

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL
WEDNESDAY, JANUARY 9, 2013

MEMBERS PRESENT:

Joan Wyant, Chairman
Charles Godfrey
James Jeffreys
Kim Koehler
James Jeffreys
John Mautone

MEMBERS ABSENT:

Jeffrey Anagnos

ALSO PRESENT:

Jack Campisi, Town Board Liaison
Jack Grumet, Town Board Member

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

Public Hearing:

- **Feder/Leavitt&Nguyen Lot Line Adjustment:** Wesley Chase, L.S., was present for this lot line adjustment between two properties owned by Craig Leavitt/Lam Nguyen, Sawmill Road, tax grid number 6472-00-174298 and Linda Feder, 178 Sawmill Road, tax grid number 6472-00-115289. Both properties are located in the A3A zoning district. Mr. Chase said Mr. Leavitt owns a 55 plus acre lot and Ms. Feder owns a 1 acre adjacent lot. Ms. Feder is purchasing +/- 0.41 acres to provide a buffer for her property. This will make her parcel 1.41 acres which is more in conformance with the current zoning. Ms. Feder's lot is improved and Mr. Leavitt is in the process of building. The board agreed this is a straight forward lot line adjustment.

Chairman Wyant motioned that the Planning Board declare themselves lead agency for the Leavitt/Nguyen and Feder lot line adjustment application. Mr. West seconded.

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

Motion carried 6-0.

Chairman Wyant motioned that the Milan Planning Board approve the Negative Declaration pursuant to Part 617.7 of the State Environmental Quality Review Act for the Leavitt/Nguyen and Feder lot line adjustment application. Mr. Jeffreys seconded.

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

Motion carried 6-0.

Chairman Wyant motioned to close the public hearing. Mr. West seconded.

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

Motion carried 6-0.

Chairman Wyant motioned that the Planning Board approve the following resolution: BE IT RESOLVED, the Town of Milan Planning Board has considered the application from Craig Leavitt/Lam Nguyen and Linda Feder for a lot line adjustment (minor subdivision);

WHEREAS, an application packet was submitted to the Planning Office on November 29, 2012 and a site plan prepared by Lynden B. Chase, L.S. dated November 27, 2012 has been submitted for the requested lot line adjustment between these two properties located on Sawmill Road in the A3A zoning district and identified as 6472-00-174298 (Leavitt/Nguyen) and 6472-00-115289 (Feder); and

WHEREAS, the proposed action will convey approximately 0.41 acres from Leavitt/Nguyen to Feder; and

WHEREAS, the proposed action will bring the existing 1 acre Feder parcel to 1.41 acres, thereby bringing that parcel more into conformance with the existing 3 acre zoning; and

WHEREAS, the Feder parcel is improved with a single family dwelling, well, and septic system and associated out buildings and there is a current building permit for the Leavitt/Nguyen parcel for a single family dwelling, well, septic, and associated out buildings; and

WHEREAS, a public hearing was held on January 9, 2013 with no public comment; and

WHEREAS, the Planning Board declared a Negative Declaration for this action on January 9, 2013.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board grants conditional final approval to the requested lot line adjustment and authorizes the Chairman to sign the mylar once the following conditions have been met:

- o All signatures are obtained on the mylar (Board of Health, Owners' consent);
- o All fees have been paid as follows: Publication Fee: \$113.05

Seconded by Mr. Jeffreys.

Joan Wyant, Chairman	Aye	Kim Koehler	Aye
Jeffrey Anagnos	Absent	John Mautone	Aye
Charles Godfrey, Jr.	Aye	Radford West	Aye
James Jeffreys	Aye	Motion carried 6-0.	

Chairman Wyant motioned that the Town of Milan Planning Board approve the following resolution: BE IT RESOLVED, the Planning Board has considered the Craig Leavitt/Lam Nguyen and Linda Feder lot line adjustment (minor subdivision) application of property located on Sawmill Road and identified as 6472-00-174298 (Leavitt/Nguyen) and 6472-00-115289 (Feder); and

Whereas, an environmental review was conducted in accordance with 6 NYCRR Part 617 which resulted in no identified concerns and a Determination of Non-Significance (Negative Declaration) was approved by the Planning Board on January 9, 2013; and

WHEREAS, a public hearing was opened and closed on January 9, 2013; and

WHEREAS, this application complies with all of the provisions of the Town of Milan Code chapters 177 (Subdivision) and 200 (Zoning); and

WHEREAS, all conditions for Final Approval are detailed in the resolution for Conditional Final Approval which was approved by the Planning Board on January 9, 2013.

