

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 24 Firemens Way on Thursday November 15, 2012 at 7:00 p.m., Chairman Bell called the meeting to order at 7:00 p.m. Board members Tony Brenner, Frank Sforza, Joe Zeidan, John Gunn, Robert Straub and Dennis Rosenfeld were present. Stacy Olyha was absent. Also present was Wanda Livigni, Administrator of Public Works, Walter Artus from Stormwater Management Consultants, Greg Bolner from Clark Patterson Lee and Ron Blass from VanDeWater & VanDeWater.

Mr. Bell made one correction to page 6, changing the words Mr. Bell to Mr. Blass replied yes. Mr. Straub made a motion to accept the minutes of October 18, 2012, as amended, seconded by Mr. Rosenfeld and the motion carried unanimously.

PUBLIC HEARINGS:

SHIR CHADASH SITE PLAN – Proposed site plan located on Freedom Road containing 4.81 acres (6260-04-803168); continuation /discussion.

Mr. Ed Ginsberg appeared. He said he was here several months ago asking for a delay in their applications because of discussions they were having with the Freedom Plains Presbyterian Church. He said at this time those discussions have ended on a very positive note but they have decided to proceed with their application for approvals to build on their property. He said he was before the board to advise the board and indicated that their Engineer Richard Chazen would be present with a full submission addressing the questions of the board. Mr. Gunn asked are you going down 2 paths? Mr. Ginsberg replied no, they are going to be pursuing the location at Freedom Road.

Mr. Rosenfeld made a motion to adjourn the meeting to December 20, 2012, seconded by Mr. Gunn and the motion carried unanimously. MEETING ADJOURNED

NISI LOT LINE REALIGNMENT – Proposed lot line realignment located on Todd Hill Road containing 4.49 + 3.3 acres (Grid No. 6460-04-541453)

Mr. Gary Beck Sr. and Mr. Gary Beck Jr. appeared before the board. Mr. Beck said they brought a map in to show the board the 150 foot square and they have proceeded to the ZBA and they are on board, they haven't voted yet, but they are all in favor. Mr. Beck said they are waiting for Lead Agency. Mr. Blass said the board circulated for Lead Agency at the last meeting and Mr. Bell said the ZBA responded saying they have no problem with the Planning Board being lead agency. Mr. Blass said there might be some other agencies out there without response yet. Mr. Bell said the ZBA seems receptive so we just have to wait for the 30-day period. Mr. Bell declared the public hearing open, there were no comments.

Mr. Beck Sr. said they are showing the building lot showing the septic, house location, well location and the 150 foot square with the wetland buffer and wetlands. Mr. Bell asked if we

had updated plans and Mr. Beck Sr. said only the ZBA and Mr. Beck Jr. asked how many copies and the board requested 5 copies.

Mr. Rosenfeld made a motion to adjourn the public hearing to December 20, 2012, seconded by Mr. Gunn and the motion carried unanimously. PUBLIC HEARING ADJOURNED.

WHISPERING PINES SUBDIVISION – proposed 10-lot subdivision located on Rte. 55 (Grid No. 6360-02-972772); declare Lead Agency

Mr. Brian Stokosa appeared before the board. The Planning Board declared Lead Agency for this project.

Mr. Stokosa said they went to the ZBA and at the end of the meeting they were in favor of the proposal, both the ZBA and the neighbors. Mr. Stokosa said they are going to alleviate almost a 1,500 foot driveway drainage concerns, pavement concerns, access concerns and the ZBA gave a recommendation.

Mr. Stokosa said 10-lot configuration, one storm water pond, full development in toward the parcel. He said he made a mistake with the original cover sheet – he had the R-80 zoning in the zoning block and said it is R 40-60-80 it's actually 80,000 sq. feet as shown. Mr. Stokosa said lot 1 is a little over 80,100 sq. ft. He said a question that Greg Bolner brought up was minimum lot width. He said as he understood through Susan in Zoning, minimum lot width, is that the building set back line which is 55 feet off the town right-of-way. Mr. Stokosa said Greg had a concern – is it 55 feet throughout the lot or is it at the setback line. He said they tried to clarify that. He said he thought the only issue they have is lot # 8 with frontage and minimum lot width, which is off Todd Hill. Mr. Bell said ok, and that's what the ZBA has to determine.

