

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, FEBRUARY 6, 2013

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None

ALSO PRESENT:

William Gallagher, Supervisor
Jack Grumet, Town Board Member

Chairman Wyant called the meeting to order at 7:00 p.m.

Public Hearings: None

Administrative Items:

- **Approval of Minutes:** Mr. Jeffreys motioned that the Planning Board approve the minutes of January 9, 2013 as presented. Mr. West seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Charles Godfrey, Jr.	Abstained	Radford West	Aye
James Jeffreys	Aye		

Motion carried 6-0-1.

Applications:

1. **Munsch Subdivision** – Mark Graminski, L.S. was present along with the applicant, Lauren Munsch, to present an application for a two lot subdivision of property located at 212 Round Lake Road, tax grid number 6370-00-954632. Mr. Graminski said the lot being subdivided is split by Round Lake Road creating a north and south parcel. The total acreage is plus/minus 15 acres. Ms. Munsch desires to create a building lot on the south parcel where there is an existing residence along Round Lake Road. They are proposing to create a new parcel to the south with frontage via a flag lot onto Round Lake Road and access for both parcels would be via a common driveway somewhere in the vicinity of the existing driveway which will require easements. The purpose of the flag would be to create frontage for the parcel in the back. There is an existing roadway trail that goes back to that area and fits between the rock ledges which run through the property. At present, there is a garage currently under construction which is associated with the existing house. Mr. Graminski said he has spent some time with the Dutchess County Department of Public Works and it does appear that adequate sight distance is attainable for a common drive but will require some clearing on the southerly side of the north parcel and some clearing and regrading on the adjoining property to the west owned by Robert Murray and Larry Garrick. Mr. Murray and Mr. Garrick are considering subdividing that property and would require the same clearing if they were to proceed with their entrance. In order to do the clearing, easements would have to be established between both parties which both parties are agreeable to. Mr. Graminski said the reason

they are here tonight is to get some questions answered as to the best way to proceed with this subdivision. The lot being proposed would have physical frontage onto Round Lake Road, access by a common drive, and would require an easement from lot 3 to get to lot 4. Ms. Munsch would maintain ownership of both lots. The county will only allow access by common driveway. The flag is just for frontage. They are proposing to create the north parcel as a natural subdivision as it is bisected by Round Lake Road. Right now, both parcels are one grid number but the north parcel has a separate deed. They would have to file the necessary paperwork with the Town assessor. The reason they would do this as a natural subdivision is because the County has to allow access to an existing lot. So, the north parcel is not part of this application. Mr. Graminski said he wants to make sure that this is an acceptable way to proceed with this Board. Mr. Jeffreys said it is a natural subdivision but it does not exist yet so he asked why don't you go through the process and get it subdivided along with lot 4. Then, it is a separate parcel with new metes and bounds and would get filed with the County. Mr. Jeffreys also mentioned that there are two dumps and a wetland on the north property. Mr. Graminski said it is not a state wetland, it is a federal wetland. Mr. Jeffreys said since the County will only give one access point for both lots, why don't you make the property line right through the middle and the entrance would be split. The driveways would split off to the east and west and the property boundaries could coincide with that. Mr. Graminski agreed that could be considered as right now, they are strictly in the sketch process. Once they figure out the best configuration, he will be providing maps showing topography, existing conditions, adequate driveway, grading and drainage, and Department of Health information. He said there is an existing road there which is within the 15% standard for Milan. Remaining road frontage is 240 feet. Mr. Graminski said since the requirement for minimum lot width is 300 feet, changing the lot lines may require that we apply for an area variance for lot width. Mr. Jeffreys said he thinks a sight visit would be very beneficial to determine the best lot configuration. The Board agreed so the next step will be to set up a sight visit.

There was no action taken at this meeting. The Clerk will set up a sight visit and the applicant will appear at the March 6th meeting.

