

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, SEPTEMBER 9, 2009

MEMBERS PRESENT:

Peter Goss, Chairman
Douglas Cook
Mary Ann Hoffmann
James Jeffreys
Lauren Kingman

MEMBERS ABSENT:

Jeffrey Anagnos
George Lawrence

ALSO PRESENT:

None

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

Administrative Items:

- Approval of Minutes: Mr. Jeffreys motioned that the Planning Board accept the minutes of August 5, 2009 as amended. Ms. Hoffmann seconded.

Chairman Goss	Aye
Douglas Cook	Aye
Mary Ann Hoffmann	Aye
James Jeffreys	Aye
Lauren Kingman	Aye

Motion carried 5-0.

Applications:

1. **Chestnut Mart** - Mr. Kingman said this meeting is to address action on the positive declaration that has been on the table since December of 2007. Then, the goal for the October meeting would be to vote on a negative declaration. Mr. Morabito, Town Planner, who was present, reviewed his comment letter dated September 3, 2009 and a resolution he prepared to put forth a vote on the positive declaration. Mr. Morabito said the applicant has made substantial progress with the DEC, brought in engineering to address the storm water management and to prepare the SWPPP, and they have reduced the number of diesel fueling stations from three to two. They have presented noise mitigation in the way of stockade fencing, committed to meeting regulatory requirements for storage and dispensing of fuel, they have agreed to a soil management plan, and they have received conceptual approval from the Board of Health and have a valid highway work permit. Mr. Morabito said the lighting still needs some work and we are waiting for revised drawings from Mr. Interrante, Project Architect, but the applicant has achieved several milestones. Mr. Kingman said the Planning Board Clerk did a comparison against all of the items in the proposed positive declaration and the resolution and all of the items in the positive declaration have been addressed in the resolution. As with any declaration, not everything has to be nailed down as long as there is a plan to

nail it down and the Board has confidence it will be worked out.

MS HOFFMANN MOTIONED THAT THE PLANNING BOARD ENTERTAIN A RESOLUTION TO PUT FORTH A VOTE ON THE POSITIVE DECLARATION NOTICE OF INTENT TO PREPARE A DRAFT EIS DETERMINATION OF SIGNIFICANCE FOR CHESTNUT MART OF MILAN

WHEREAS ON DECEMBER THE PLANNING BOARD ENTERTAINED A MOTION TO ADOPT A POSITIVE DECLARATION POSDEC FOR THE APPLICATION KNOWN AS CHESTNUT MART OF MILAN AND

WHEREAS THE PROJECT ORIGINALLY INVOLVED THE CONSTRUCTION OF A NEW SF CONVENIENCE STORE AND SF OF LEASE SPACE GASOLINE FUELING STATIONS DIESEL FUELING STATIONS A SF CAR WASH PARKING SPACES AND RELATED SITE AMENITIES ON A SITE THAT WAS PREVIOUSLY USED AS A GASOLINE FUELING STATION AUTO JUNKYARD AND AUTO REPAIR FACILITY AND

WHEREAS THE PREVIOUS STATION WAS DESTROYED BY FIRE AND WAS DEMOLISHED AND REMOVED AND THE AUTO JUNKYARD USE CEASED AND VEHICLES WERE REMOVED FROM THE SITE WHICH IS NOW PRIMARILY VACANT AND

WHEREAS THE NEW FACILITY WILL REQUIRE THE DRILLING OF A NEW GROUNDWATER WELL AND INSTALLATION OF A NEW SUBSURFACE SEWAGE DISPOSAL SYSTEM AND

WHEREAS THE SITE IS LOCATED ON NYS ROUTE IN CLOSE PROXIMITY TO THE TAGONIC STATE PARKWAY A STATE SCENIC BYWAY THAT IS DESIGNATED ON THE NATIONAL REGISTER OF HISTORIC PLACES AND

WHEREAS THE SITE IS LOCATED IN A RURAL RESIDENTIAL AREA AND CONTAINS A PORTION OF NEW YORK STATE PROTECTED FRESHWATER WETLAND RG AND A PORTION OF THE WETLAND ADJACENT AREA AND