Mr. Stokosa addressed the audience. He said this is Whispering Pines Subdivision which was approved as a 12-lot subdivision in 2007; they had Health Department approval and DOT approval for the entrance and approval from DEC. He said the market took a hit and they have been extending final approval for the past 3 or 4 years. He said they have a 1,600 foot road in the original proposal with 2 storm water ponds and a 12 lot configuration. He said there has been a change in ownership, Steve Page bought the project and said the lot count based on the length of road, the numbers were fairly tight with the increases in petroleum for pavement and piping so they came up with a new proposal, with just over an 1,100 foot proposed town road, reduced the lot count from 12 to 10 lots and they have tried to condense the development for the cul-de-sac and away from the rear property lines. He said the biggest improvement, the access along Bushwick Road for one lot – required about a 1,500 ft. driveway, they plan on doing is retaining frontage along Bushwick and instead of accessing through Bushwick, doing a common driveway through lot # 7 and that way lot # 8 accesses through a proposed town road. All access now comes via the proposed town road. He said this proposal provides more of a community development and reduces their infrastructure cost. Mr. Stokosa said they are before the board for an amended approval.

Mr. Bell declared the public hearing open for public comment. Marwan Nesheiwat of 852 Freedom Plains Road expressed his concern about runoff off water onto his property. He said he had no objection to the development.

Mr. Bell said our engineers are charged with making sure that no excess water drains off the property. Mr. Straub made a motion to close the public hearing, seconded by Mr. Rosenfeld and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Bell asked if there were concerns raised at the ZBA meeting. Mr. Stokosa said they had to wait until the planning board to declare lead agency. He said the majority of the board was in favor of the proposal largely because of the public input. They liked the less disturbance, less pavement, less road. Mr. Bell asked did the ZBA invite public comment at all, Mr. Stokosa said yes and there was positive feedback.

Mr. Bell said if the Planning Board has no concerns and the ZBA had no concerns and it is considered less of an impact than the previous one, don't they need SEQR for the ZBA to make a determination. Mr. Artus said yes, but he has not reviewed SEQR. He said the EAF needed to be revised to reflect this application as opposed to the previous application. Mr. Bell said then we have to hold off until next month for SEQR. Ms. Livigni asked wasn't there also an issue with the ZBA with needing an attorney because our town attorney cannot represent the Planning Board because of a conflict of interest with the new owner. Mr. Bell asked if someone was pursuing getting that resolved. Mr. Stokosa said he believed so.

MCQUILLAN SPECIAL USE PERMIT – Proposed Special Use Permit located on Smith road (Grid No. 6360-04-803360)

Mr. & Mrs. McQuillan appeared before the board. Mrs. McQuillan said there was a previously approved apartment and apparently each new owner has to get a permit. It was determined that this was previously the Lindstrom residence which was previously approved by the board a few months back. Mr. Bell asked Mrs. McQuillan if the accessory apartment was for a blood relative and she replied yes.

Mr. Bell declared the public hearing open for comment. There were none. Mr. Gunn made a motion to close the public hearing, seconded by Mr. Brenner and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Bell said the paperwork all seems to be in order from the town and asked for a motion. Mr. Brenner made a motion to grant the Special Use Permit, seconded by Mr. Gunn and the motion carried unanimously. SPECIAL USE PERMIT

PROVIDENCE ESTATES RE-SUBDIVISION – Proposed re-subdivision located on Red Oaks Mill Road and Titusville Road containing 9,78 acres (Grid No. 6260-02-737552, 749584, 749569, 739583, 707567, 707550, 709532)

