

Town Board - 2003-01-22
STATE OF NEW YORK
COUNTY OF DUTCHESS Town Board Meeting
TOWN OF LA GRANGE January 22, 2003

Minutes of the Regular Town Board meeting of the Town of LaGrange held on January 22, 2003 at the Town Hall commencing at 8:00 p. m.

Present: George H. Wade III, Supervisor
Gary Beck, Councilman
Kevin Donohue, Councilman
Joseph Luna, Councilman
Mellina Weiss, Councilwoman

Recording Secretary: Kathleen Williams, Town Clerk

Others Present: Ronald Blass, Van DeWater & Van DeWater
Diana Ciampaglione, Environmental Consultants
Nancy Clark, The Chazen Companies
Joachim Ansoerge, Dir. of Planning & Zoning

The meeting was called to order by Supervisor Wade at 8:00 P.M. Ms. Williams led the flag salute.

Councilman Luna moved to approve the minutes as presented for 12/30/02, seconded by Councilwoman Weiss and carried unanimously.

Councilwoman Weiss moved to approve for payment Abstract #2 in the amount of \$241,039.27, seconded by Councilman Donohue and carried unanimously.

Supervisor Wade presented the 2003 Recreation Salary Schedule submitted by Peter Huff. Councilman Luna said that he would like to see a cap set on most of the positions and wanted Mr. Huff to establish this figures. Mr. Wade will address the matter with the Recreation Director. Councilman Beck moved to approve the Recreation Dept. salaries, seconded by Councilman Luna Weiss and carried unanimously.

Supervisor Wade stated the road dedication of Amanda's Way affiliated with MGM Velie Woods Subdivison was the next agenda item. Supervisor Wade stated that the Highway Superintendent and Engineer have provided recommendations to approve. Mr. Wade said that the Highway Dept. has sanded three times and the developer must pay that bill before the road can be officially accepted. Supervisor Wade thought that the amount would be less than \$1,000. Pending payment of the sanding bill, Councilman Donohue moved to approve Amanda's Way, seconded by Councilwoman Weiss and carried unanimously. Mr. Ron Friedman, an attorney representing the developer of MGM Properties, asked that the excess money in the cash collateral and escrow accounts be returned to the developer. Supervisor Wade said that after all professional fees and highway expenses are paid, the remaining money will be returned to the developer.

Supervisor Wade offered a motion to adopt Local Law # 3 of 2003 Notification & Survey Requirements seconded by Councilman Luna. The public hearing on the proposed legislation was held on December 30th and adjourned to January 8th for a modification in the drafted legislation. This legislation will amend Chapter 240 with regard to notification and survey requirements.

RESOLUTION

Supervisor Wade, offered the following resolution which was seconded by Councilman Luna, who moved its adoption:

WHEREAS, a local law was introduced entitled a LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND ZONING BOARD OF APPEALS PROCEDURES IN CHAPTER 240 "ZONING" WITH REGARD TO NOTIFICATION AND SURVEY REQUIREMENTS;

WHEREAS, a public hearing in relation to said local law was held on December 30, 2002, at 8:00 p.m., prevailing time; and

Town Board Meeting ♦ January 22, 2003 ♦ Page 2

WHEREAS, the public hearing was adjourned to January 8, 2003 for the purpose of making an insubstantial modification to the provisions of Section 2 setting a requirement of a survey for certain area variances;

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law, in this form, has been on the desks of the members of the Town Board of the Town of LaGrange for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

TOWN OF LAGRANGE LOCAL LAW NO. 3 OF THE YEAR 2003

Section 1. Subsection 240-93(C) (2) is deleted and replaced with the following:

♦(2) By requiring that the Secretary of the Zoning Board of Appeals or other designated Town employee provide notice of the substance of every appeal or variance application and of the hearing thereon, by certified mail, return receipt requested, at least five calendar days prior to the date of the hearing, to:

a. for use variances only, owners of all property abutting or directly opposite the land involved in the appeal or otherwise lying within 500 feet of the intended use; and

b. for all appeals and all variances other than use variances, owners of all property abutting or directly opposite the land involved in the appeal or otherwise lying within 150 feet of the intended use.

c. The names and addresses of owners notified shall be taken as such appear on the last completed roll of the Town.