2. **Cobble Pond of Milan** – Ray Nelson, Project Architect for the applicant and Jay Paggi, Town Engineer, were present for this application for site plan/special use permit approval for a convenience store with gas pumps on property located at 1165 Route 199, tax grid number 6471-00-904454. Mr. Nelson said the tanks have to be 50 feet from the boundary lines so he has moved them to be in compliance. The last sheet shows the route the truck would take to get to the tank location. He said he believes fuel is off loaded on the right side. He looked at photos and could not find a single one with pumps on the other side. He said the trucks take about 1.5 hours to fill the tanks and they notify the store personnel prior to arriving so they can put out cones. There will be two 10,000 gallon tanks and one 6,000 gallon tank (diesel). Another change to the drawing from the last time is Mr. Nelson thought the height at the edge of the canopy had to be 18'6" but that is actually to the top of the canopy. So, the new drawings reflect the canopy at 14'6" which can accommodate the trucks. Also, the parking in the front is gone. They may or may not have the patio remain. At present, there is a bike rack there and they may have a display case and a picnic table. They have moved the Sunoco sign to the middle island

for better visibility. Mr. Jeffreys said as far as the tanks, he does not think they should be too close to the pumps from a loading perspective. Mr. Nelson said the tanks are 30 feet long and 8 feet wide and need to be 20 feet away from each other. There was some discussion on the placement of the tanks. Mr. Nelson said as far as the canopy, we are proposing two columns. This company does not have a standard 9 on 12 pitch. We will probably add a decorative end on each side as a gable end but we have not finalized the exact canopy. Mr. Jeffreys said he would still like to see a pitch that matches the convenience store. Mr. Nelson does not think that is necessary and likes the scale the way it is. Mr. Jeffreys said another concern with the open canopy is that all the fire suppression system has to be in there somewhere. He would like to see the bottom of the canopy finished off as well. Mr. Nelson said nothing has changed in the interior space of the store since the workshop. They have a location for the generator. The sign fits the zoning requirement. They will require a front yard variance from 80 feet to 44.6 feet and a lot coverage variance from the required 10% to 10.3%. as well as a variance for the size of the building from the allowed 2,500 square feet to 4,000 square feet. The Town Board is considering changing the zoning law to allow a convenience store to be 4,000 square feet in the HB district but as of right now, the allowable square footage is 2,500.

Mr. West motioned that the Planning Board provide a positive recommendation to the Zoning Board of Appeals on the requested area variances for Cobble Pond of Milan to Table B, Schedule of Area and Bulk Regulations, to allow a front yard setback of 45 feet where 80 feet are required for the convenience store building and to allow 10.3% lot coverage where 10% is allowed and, further, to Section 200-5, Definitions, to allow the convenience store to contain 4,000 square feet of gross floor area where up to 2,500 square feet of gross floor area is allowed, whereas:

The Planning Board is currently reviewing the site plan of Cobble Pond of Milan for a convenience store with the accessory use of gasoline sales;

The front yard setback request is the result of several plan variations presented by the applicant and reviewed in detail by the Planning Board. The final east to west orientation provides for (1) better entrance and exit operation, (2) effective traffic circulation, (3) adequate parking and is an aesthetically pleasing overall site plan;

The minor increase in overall lot coverage allows for a fully functional convenience store and an appealing and complimentary canopy to protect the fuel filling stations;

The increase in size for the convenience store is necessary to allow an economically viable store that can provide the necessary interior square footage for ancillary, non-productive space such as bathroom facilities, storage facilities, adequate circulation areas, recycling compliance and office area.

Now, therefore, be it resolved, the Planning Board is making a positive recommendation for approval to the Zoning Board of Appeals for these area variances. Mr. Jeffreys seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Charles Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye	Motion carried 7-0.	

Mr. Nelson was reminded that Cobble Pond needs to replenish their escrow account.

Mr. Jeffreys motioned that the Long Environmental Assessment Form is now complete. Mr. West seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Charles Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye	Motion carried 7-0.	