NOW, THEREFORE, BE IT RESOLVED, the Milan Planning Board finds that the approval of the Leavitt/Nguyen and Feder Adjustment (Minor Subdivision) is in compliance with the Town of Milan Subdivision Regulations (Chapter 177). Seconded by Mr. Jeffreys.

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

Motion carried 6-0.

Administrative Items:

- **Approval of Minutes:** Chairman Wyant motioned that the Planning Board approve the minutes of December 5, 2012 as presented. Mr. West seconded.

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

Motion carried 5-0-1.

Applications:

1. **Cobble Pond of Milan:** Alicia Metz, GRJH, Inc. and Ray Nelson, Architect, appeared regarding GRJH's application for site plan/special use permit for Cobble Pond of Milan, a convenience store with the retail sale of gasoline, on property located at 1065 Route 199, tax grid number 6471-00-904454. Ms. Metz said that they have decided they are committed to seeking approval for the larger building, even though the zoning law limits a convenience store to 2,500 square feet. Their proposal now is approximately 3,800 square feet. They had considered retrofitting the existing structure but the cost to do that would be prohibitive. Ms. Metz said they want to make sure they encompass what people want which includes a community space, space for groceries, and a deli. Mr. Nelson has drawn up plans with a larger building moved back towards the back lot line. Ms. Metz said based on their experience, they need the larger building which will include space for seating, a deli, proper rest rooms, etc. Mr. Jeffreys asked if there is another outbuilding

on the property now. Ms. Metz said there is a temporary outbuilding on the lot now. Mr. Nelson took all the existing square footage of the existing buildings on the lot now and tried to make the new building fit into that. Mr. Jeffreys said he recalled that there is going to be only a single entrance and exit for the building itself. Ms. Metz said yes, we typically have all deliveries go through the double door in the front. Mr. Nelson said he designed the building based on using ICF block, which is an insulated concrete form, a Styrofoam block that is filled with concrete. The concrete brings the earth's temperature into the wall so the building is warmer in the winter and cooler in the summer. It is a fire proof building which is structurally strong. Ms. Metz said the coolers will be energy efficient as well, automatically adjusting temperatures. She said we strive to make our buildings as green as possible. Mr. Nelson said the front of the building is 80 feet from the front lot line. He had a meeting with the NYS DOT who told him how to lay out the driveway. He has to meet with them again, but did adjust the plans according to their commercial layout. Mr. Nelson said so the building moved back which moved the parking back which allowed him to move the driveway back and that provided more room off the street for the sign and canopy. The building is also wider; Mr. Nelson went back to the original width as that provides more room around the deli. Ms. Metz said she has not yet had any conversations with the Board of Health but most of the stores have the deli which includes soup, and they carry baked goods from local vendors. Mr. Nelson said he has not configured the back wall yet; that may require some adjustments with the office and coolers. He said he needs to know what space size they will be able to use. Mr. Jeffreys asked if there will be a second floor. Mr. Nelson said they will have a vaulted ceiling which will meet a wall over the office and that back little section will be a platform which will be the mechanical space to hold the boiler, etc. When asked if the entrances will be two way, Mr. Nelson said it would be their desire to have two access ways, both being two way, in and out. There are three filling stations and even though the pumps are at an angle, the two way accesses work. Mr. Nelson said he is aware that County Planning will more than likely prefer the canopy at the rear of the site and while he appreciates the comment, that is not the best idea for this site. It would force the building to be way out in front and that is not in keeping with the surrounding neighborhood. It would make the entire site a black topped area which will have a very negative effect environmentally and would be very costly. They would also like to leave the green field as proposed for a farmers market. They would lose that moving the canopy to the rear. Also, macadam creates more run off which would need to be dealt with. Mr. Jeffreys said the Town belongs to the Greenway so it is a requirement on the Planning Board and ZBA to incorporate wherever possible the Greenway Guidelines. If not, we have to have valid reasons why our plan works better than their suggestions. Mr. Nelson said their proposal works well with a city scape but not in a rural environment. In a city environmental, you have sidewalks and pedestrian traffic. Here, it will be automobile traffic. Ms. Metz said there are also security reasons to keep the canopy in the front. If it was in the back, we would need a back entrance so would need clerks to watch the front and back and we would need additional lighting in the back. We would have to reorient the store for front and rear access. Also, people driving at night will see the sign but not the pumps as there is not total visibility of the lot here, which could be disorienting. There are many reasons to keep the canopy in the front, including safety issues, traffic flow, retail benefit, environmental issues, and security. As far as the building itself, Mr. Nelson said he is happy with the scale of the face of the larger

building. There is more glass, there are now windows on the side, there are three now where there was only one in the scaled down building. The front does have a modern look due to the glass. One of the key issues they would like to address tonight is where do we need variances. We have identified a rear yard variance, a variance for the size of the building, for parking in front.