Compliance with this notification procedure shall be certified to by the Secretary or other designated Town employee. The Town shall charge the applicant either a flat rate or a stated amount per notice for satisfying the notice requirements. Provided that there has been substantial compliance with this provision, the failure to give notice in exact conformance herewith shall not be deemed to invalidate an action taken by the Board of Appeals in either granting or denying an appeal for a variance from a specific provision of this chapter."

Section 2. A new Subsection H is added to Section 240-93 as follows:

"On appeals seeking variances from the front, side or rear yard dimension requirements set forth in Schedule ♦B♦ of Section 240-28 ♦Schedule of Bulk Regulations♦, a survey, setting forth the precise location of the structure or proposed structure, shall be required to be submitted when the variance requested relates to the construction of, or maintenance of, a structure within 5 feet of any such lot boundary lines.

Section 3. This local law shall take effect immediately upon filing with this state's Secretary of State.

RESOLVED that the Town Clerk shall file a certified original of this local law in the Office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of LaGrange that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

Town Board Meeting ♦ January 22, 2003 ♦ Page 3

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wade Aye
Councilwoman Weiss Aye
Councilman Beck Aye
Councilman Donohue Aye
Councilman Luna Aye

DATED: LaGrangeville, New York
January 22, 2003

KATHLEEN WILLIAMS, Town Clerk Town of LaGrange

The resolution adopting Local Law #3 of 2003 was duly adopted.

Supervisor Wade asked Councilman Luna to update the board on the proposed changes to the entrance of Arlington High School on Route 55. Mr. Luna responded that the newspaper was inaccurate implying that the project could be complete by this summer. Mr. Luna stated that Arlington Central School District is in favor of supporting the proposed change; the location is pretty well set as to how the entrance to the high school will be reconfigured and Mr. Luna believed at this juncture the property owner should be contacted by the Town. Mr. Wade asked if the school district is willing to help out financially. Mr. Luna stated his preliminary meeting with the Superintendent of Schools implied he is willing to work with the Town in attempting to resolve the traffic problems associated with the current school entrance. The plan calls for Stringham Road to continue across Rt. 55 north of the intersection and provided an entrance to the high school. Some of the entrances to properties would also be changed with access off of the ♦extended♦ Stringham Road versus off of Route 55. Councilman Luna stated that he has requested Michael Kelly, Superintendent of Highway to establish projected costs for the project.

Supervisor Wade spoke about his recent meeting with NYS Department of Transportation and they are currently looking into establishing off ramps at some of the intersections e.g. Todd Hill and Arthursburg Road. Mr. Wade stated this is probably three or four years in the future. Another traffic count study will also be done at Velie Road to determine whether a traffic light is warranted. Mr. Cannon a representative of Hannaford Brothers offered to be available for meetings with NYS DOT relative to Route 55 traffic issues and proposed solutions since their project will impact the traffic at Stringham Road and Route 55. Mr. Luna felt Hannaford♦s involvement with DOT was premature at this point but in the future that might be welcomed.

Supervisor Wade brought up Mr. Basso♦s application for a variance from the moratorium. Supervisor

Wade said that the Town has worked out Mr. Basso's concerns and he is probably going ahead with purchasing the property. Mr. Blass suggested that the Town accepts the variance application and prepares a formal response for the next meeting.

Supervisor Wade said that the next item on the agenda is Hannaford Bros. application for a variance from the moratorium. Charlie Bazydlo, legal counsel for Hannaford's, said that they are looking for limited relief from the local law moratorium restrictions. Hannaford's would like to move forward with the Planning Board to get their input to the site plan application, go through the SEQR process with respect to getting a lead agency designate and getting comments from the various agencies like NYS Department of Transportation and NYS Department of Conservation. Mr. Bazydlo said they are not looking for the type of release that would allow the Planning Board to grant or deny the application.

After discussion with an agreement of Hannaford, its application for a variance from the moratorium on development in TC-B and TC-R zoning districts was decided as follows.

Town Board Meeting ♦ January 22, 2003 ♦ Page 4

A limited variance from the moratorium was granted to the extent necessary to allow Hannaford and the Planning Board to initiate the SEQRA review process, and to take it as far as identification of involved agencies, identification of the type of action involved (whether Type 1 or unlisted), to allow the Planning Board the opportunity to seek lead agency status if it is so desired, and if it desired lead agency status, to allow the Planning Board to commence and complete the process of circulation among other involved agencies to designate the Planning Board as lead agency to conduct a coordinated review. This limited variance was granted without prejudice to Hannaford's rights to apply for a further variance in the future. The Town Board clarified, at Hannaford's request, that the existing moratorium law allowed Hannaford two informal appearances before the Planning Board, at which the applicant and the Board members, and the respective consultants of the applicant and the Board, could explore and discuss the proposed development of the site. Hannaford expressed an understanding that it would be responsible to defray the Town's consulting fee expenses.