Chairman Wyant motioned that the Town of Milan Planning Board declare a negative declaration for the Cobble Pond of Milan Site Plan/Special Use Permit application for property located at 1065 Route 199, tax grid number 6471-00-904454;

WHEREAS, the project involves demolishing the existing building and constructing a new +/-3,906 square foot building to be used as a convenience store, and constructing a new fuel pump island and +/-1,260 square foot canopy and installing new underground fuel storage tanks. Four pump locations are proposed with eight filling stations. The fuel storage tanks are no lead (10K), ultra (10K), and diesel (6K). The new facility will be served by individual groundwater well and sewage disposal system; and

WHEREAS, the applicant has presented a site plan dated February 6, 2013 which is a clear representation of what the final site plan will be; and

WHEREAS, during the site plan approval process, the applicant is required to obtain approvals from the Dutchess County Board of Health, the New York State Department of Environmental Conservation, and the New York State Department of Transportation; and

WHEREAS, the applicant has indicated that the proposed fuel storage and dispensing equipment will meet current regulatory requirements; and

WHEREAS, the applicant will need to meet the existing zoning regulations of the Town of Milan by obtaining site plan approval and special use permit approval by the Town of Milan Planning Board and by applying for and obtaining approval for any necessary variances from the Town of Milan Zoning Board of Appeals; and

WHEREAS, the remaining site issues will be resolved during the process of plan revisions and do not in and of themselves rise to the level of creating a significant adverse impact on any aspect of the environment; and

WHEREAS, the Planning Board is in receipt of parts 1 and 2 of the full Environmental Assessment Form dated January 31, 2013 and has reviewed this form with considerable scrutiny.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Town of Milan, in accordance with the requirements of Part 617 of 6 NYCRR of the New York State Environmental Quality Review Act (SEQRA), hereby resolves that the application known as Cobble Pond of Milan will not have an adverse impact on the environment and a Draft Environmental Impact Statement will not be prepared. Seconded by Mr. West.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Charles Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye	Motion carried 7-0	

3. **Chestnut Mart of Milan** - Scott Parker, Chestnut Petroleum, and Chris Jenkins, Construction Manager, appeared on behalf of the applicant for this ongoing application for site plan/special use permit approval for a convenience store, gas station, and retail space on property located at 1445 Route 199, tax grid number 6571-00-536267. Mr. Parker showed the original plan and the revisions to the site plan to accommodate a drive in business. There is adequate radius for trucks. When asked about the retail space, Mr. Parker said they have had some interest from banks but no contracts are signed. The drive in business is anticipated for a Dunkin Donuts or something similar and again, no contracts are signed. The drive in business would be operated wholly inside the convenience store. It is not considered another business. He has shown the modifications that are required to the site plan to have the drive in business. They are proposing to move the waste tanks, remove the sidewalk and put in the drive lane. Mr. Jeffreys asked how this will impact the truck traffic if the entire lane is packed with cars. Mr. Parker said a truck would not be able to park there and let two cars by but traffic can get through. They are using 18 wheelers now to deliver. He said this has not been brought to the DOT yet as they wanted to meet with the Planning Board first. He said there are a lot of queue spaces so they don't anticipate any problems with that. Mr. Jeffreys said since the applicant appeared last in 2009, the Board has almost all new members who will need some time to digest the existing plan and the concept of the new plan. We will need to have the town engineer look at this again and this will probably require a sign off from the DOT. Mr. Jeffreys asked about the Health Department approval. Mr. Parker said there was e coli in the water but it is gone now. They did drill a new well and samples were done on the new well. Mr. Paggi said the Department of Health letter has to clearly state in its letter which well the tests results are from. Mr. Paggi wanted to know if the potential for a Dunkin Donuts or equivalent was part of the Health Department application. Mr. Parker said yes it was. Mr. Parker said there will not be a kitchen – there will be no baking, no griddle, and no grill hood which would require an indoor fire suppression system. When asked about the square footage of the convenience store, Mr. Parking said the 2,475 square feet will hold everything. Mr. Jeffreys said we may need to get the Town planner to weigh in on this. The negative declaration was done in December of 2009 but it may require some modification due to the drive through window. Your DOT work permit has expired according to our records.

