer on there – the truck is completely off the road but it blocks the access way. Mr. Jeffreys asked if they had an engineer to prepare the stormwater run off management plan and Mr. Nelson said they do not currently have an engineer. Mr. Jeffreys said it might be a good idea to hire an engineer to make sure that nothing is left off the plan which would require a redo. Mr. Carrothers said they are meeting with Chuck Walters from the DOT next week at the site. Mr. Paggi supported that as all the drainage goes to the DOT roadside drainage. Mr. Paggi suggested Mr.

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Carrothers have a similar meeting with the Board of Health since they will be serving food and there is a different set of criteria to meet, i.e. grease tanks are now located outside. A question was raised as to where the mailbox will be located on the site and Mr. Carrothers said it is located across the street. The applicant will re-appear at the January 9, 2013 Planning Board meeting.

Mr. Fiederlein motioned to adjourn the meeting at 8:45 p.m. Mr. Jeffreys seconded.

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

Motion carried 4-0.

There is no workshop scheduled for the month of December. The next regular meeting will be held on Wednesday, January 9, 2013 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk  
Planning and Zoning

cc: Catherine Gill, Town Clerk  
Town Board