Supervisor Wade announced that the Board has a recommendation from David Hagstrom, Esq. and Bernard Fountain, Town Assessor to reduce the assessment on Plaza 82 Associates as noted for Tax Map Parcel Number 6559-0003-. 351350. Councilman Beck offered a motion to authorize counsel to enter into the stipulation seconded by Councilwoman Weiss and carried unanimously.

ORDERED, that the assessments on Tax Map Parcel Number 6559-0003-351350 be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Assessed Valuation

Assess. Amount of Year Reduced From Reduced To Reduction

1997	1,156,800	475,000	681,800
1998	1,156,800	475,000	681,800
1999	1,156,800	350,000	806,800
2000	1,156,800	350,000	806,800
2001	1,156,800	350,000	806,800

Supervisor Wade stated the repayment cost to the Town to settle this petition will be \$8,906.84.

Supervisor Wade acknowledged the receipt of a petition from Henry G. Page Jr. owner of grid #6364-03-284239, 6364-03-305296 and #6364-03-337289 seeking the Board's approval to establish a stormwater maintenance district for the parcels known as H&K Page L.L.C. Subdivision. Mr. Wade offered a motion to set the Public Hearing for the H&K Page Stormwater District for February 12, 2003 at 8:00 P.M., seconded by Councilwoman Weiss and carried unanimously.

ORDER FOR PUBLIC HEARING
FOR ESTABLISHMENT OF STORMWATER MAINTENANCE DISTRICT

WHEREAS, a petition dated January 13, 2003, has been duly presented to the Town Board of the Town of LaGrange, according to law, requesting that a stormwater maintenance district, as hereinafter described, be established in the Town of LaGrange; and

WHEREAS, the boundaries of the proposed stormwater maintenance district encompass the properties comprising the subdivision plat entitled H&K Page L.L.C. subdivision, which was approved by the Planning Board, and said properties also comprise LaGrange Tax Map Grid Nos. 6364-03-284239, 6364-03-305296, and 6364-03-337289; and

WHEREAS, improvements proposed in said stormwater maintenance district consist of items specified in a Map, Plan and Report prepared by The Chazen Companies on November 15, 2002, and on file with the Town Clerk. The improvements shall be made by the developer of the H&K Page L.L.C. Subdivision in the Town of LaGrange, as a condition of Planning Board approval thereof, and the proposed district is to be known as the H&K Page L.L.C. Stormwater Maintenance District; and

WHEREAS, the maximum capital amount proposed to be expended for the drainage improvements is \$0.00, since the cost of the improvements shall be borne by the developer of H&K Page L.L.C. Subdivision, and

Town Board Meeting ♦ January 22, 2003 ♦ Page 5

said capital improvements are proposed to be dedicated to the proposed stormwater maintenance district; and

WHEREAS, as set forth within the Map, Plan and Report which is on file with the Town Clerk, the estimated amount anticipated to be expended annually by the proposed stormwater maintenance district for the operation and maintenance of the facilities is \$2,000 per year, and the annual benefit assessment cost to the typical property, which will be a one-family home, shall initially approximate \$250 per year based upon an annual budget of \$2,000 spread over 8 equal assessments or benefit units; and

WHEREAS, the annual operation and maintenance expense may be expected, over time, to increase to about \$4,000 per year, or \$500 per single-family house, it is

ORDERED, that the Town Board of the Town of LaGrange shall meet at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on the 12 day of February, 2003 at 8:00 P.M., prevailing time, to consider said petition and to hear all persons interested in the subject thereof, and it is further

ORDERED, that the Town Clerk of the Town of LaGrange is hereby authorized and directed to publish a certified copy of this order in the official paper and to post a copy of same on the sign-board of the Town of LaGrange, in the time and manner required by law.