Mr. Christian Paggi of Larry Paggi's office appeared before the board. Mr. Paggi said since the last time they were here for the public hearing they have received comments and addressed the majority of them. He said the public comment had several comments one of which the driveway entrance to Red Oaks and with their last submission they included documentation from County Highway and their approval of that spot, it hasn't changed since the last approval from the last subdivision at the same exact spot. Mr. Paggi said there was a concern that they were utility poles being put up along Red Oaks Mill and he said they went to the site and they look like they are support poles for the poles across the street. He said there was a concern of soils on the site. He said they've been out to the site to perform soil investigation and perk tests as per the previous approval with the last subdivision and those previously approved septic areas and with that goes along their certification that they are suitable for sewage disposal. Mr. Paggi said they have received several comments from the consultants, storm water comments. Mr. Paggi said they have addressed all of them beside the engineering comments they just received and he said looking through them they seem like minor technical comments. He referred to the comment extending the main in the town easement instead of doing these individual service lines, at least extend the main into the common driveway. He said that is something he said they brought up previously and were under the assumption that the town didn't want that and that it would be another hassle the town would have to take care of. He said they would be completely open to doing that, including meter pits for these individual systems, individual service lines. He said that was something they were most likely going to incorporate anyway. Mr. Paggi said for the most part the comments seem like they are minor comments that they are more than happy to address.

Mr. Paggi asked the Board for a conditional approval for this subdivision conditioned on the satisfaction of the comments. Ms. Livigni said the SWPPP has not been reviewed by SMC nor have the hydraulics been checked. Mr. Bell said if you submit a plan which we have a comment letter from both of our consultants saying they are satisfied and an indication from the Board of Health that they are approving the concept he told Mr. Paggi he could expect to get both preliminary and final or conditional final depending on what little loose ends there might be.

VAIL ROAD SUBDIVISION & SPECIAL USE PERMIT – Proposed 3-lot subdivision and Special Use Permit located on Vail Road containing 68.85 acres (Grid No. 6361-03-393169); consideration of SEQR determination

Mr. Steven Burns from Barger and Miller was present. Mr. Burns said he was before the board to request a Negative Declaration. He said they answered the public comments and made revisions to the EAF and would like SEQR so they can proceed with the ZBA. Mr. Artus said the applicant did revise the EAF which he reviewed and stated his comments were addressed.

Mr. Gunn made a motion to deem the project as an unlisted action and to grant a Negative Declaration pursuant to SEQR because the board finds that the project will not have a significant adverse impact on the environment because the impacts have been identified and suitable mitigating measures have been incorporated on the plans and/or in the reports. The motion was seconded by Mr. Straub and the motion carried unanimously. **NEGATIVE DECLARATION.**

GROOMINGDALES – Pre-application discussion for a proposed dog grooming service located on Noxon Road (Grid No. 6560-04-612217)

The applicants, Mr. Frank & Joyce Redl were not present. Mr. Gunn said they didn't show? Mr. Bell said this is a pre-application so there is nothing the board can do. Mr. Gunn said so now the bakery is now going to be Groomingdales. Ms. Mang said she sent Mr. Redl an e-mail reminding them of the meeting and Mr. Redl replied that he would be there. Mr. Bell said minor discussion – it appears that this got sent to us by the Zoning Department saying that it complies with a proper use in the zone, he said he took a quick glance at the permitted uses for hamlet and the only category that makes any sense to him is a general category of retail goods and services, this is obviously in the services category which from his perspective means not only is it a permitted use, it's not a change of use. Ms. Livigni said this application is permitted within the zoning district, the problem is it was Ken's determination was that it is in fact a change of use of that site. Ms. Livigni said that's why Ken sent them to the Planning Board. Mr. Bell said he would like Ken to tell him what he thinks the use is then. Mr. Bell said Ken said it is a permitted use, Ms. Livigni said it's a change in use from the previous use. Mr. Bell said he's glancing at the categories and the only category that is remotely close.....he said well there is commercial kennels and animal hospital, which strikes me as way over the line and isn't permitted in hamlet, so assuming that's not what he decided it was, so if it's retail goods and services, that strikes me as to what the old use was. Mr. Bell said he would like a clarification on that, because if it is not that then he didn't know what category he thinks it is. And if it is in the same category he didn't understand why it was a change of use.

