

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, APRIL 3, 2013

MEMBERS PRESENT:

Joan Wyant, Chairman
Jeffrey Anagnos
James Jeffrey
John Mautone
Radford West

MEMBERS ABSENT:

Kim Koehler
Charles Godfrey

ALSO PRESENT:

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

Public Hearings: None

Administrative Items:

- **Approval of Minutes:** Mr. West motioned that the Planning Board approve the minutes of March 6, 2013 as presented. Mr. Anagnos seconded.

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

Motion carried 5-0.

Correspondence:

- From Dutchess Land Conservancy dated March 22, 2013 regarding a Conservation Easement Workshop on April 29th at 6:30 p.m.
- Legal notice for the balloon test to be conducted by Verizon Wireless on Wednesday, April 17th, inclement weather date Thursday, April 18th

Applications:

1. **Chestnut Mart of Milan** – Ciro Interrante, Project Architect, Chris Jenkins, Project Coordinator, and Scott Parker, Contractor, appeared on behalf of Chestnut Petroleum Distributors regarding their application for site plan/special use permit for a gas station and convenience store on property located at 1445 Route 199, tax grid number 6570-00-536267. Mr. Interrante submitted a revised lighting plan at the March 6th meeting which was reviewed by Mr. Paggi, Town Engineer, who submitted a comment letter dated March 7th. Mr. Paggi provided as part of the memo the recommendations used by the Illuminating Engineers Society Lighting Handbook, stating that he considers this a dark surrounding. The recommendation by the IES in dark approaches is 1 ½ foot candles; Chestnut Mart is at 2.48. Under the pump islands, the IES recommends 5; Chestnut

Mart is between 7.3 and 7.7. Mr. Parker said we brought the levels down as much as we could. The IES recommends 2 foot candles at the building and Chestnut Mart is at 6 which Mr. Paggi said he thinks is a bit too high. He suggested they do what they can at the pump islands. Mr. Interrante said he does not agree with such low numbers. Sufficient lighting is important. He said he has driven passed gas stations that looked closed while they were open due to such low lighting. Mr. Parker said the soffit lighting is pointed in the down direction; the only we can get it lower is to do sconce lighting on the wall which would have a lower level at the ground but would be more intrusive. Mr. Paggi said as you approach a place driving from a dark area, you don't want to see something bright. He said we use the IES standards. He asked Mr. Interrante to try to achieve those standards but there is room to work. And, as the Planning Board should be aware, a special use permit can be re-visited so once the station gets up and running, the lighting can be re-measured. Mr. Anagnos suggested the applicant do what they need to do and if the levels are offensive, we will re-visit. Mr. Gent said these fixtures have wiring capability and this is the lowest level they can go. Mr. Anagnos said he thinks the diesel canopy needs to be bright. Mr. Paggi said at this point, they have not met the IES standards; if the Board issues a special use permit, a condition can be to re-visit the lighting. If it is highly visible and intrusive, they will have to re-work it. They did make an effort to achieve the standards but stated they could not due to the number of fixtures. Mr. Parker said they do not want to end up with hot spots and Mr. Paggi agreed. Mr. Parker said customer safety is our concern and our lighting consultant told us not to go below 4. Their consultant said he has not seen standards where they use specific numbers, but rather go with acceptable or unacceptable. Mr. Parker suggested the Planning Board drive by other stations they have done such as at Route 9G in Hyde Park which is at 27 under the canopy. Mr. Paggi pointed out that that station is in a differently lit area so that should be considered. Mr. Parker said, as asked at the last meeting, they have rotated the dumpster to allow easier access for the refuse truck if there are cars in the drive through line extending around the back of the building. He said they would like to put in three four-yard dumpsters to allow one for recycling and two for trash. At this time, cardboard would be the only recycling material. As was also asked at the last meeting, they have rotated the westerly tank to make it easier to fill if there are cars in the drive through lane. They are only putting in two tanks, one of which is a compartment tank which is split for two different products. Two tanks are easier to maintain. The delivery truck would be able to pull in on either side or in the middle which allows for easier access. When asked, Mr. Parker said the diesel canopy is 27 x 20, just over the two pumps. As was asked at the last meeting, Mr. Interrante provided pictures of the building materials that will be closest to the ground. He said this building will be the same color siding and shingles, the block will be backfilled up to grade, the entry door is a double door, and the windows in the pictures will be the same as this building. Mr. Jeffreys suggested they check to make sure one bathroom will be adequate for this size building. Mr. Interrante said the