Mr. Jeffreys said the SEQRA circulation was done and the thirty day period has ended. We have received responses from the DEC and the DOT which we will need to incorporate into Part II of the EAF. Mr. Carrothers submitted part I of the long EAF which Mr. Jeffreys and Mr. Paggi, Town Engineer, have reviewed and made some corrections. The Board will review part 1, make the formal changes, and then complete part II.

Ms. Wyant motioned that the Planning Board declare themselves lead agency for the Cobble Pond of Milan site plan/special use permit application. Mr. Jeffreys seconded.

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

Motion carried 6-0.

The Board and Mr. Paggi reviewed Part I. On page 2, add the size of the building (+/- 1,944 square feet) and that there are three pump locations proposed with six filling stations. The fuel storage tanks are no lead (12K), ultra (8K) and diesel (5K). When asked about having generators in case of frequent power failures, Ms. Metz said we are exploring that. We would probably have a generator to at least run the gas pumps. Page 3, they will provide numbers for the breakdown in no. 2. The Board said they will need to get the DEC to come out and measure the wetlands to make sure of the distance. Mr. Paggi said it is probable that the Board of Health will require them to drill a new well as this well is very old. The applicant will also need to get their environmental specialist to visit the site regarding the letter from the DEC that the Blanding's Turtle, a threatened species, has been recorded within or near the project site. The Board completed Part II. The Clerk will circulate the completed EAF to Board members, Mr. Paggi, and the applicant. This will be reviewed at the workshop meeting on January 31st for completeness.

Mr. Jeffreys discussed the canopy. He said we need to be sensitive as to what people are going to see as they come over the hill – we don't want to see the top of a flat canopy. He and Mr. Paggi visited other sites and took photographs as well as visiting the Millerton site, looking at common property elements, i.e., they tried to find properties in that 1.2 to 1.5 acre space that were long. Mr. Jeffreys said the Millerton site already went through the process and he suggested using that plan blending in new design elements. Ms. Metz said one reason is the layout of this lot is different – Millerton is wider and shallow. In Millerton, the County tried to see if we could pile everything up towards the back but there is a very steep hill there with waterways – the property got very complicated due to the high water table. Stewarts initially started the process. Negotiations with the Town and County were already done by the time we got there. Stewarts got disgusted and walked away. It is a narrow property in a commercial area.

There are three gas stations in a row and a shopping center across the street. One of their biggest concerns was the monument sign – it was very important to them. And putting in vegetation in the center island. The canopy in Millerton is slightly different – there are two rows of two. The dynamics of the Milan site require three separate dispensers. If we could do it differently, we would, it's cheaper, but there is not enough room here to do that. Ms. Metz said she will discuss this with the contractor. The canopies are pre-made and come in pre-determined sizes – different brands have different sizes. The size is dependent on the island. This is the configuration in terms of the size of canopy. That is how the building got big. The canopy can't be bigger than the building. It is fairly proportionate. They had us do a wood shingle in Millerton but there is no view looking down towards the canopy in Millerton. Mr. West said the Millerton canopy has a slight slope on it but it is still a flat top. Ms. Metz said the canopies are flat on top due to fire suppression and they need a slight slope due to snow, etc. Due to the logistics of dealing with petroleum equipment, combustible materials, hazmat, etc. we need to keep it simple. As far as color, Sunoco likes to wrap around the canopy. We were thinking a simple blue. We would be strict on using premade sizes so we are not custom making a canopy – that is cost prohibitive. However, she said the next time she drives down, she will look at the view. A gas station needs a canopy. They are flat, they are boring, and even if you draw attention to it, it is still a canopy. We try to draw down rather than draw attention to it but it is a mechanical requirement. Mr. Jeffreys said the canopy detracts from such an attractive building. Ms. Metz said there is an expectation with the public that a gas station will have a canopy, we are not introducing new equipment – a canopy is a canopy. We have looked at the height of the canopy so it would not detract from the building at street level. We also have to deal with the height of trucks. The canopy has to be 18 feet. We also do not want to detract from a nice building. Short of changing the color or material, it will still be flat. Mr. Jeffreys said he thinks they can look at it in totality with the site and the shape of the building. He suggested removing the flat canopy – look at the roof as an extension of the convenience store and carry the same elements between both structures. The public going east to west will see it as a single structure and it probably won't add tremendous cost. It will still have recessed lighting and the fire suppression system. Mr. Jeffreys said he would really like to dress up the canopy as it is the first thing people will see. There are two elements: is it consistent with the fabric of the neighborhood and building and from a longevity standpoint, what will it look like in 5 or 10 years in comparison to a gorgeous building. Conventional canopies and steel columns rust out and that leaves us with the concern that you will wind up with a beautiful building and a rotting canopy. The canopy is where the activity is. Ms. Metz said she will be happy to entertain different ideas with limitations, i.e. a mansard façade on the canopy for aesthetics or different material, etc. Mr. Nelson can work on that. Mr. West asked about the color of the roof on the building. Mr. Nelson said they were considering a galvanized silver gray color. Mr. West suggested it might be jarring to have a totally different color roof on the building than on the canopy. Ms. Metz said just the edges would be blue on the canopy. Sunoco's blue is very important to them. In lieu of a color there, we would need signage on each side, putting Sunoco as the identified brand. Mr. Jeffreys showed pictures of a site in Fishkill which was very attractive. They used about two-thirds of the site, had a much larger building, and a connected roof to protect people from the elements and provide a complementary design. They had a mansard style roof. They used a standard canopy design and wrapped steel