Mr. Jeffreys said the floor area on the site plan is 6,390 square feet – how did you get there? Mr. Parker said he did not know that. Mr. Jeffreys said that will need to be answered. The Board will need a new set of maps since it has been so long since you have been in. Mr. Parker agreed and said we are not changing anything else; it is just the addition of the drive through. The signs are grandfathered. There are two canopy signs on the east and west side of the canopy. Mr. Parker commented that fuel is off loaded from the right and he agreed that the disadvantage to a gabled canopy is you can see the fire suppression but a good compromise is a mansard. Mr. Paggi said there is a station on Route 9 where you can see the tanks but that's not such a bad thing as you know they are there and they are easy to get to. Mr. Jeffreys asked about the space saved for a car wash and Mr. Parker said the car wash is pulled. He said there are two curb cuts. Mr. Jeffreys said that at this time, a drive through is not allowed under the current code. The Town Board is considering changing the code but it has not been done yet. While the drive in is not in the code, the town board has to approve it. Chris Jenkin, Construction Manager, said he was not aware of that. Mr. Jeffreys said the Town Board is proposing to change the code but at this time, the code talks about a drive through business but then prohibits it in the Table of Uses. Mr. Jeffreys went over some outstanding items. The last letter by the Town Engineer pointed out some outstanding items – that letter needs to be answered point by point. The public hearing was never held. The Board should have a summary of what has taken place over the last three years. We need a copy of the permits you do have and plans they reference. The escrow account needs to be replenished. Mr. Jeffreys said it is probably a good idea to hold off on the public hearing until the Town Board makes the determination on the drive through business. This also may get referred back to Dutchess County Planning due to the addition of the drive through business.

Mr. Jeffreys suggested Mr. Interrante, Project Architect, meet with Mr. Paggi before printing out plan sets for Planning Board members in case there are any changes. Get the submittal to the Board two weeks before the meeting. We will review the plans and go over everything at the March meeting. There was no action taken at this meeting.

Discussion Items:

The Planning Board needs to provide the Town Board with their comments on the proposed zoning change to increase the size of a convenience store from 2,500 square feet to 4,000 square feet.

Chairman Wyant motioned that the Planning Board send the following resolution to the Town Board:

BE IT RESOLVED, the Planning Board has reviewed the definition of Convenience Store in the context of allowable square footage as per Section 200-5 of the Zoning Code;

WHEREAS, the Zoning Code, Article II, Section 200-5, Definitions, defines a Convenience Store as “A business, containing less than 2,500 square feet of gross floor area, where food, tobacco, drugs, periodicals, beverages, snacks and similar convenience items are kept for retail sale. In the HB District only, either an automobile wash or the retail sale of gasoline or other

petroleum products, or both, shall be specially permitted accessory uses requiring a Type B special use permit. The retail sale of gasoline or other petroleum products shall comply with the provisions of Section 200-41 and Section 200-45 of this chapter. (Amended 5-9-2001 by L.L. No. 3-2001; 8-8-2005 by L.L. No. 3-2005; and

WHEREAS, under Section 200-14.1.C. Highway Business District Bulk and Area Regulations, “Principal permitted uses shall locate in existing structures or new structures with no more than a five-thousand-square-foot building footprint...” so the increase from 2,500 square feet to 4,000 square feet will allow a convenience store to be in harmony with other retail establishments in the Highway Business district; and

WHEREAS, limiting a convenience store to 2,500 square feet is no longer economically viable as the increased use of convenience stores require additional interior square footage for ancillary, non-productive space, such as bathroom facilities, storage facilities, adequate circulation areas, recycling compliance and office area.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board recommends to the Town Board that they approve an amendment to the Zoning Code to increase the allowable size of a convenience store from 2,500 square feet to 4,000 square feet.

Seconded by Mr. Jeffreys.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Charles Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye	Motion carried 7-0	

Mr. Anagnos motioned to adjourn the meeting at 9:00. Mr. Jeffreys seconded.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Aye	John Mautone	Aye
Charles Godfrey	Aye	Radford West	Aye
James Jeffreys	Aye	Motion carried 7-0	

The next meeting will be held on Wednesday, March 6, 2013 at 7:00 p.m. at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board