number of bathrooms required is based on the net square footage and if you have over 15 employees, you need two bathrooms. At any rate, he will double check that. Mr. Interrante said he sent the soil management plan to the DEC and they asked him why he was sending it to them to which he replied the Planning Board is asking for DEC to approve these plans. Mr. Paggi said the consultant for Chestnut Mart recommended sign off by the DEC. Mr. Interrante said DEC won't sign off; he said DEC said Chestnut Mart has their permit so they won't sign off and if they were to sign off, it would take two to three months minimum. Mr. Paggi said DT Consulting did the soil management plan and he said it looks good; DT recommended closure and the DEC is the only group that can close it. If the DEC does not close it, the monitoring would have to continue which may impact construction due to the monitoring wells. Mr. Parker said we can work around the wells; we would pave around them. The DEC has no requirement to respond. If necessary, we will have to do another round of sampling but the wells we are still monitoring are up front. Mr. Paggi said he has no problem with that but, again, it would be good to get closure from the Town's perspective and their perspective. Mr. Parker said of course we want closure but we have 100 plus gas stations with monitoring going on. This will not affect the development of the site. Mr. Interrante suggested they leave the wells and proceed and Mr. Parker will let the Town know when the closure has been approved. Mr. Gent said upon approval or denial, we will submit the paperwork to the Town. Mr. Parker said the drinking water is monitored by the Board of Health, there is a filtration system and it is monitored and regulated by the Board of Health. Mr. Paggi said for the special use permit, a condition can be included that states the monitoring well will remain active until the DEC closes it. Once the DEC approved closure, Chestnut Mart will close the wells within thirty days. Mr. Paggi said Chestnut Mart's consultant advised they send over this report recommending closure to the DEC for their review and approval which DT and Mr. Interrante did; the necessity for further action is at the discretion of the DEC. Mr. Paggi suggested Mr. Interrante call Mike Masters at the DEC and see if he can get anything. As was requested at the last meeting, Mr. Interrante forwarded the drive through plan to the DOT and Board of Health to see if they had any comments. He said the DOT had no problem with it but that the work permit would need to be amended to include the drive through. Pete Marlow from the Board of Health said he would have to the impact that the drive thru would have on the flow rate of the sewage. Mr. Interrante replied that they would be selling the same items for consumption that would be sold inside but it should reduce the flows because someone going through the drive through is probably not going to park and go inside to use the bathroom. Mr. Paggi said the lighting should be a condition of approval. The IES has specific standards which this lighting does not adhere to. It is too light. The LED's are dialed all the way down. Mr. Paggi said the applicant has done what they can do along the building façade and the pump islands and they have taken the position that they would like to keep these levels of lighting based on their experience. Mr. Paggi said he feels this is acceptable

as long as re-visiting the lighting after six months or a year is listed as a condition of the special use permit. Mr. Jeffreys suggested pulling out the spread sheet that was done by Lauren Kingman when he was on the Board and review that. When asked about the hours of operation, Mr. Interrante said they are proposing 24 hours. Mr. West said that should be another condition to be re-visited as that may need to be adjusted, especially given the proximity to the Taconic. The Board agreed this does not have to go back for another review by Dutchess County Planning. Mr. Interrante said assuming the Town Board votes positively to change the zoning to allow a drive through business and we can revise the site plan, they would ask the Board to consider setting the date for the public hearing for May 1st. Mr. Paggi said the negative declaration and motion to approve will have to be revised to include the drive through. The Board agreed that Chestnut Mart would come to the workshop on April 25th to review the revised site plan and to discuss a revised negative declaration in preparation for the public hearing on May 1st. They also need to replenish the existing escrow account in the amount of \$1,400.

Mr. Jeffreys motioned that the Planning Board set the date for the public hearing for Chestnut Mart of Milan for May 1, 2013. Mr. West seconded.

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

Motion carried 5-0.

Mr. Anagnos motioned to adjourn the meeting at 7:50 p.m. Mr. Jeffreys seconded.

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

Motion carried 5-0.

The next meeting will be held on Wednesday, May 1, 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