WHEREAS THE BOARD AGREED ON DECEMBER TO TABLE A VOTE ON THE POSDEC WITH THE

UNDERSTANDING THAT THE APPLICANT WOULD ADDRESS ISSUES BROUGHT FORTH BY THE BOARD AND ITS CONSULTANTS THAT WERE ENUMERATED IN A LETTER TO THE PROPERTY OWNER FROM THE BOARD DATED DECEMBER 11 2008 AND

WHEREAS ON AUGUST 11 2008 THE BOARD AFTER DISCUSSION WITH THE APPLICANT AND ITS CONSULTANTS ON THE CURRENT STATUS OF THE APPLICATION WHICH HAS BEEN REVISED IN A NUMBER OF AREAS IN RESPONSE TO COMMENTS FROM THE BOARD ITS CONSULTANTS AND THE VARIOUS INVOLVED AGENCHES AGREED THAT THE APPLICANT HAS MADE SIGNIFICANT PROGRESS ON MANY OF THE SUBSTANTIVE ISSUES THAT WERE OF CONCERN TO THE BOARD SUCH THAT THE ISSUANCE OF A POSITIVE DECLARATION MAY NO LONGER BE WARRANTED AND

WHEREAS IT IS NOW THE DESIRE OF THE BOARD TO BRING THE PREVIOUSLY OFFERED POSITIVE DECLARATION TO A VOTE TAKING INTO CONSIDERATION A NUMBER OF ITEMS THAT ARE NOW A PART OF THE RECORD BEFORE THE BOARD AND

WHEREAS THE APPLICANT HAS MET WITH THE NYSDEC ON TWO SEPARATE OCCASIONS THE MOST RECENT BEING ON MAY 11 2008 AS A RESULT OF WHICH CONCEPTUAL APPROVAL WAS REACHED BETWEEN THE VARIOUS AGENCHES OF THE NYSDEC AND THE APPLICANT ON THE ISSUES OF WETLANDS PROTECTION THE STORMWATER POLLUTION PREVENTION PLAN SWPPP GROUNDWATER MONITORING AND SOIL SAMPLING AND

WHEREAS THE PROPOSED SWPPP INCLUDED PROVISIONS FOR THE INSTALLATION AND CONTINUOUS MAINTENANCE OF TWO HYDRODYNAMIC SEPARATORS ON THE DOWNSTREAM SIDE OF THE FUELING STATION AND

WHEREAS THE APPLICANT IS PREPARING THE SITE PLAN TO ADDRESS THE FACILITATION OF QUARTERLY SAMPLING OF GROUNDWATER TO MONITOR SUBSURFACE GROUNDWATER POLLUTANTS IN ACCORDANCE WITH CONSULTANTS RECOMMENDATIONS AND ACCEPTANCE OF THE NYSDEC AND

WHEREAS THE APPLICANT HAS REVISED THE PLAN TO REDUCE THE NUMBER OF DIESEL FUELING STATIONS FROM 1 TO 2 IN RESPONSE TO PLANNING BOARD AND CONSULTANT COMMENTS AND

WHEREAS [] THE APPLICANT HAS REVISED THE LIGHTING PLAN TO LOWER THE LIGHTING LEVELS TO BETWEEN [] AND [] FOOTCANDLES IN RESPONSE TO PLANNING BOARD AND CONSULTANT COMMENTS [] AND

WHEREAS [] THE APPLICANT HAS PROPOSED NOISE MITIGATION WITH THE ADDITION OF EIGHT [] FOOT [] HIGH STOCKADE FENCING ON THE WEST SIDE OF THE PROPERTY IN A NORTHERLY DIRECTION FROM THE PROPERTY LINE AT ROUTE [] TO A POINT PAST THE DIESEL FUELING STATION [] AND

WHEREAS [] THE PROJECT SPONSOR HAS INDICATED THAT THE PROPOSED FUEL STORAGE AND DISPENSING EQUIPMENT WILL MEET CURRENT REGULATORY REQUIREMENTS [] AND THE PROJECT SPONSOR FURTHER COMMITS TO MODIFYING AND/OR CHANGING SAID EQUIPMENT IN THE EVENT THAT REGULATORY REQUIREMENTS CHANGE [] AND