Mr. Bell said the entire reason why he is saying this is if it is a change of use then they have to go through a whole site plan review which means that the parking lot is going to have to be paved which will make the drainage worse and he wasn't sure how far down that road it's a good idea to walk. Mr. Bell told Ms. Livigni either she could have that conversation with Ken or he could call him. Ms. Livigni said she thought Eileen should write a message to the zoning office requesting a clarification. Mr. Bell said he is confused. Mr. Bell said the parking is his biggest concern because he was afraid they would get tangled up in the code requiring the board to do something we all think is a bad idea on that particular location, he said paving that entire parking lot with the drainage issues that are in the area make things worse rather than better, not to mention costing the owner thousands of dollars and he was disinclined to

want to make the owner spend thousands of dollars to make things worse. Mr. Bell asked the board if they knew where this was and the board said yes.

COMMUNITY GLASS – Continuation of pre-application discussion previously held on February 15, 2012

Mr. Michael Berta, architect for the applicant appeared before the board. Mr. Berta said this project is going to be moving forward. He said they received DEC approval for the project and they have preliminary approval from the health department. He said they won't give final approval until they have approval from the Planning Board. Mr. Berta said those were the 2 biggest hurdles that were settled. Mr. Bell asked what the DEC was about, was it because of the buffer. Mr. Berta said yes, the entire property is in the 100 foot buffer of the Wappingers Creek, even though there is no way it will ever flood.

Mr. Artus said there isn't usually a freshwater wetland permit until there is a SEQR determination. Mr. Berta said he would have the engineers at meetings once they get further involved in the process. Mr. Berta said his engineer has had many conversations with the DEC and they have basically given their blessing. Mr. Bell asked Ms. Livigni if they needed this to be Hamlet to move forward and Ms. Livigni said Mr. Berta has a different opinion. Mr. Berta said when they worked out the parking, he used the C-2 zone which it is currently zoned. He said the problem with the C-2 is he needed more parking but his question he raised last time is because they were using half retail/half apartments is if they could apply for an overlap, knowing that the apartments will be empty when the retail is in operation and there would only be most likely a short time when both are occupied. Mr. Bell said the board has flexibility on that front. Mr. Berta said the DOT is going to allow them to use some of the parking he referred to, into the right-of-way, because of where the curbs are and the property line is. He said he met with Rob Denagro and he said he had no issues with them using the parking. Mr. Berta said right now he has 23 spaces and based on the gateway hamlet, 17 are required and the C-2 it's 23 or 27, they were just a couple short for the C-2. Mr. Bell said parking requirements for gateway for the same use would be less than the other. Mr. Livigni said Mr. Berta reviewed the draft document. Mr. Berta said the calculations he was looking at were based on a C-2 so they are over on the parking but there is a chance to be under. Mr. Berta said either way they are close, if they go with the C-2, they are going to need a couple of spaces of overlap. Mr. Bell said we haven't looked at this at all because it is pre-application. Mr. Bell asked Mr. Berta what he wanted to do, proceed with C-2? Mr. Berta replied proceed with C-2. Mr. Bell said ok, he will need to submit an application, fees, plans and an escrow of \$2,000. Mr. Gunn said his only concern is when you talk about changing the dynamic of the day/night thing, is if you put a business in there that is a copier business and they have service trucks, are you going to switch out people that live out people that live upstairs. Mr. Berta said in a C-2, he believed there was no overnight parking of commercial vehicles allowed.

REQUEST FOR EXTENSION OF SITE PLAN APPROVAL

BURNHAM BUILDING – Project was granted a one year extension of site plan approval on December 20, 2011. Seeking a 2nd one-year extension of site plan approval

Mr. Gunn made a motion to grant an extension of site plan approval, seconded by Mr. Brenner and the motion carried unanimously.

Mr. Straub made a motion to adjourn the meeting at 7:45 p.m., seconded by Mr. Gunn and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted,

Eileen Mang
Planning Board Secretary