WHEREUPON, the subject matter of this order having been in the form of a resolution, the following vote was taken:

Supervisor Wade
Councilman Beck
Councilman Donohue
Councilwoman Weiss
Councilman Luna

Dated: LaGrangeville, New York
January 22, 2003

Kathleen Williams Town Clerk

Supervisor Wade stated that in December 2003 effective January 1, 2003 the Board had decided to raise the Recreation Fees from \$2,000 to \$4,000. Since developers may not have budgeted for the higher recreation fees, the Board would like to re-study the increased fee, and set a different fee in February. Supervisor would like the Recreation Director to document the need for increased fees taking into consideration the needs for facilities to accommodate new residents. Supervisor Wade asked for a motion to rescind the \$4,000/lot fee. Councilman Luna made this motion, seconded by Councilman Beck and carried unanimously. Supervisor Wade asked for a motion to increase the Recreation fee to \$2,500 per lot applicable to all projects gaining final approval after January 1, 2003. Council Donohue made this motion, seconded by Councilwoman Weiss and carried unanimously.

Supervisor Wade announced the resignation of Keith Weiner, who is presently on the Board of Assessment Review. Supervisor Wade had received a letter from Michael D. Avanzo expressing an interest in being on the Board of Assessment Review and is seeking the Board's approval on this appointment. Councilman Beck made a motion to accept the resignation of Keith Weiner, seconded by Councilwoman Weiss and carried unanimously. Councilman Luna made a motion to approve the appointment of Michael D. Avanzo to the Board of Assessment Review to a term which expires on 09/30/2003 seconded by Councilman Donohue and carried unanimously.

Supervisor Wade announced that he has four proposals from Dutchess Tekcon or work needed to the heating/cooling system in Town Hall. The work entails heat pumps in the meeting room, air conditioning units, and a heat pump on the roof, also work in the court room. Dutchess Tekcon said they will do the work for \$10,000 if the agreement is made before March 1, 2003. Councilwoman Weiss made a motion to approve spending

Town Board Meeting ♦ January 22, 2003 ♦ Page 6

\$10,000 for Dutchess Tekcon's facilities work, seconded by Councilman Beck and carried unanimously.

Supervisor Wade announced that a letter of resignation from Stephanie Weigel, Deputy Town Clerk has been received effective March 19, 2003. Ms. Weigel is retiring from this position. Town Clerk Kathleen Williams is interviewing candidates for this appointment and plans on having a new deputy hired by March 1, 2003 allowing a transition phase. The Board accepted Ms. Weigel's letter of resignation with regrets. Mr. Wade stated that Ms. Weigel will be hired to work in the recreation department part-time. Councilman Donohue noted that a job description has been submitted to the board for their review and the Board needs to set the salary for this new secretarial position. Mr. Wade acknowledged Mr. Donohue's input stating the Board will address this at a workshop session.

Supervisor Wade stated that the Recreation Director Peter Huff has received a bid from Brady's Power Equipment for \$10,999 to replace a mower that burned up last year. Supervisor Wade said that insurance paid the Town \$4,486 for the destroyed mower, requiring an expenditure of \$7,514 to replace the equipment. Councilman Beck made a motion to award the bid for the Brady's Power Equipment the lowest bidder, seconded by Councilwoman Weiss and carried unanimously. The following bids received:
Reardon Briggs Company Inc. \$11,215.00
Brady's Power Equipment \$10,999.00

Supervisor Wade said that there was a water main break on Johnson Road on 1/26/03 and Environmental Consultants spent fourteen hours repairing the break. The break was attributed to rot.

Councilman Donohue inquired if the Building Inspector was back to work after sustaining injuries while doing an inspection. Mr. Ansorge said that Ken McLaughlin is awaiting test results and medical clearance. Mr. Ansorge said there is coverage in the office for Mr. McLaughlin.

Supervisor Wade made a motion to suspend the regular order of business opening the meeting to the public, seconded by Councilwoman Weiss and carried unanimously.

Alison Withers informed the board that the LaGrange Association Library had applied to the Dutchess County Arts Council for three grants and received partial money on two of the grants. The money will be used to provide two new programs ♦Discovering the Hudson Valley♦ and one for teenagers on graphic novel experiences. Ms. Withers stated that circulation was up 4.25 percent in 2002.

There were no other public comments.

Councilwoman Weiss made a motion to return to the regular order of business, seconded by Councilman Beck and carried unanimously.

Councilman Luna made a motion to adjourn the meeting at 8:40 p.m., seconded by Councilman Donohue and carried unanimously.

Kathleen Williams
Town Clerk