WHEREAS [] THE APPLICANT SUBMITTED A SUBSURFACE INVESTIGATIVE REPORT PREPARED BY DT CONSULTING SERVICES [] INC [] DATED JULY [] [] WHICH CONCLUDED THAT [] BASED UPON NON-DETECT [] MINIMAL CONCENTRATIONS AS ENCOUNTERED DURING THIS INVESTIGATION [] DTCS DOES NOT RECOMMEND ANY ADDITIONAL INVESTIGATIVE OR REMEDIAL ACTION AT THIS TIME [] AND

WHEREAS [] THE APPLICANT HAS AGREED TO PREPARE A SOIL MANAGEMENT PLAN TO BE UTILIZED DURING CONSTRUCTION FOR PROTECTION OF HUMAN HEALTH AND OF THE CONSTRUCTION WORKERS WHO WILL CONSTRUCT THE PROJECT AND SITE INFRASTRUCTURE IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE SUBSURFACE INVESTIGATIVE REPORT [] AND

WHEREAS [] THE APPLICANT HAS INDICATED THAT CONCEPTUAL APPROVAL HAS BEEN GIVEN BY THE DUTCHESS COUNTY DEPARTMENT OF HEALTH [] DCDOH [] FOR THE PROPOSED METHODS OF WATER SUPPLY AND SEWAGE DISPOSAL [] AND

WHEREAS [] THE APPLICANT IS CURRENTLY IN POSSESSION OF A VALID HIGHWAY WORK PERMIT FROM THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION [] NYSDOT [] AND WILL RESUBMIT CURRENT DESIGN DRAWINGS FOR REVIEW AND APPROVAL OF THE NYSDOT []

NOW THEREFORE BE IT RESOLVED THAT THE

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said the Board should also give some consideration to what Mr. Interrante will need to present at the public hearing, such as a color rendition of the drawing.

Chestnut Mart will be placed on the October 1st workshop agenda for review of the negative declaration.

- 2. **Milan Market** - The Town Board has asked for the Planning Board's comments on the project proposed by Milan Market to demolish the current building and replace it with a building to house a convenience store, pizzeria, hair salon, liquor store, auto repair facility, used car sales and gas pumps. Mr. Kingman put together an initial report for the Board's consideration in forwarding to the Town Board. Mr. Jeffreys asked if the Town really wants a gas station in a hamlet. With the gas station, repair shop, and used car lot, there is a very large potential for petroleum based pollution. The water from the nearby stream flows into a DEC stream into the Wappingers Creek. Mr. Kingman said he believes that when the Town Board reviews this, they need to take a close look at the pollution issue. If the used car lot was removed, there is the potential for community support for the car repair and gas station as was indicated at the public information session. The Board agreed that the document Mr. Kingman prepared to forward to the Town Board was very well put together and should give the Town Board and the applicant a solid idea of what is actually involved to move forward with this proposal. One suggestion to make it a little less confusing to read was to remove the acronyms and replace with the actual words and Mr. Kingman agreed to do that and to put the document into letter format to the Town Board.

MR. KINGMAN MOTIONED THAT THE DRAFT RECOMMENDATION FOR THE MILAN MARKET PIZZERIA TO THE TOWN BOARD FROM THE PLANNING BOARD BE AMENDED TO REMOVE MOST OF THE ACRONYMS AND ONCE IT IS PUT INTO THE FORM OF A MEMO FOR THE CHAIRMAN'S SIGNATURE IT WILL BE FORWARDED TO THE TOWN BOARD. MS. HOFFMANN SECONDED.

CHAIRMAN GOSS	AYE	
DOUGLAS COOK	AYE	
MARY ANN HOFFMANN	AYE	AYE
JAMES JEFFREYS	AYE	
LAUREN KINGMAN	AYE	
MOTION CARRIED		□□□□

- 3. **Red Hook Fence** - Paul Hughes, Red Hook Fence, (who was not present) sent the Board a memo dated September 3, 2009 asking to amend his conditionally approved site plan stopping the permahedge at the southwest corner of the property. Mr. Hughes is trying to complete the conditions of final approval so he can get his site plan signed off. He

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MOTION CARRIED □□□□

The next workshop is scheduled for Thursday, October 1, 2009 at 7:00 p.m. and the next regular meeting is scheduled for Wednesday, October 7, 2009 at 7:00 p.m. Both meetings are held at the Town Hall.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board Members