beams with manmade material that looks like stone. It is very attractive and when you are under this canopy, it feels like you are in a building. It was also 18 feet in height. They tied the signage into the elements of the columns. The goal is to provide a feasible project and be something that will be with us for 20 to 30 years. Ms. Metz said Millerton wanted some architectural enhancements and we ran into trouble with fire suppression. However, she said she will look at it with her canopy guy - is this a special design or does he have this stuff on hand. Mr. Jeffreys also pointed out that the farmers market should be the secondary concern. The first concern should be the functional structure as the convenience store with a fuel facility. It's great if we can get a farmers market in but we should be concentrating on the structures and the code. Mr. Paggi said orientation is important. Everything flows down to the wetland. There has to be room to provide adequate parking and have a nice visual appearance to the front of the building. Mr. Jeffreys said on the plan, the fueling truck is parked in front of the garbage receptacle and he asked how often they get fuel deliveries. Ms. Metz said it takes about an hour for a delivery and she would anticipate every second or third day for a delivery. Mr. Jeffreys said everything is in that one area, the garbage, extra parking, the fuel delivery trucks. He is concerned they are mixing too many uses there. Ms. Metz said when the trucks pull in, they unload and leave. It does not have a huge impact. This is the best area for those items. All the electronic monitoring is on that side. Mr. Paggi pointed out that that is where the rock is on the site. Ms. Metz said if that is the case, they may have to switch the orientation. Mr. Jeffreys said they will need to provide a lighting plan. Ms. Metz said our preference is LED recessed lighting which is glare proof and lasts forever. A cone of light goes right down to the pumping station. Mr. Godfrey said if there is some sort of an event happening at the store, the only egress is at the front which could be problematic. Mr. West agreed and said he thinks they need another exit. Ms. Metz said there will be an emergency exit but it won't be open to the public. If the doors open, the alarms will go off. They will add that to the drawing. Mr. Paggi said there is a code requirement which stipulates how many exits a structure needs. Mr. Godfrey added that upkeep on the site needs to be maintained. Mr. West said there should be some kind of enclosure around the garbage and Ms. Metz said there is; it will be enclosed and locked. Mr. Jeffreys suggested the applicant revisit the lay out of the entire property – maybe it can be laid out a bit differently which will work for the applicant and be aesthetically pleasing. He asked about handicapped parking and Mr. Nelson said one handicapped parking space is all that is required. Ms. Koehler said the building is as far back as it can be so if the canopy is moved, something else will need to be adjusted. Ms. Metz said she will look into the site layout.

Cobble Pond of Milan will be on the workshop agenda on Thursday, January 31st.

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

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

Motion carried 6-0.

The next workshop is scheduled for Thursday, January 31, 2013. The next regular meeting will be held on Wednesday, February 6, 2013 at 7:00 p.m.

Respectfully submitted,

Karen Buechele, Clerk
Planning and Zoning

cc: Catherine Gill, Town Clerk
Town Board