

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday, February 17, 2009. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Robert Straub, Dennis Rosenfeld, John Gunn, Edward Jessup and Tony Brenner were present. Stacy Olyha was absent. Also present was Maureen Harvey, alternate board member, Wanda Livigni, Administrator of Public Works, Walter Artus from Stormwater Management Consultants and Greg Bolner from Clark Patterson Lee.

Mr. Straub made a motion to accept the minutes of January 20, 2009, seconded by Mr. Brenner and the motion carried unanimously. MINUTES ACCEPTED

OTHER BUSINESS:

LAGRANGE TOWN PLAZA – Proposed site plan located on Rte. 55 containing 3.03 acres (Grid No. 6460-02-757853)

Mr. Dennis Lynch of M.A. Day Engineering appeared before the board regarding this application.

Mr. Lynch pointed out the existing Daily Planet. He said right now the parking lot extends to the location he referred to on the map and indicated that they would not be changing any portion of the existing site. He said they are proposing a 2-story building in the rear of the parcel with the 1st floor to be used for commercial retail and the 2nd floor to be office area. He pointed out the parking and said they were proposing contech water storage system in the rear that has been designed for up to 100 year storm. He said it is a zero discharge. Mr. Lynch said there are 3 existing dry wells. Mr. Lynch discussed the grading with the board. Mr. Lynch said the drainage from this site would go into the dry well he referred to.

Mr. Lynch said they were in the process of dicussing having an easement going down straddling the property line. Mr. Bell asked what the intent of dumping it was... Would it be in the back of the property somewhere. Mr. Lynch referred to water that was not coming from this site, but from across the street.

Ms. Livigni said the last time the applicant was before the board they discussed having a meeting and getting an easement. She said they had the meeting and said both this applicant and the Kustas' agreed to give an easement through there, the problem is that Hannaford will not. Ms. Livigni said it is now a matter of getting back with Mrs. Kustas and see if she will let them access the wetlands from her property, which is fairly unlikely.

Ms. Livigni talked about having an easement over both straddling the property line with the pipe being just on this applicant's side of the property line. Mr. Bell asked if this would be a swale. Ms. Livigni said it would be a pipe line. Ms. Livigni said what was discussed was that the pipe would run on the applicant's property, however, at the point she showed the board on the map, due to Hannaford pulling out, it's going to take further

negotiation. Ms. Livigni said the applicant is still willing to give us the easement and allow us to put the pipe on their property.

Mr. Bell asked about dumping the water in to the wetland. Ms. Livigni said it is not that simple. She said this is going to require some survey work to figure out what they have to do to make sure the water retained in the wetlands doesn't increase. Mr. Bell asked about treatment of the water. Mr. Bolner said it would still have to be treated, but it would have a discharge. He said they would still have to provide some sort of treatment to meet the stormwater requirements. Ms. Livigni said it was very conceptual at this point. She said as long as they can retain the right to get an easement she was satisfied on that issue.

Ms. Harvey asked if anything was being done in the buffer and asked if there was fill coming in. Mr. Lynch replied no. He said a small footprint would be changed around the contech system. He said there wouldn't be any fill brought in. Mr. Bell asked where the wetland was. Mr. Lynch showed the board on the map the wetland and the buffer.

Mr. Artus said there may be some intrusion into the wetland buffer for the easement. Mr. Bell asked how that was going to be treated. Ms. Livigni said this was conceptual. Mr. Bolner said they wouldn't be required to treat it if they continue that pipe through their property and added they wouldn't have to provide water quality treatment for the storm water coming off of Rte. 55. Mr. Bell questioned that and asked would they have to treat water that is currently coming out of the pipe and dumping in the location he referred to on the map, which is not a wetland, and then take it and dump it directly into a DEC wetland.

Mr. Artus said DEC may make them do some water quality treatment but typically you can divert storm water and used Lake Ridge as an example. Mr. Bell said his point is the water is not currently going in to the wetland and now they are going to take the water and put it in the wetland. He said he would think that somebody would care about the quality of the water being put into the wetland.

Ms. Livigni said theoretically if this whole area hadn't been developed over time, this water would traverse naturally to the wetlands. Mr. Bell said he didn't work for the DEC but if he did he would snicker at that. Ms. Livigni said they have to go through that process and that is not part of this applicant's responsibility, it was the town's responsibility. Mr. Artus said you are allowed to divert water off site, around your site, relative to the freshwater wetland permit that would be required. DEC may require some water quality treatment.

Ms. Harvey said the new impervious area or the water from that, that tank could hold it up to 100 years and then that naturally seeps and re-enters the ground. Mr. Lynch replied correct.

Mr. Lynch showed the board the contech system and explained it was a series of chambers embedded in gravel and the storm water will be collected. He said there is

enough volume in there to store it and then it will naturally percolate through the soil. Mr. Bell asked if this was sub-surface. Mr. Lynch replied yes. Mr. Gunn asked about the soil tests. Mr. Lynch said they would be required to do deep tests. Mr. Lynch said there were some deep tests that were done a couple of years ago, he said they are going to have to do some more testing, and added he believed it was gravel and they had approximately 7 feet to the water table which is enough room to fit the system in there and keep the separation between the water table.

Mr. Artus said he and Mr. Bolner would be reviewing the SWPPP. Mr. Artus said the New York State Storm water design manual states you cannot use infiltration to treat runoff from pavement and added they would need some sort of water quality structures as well. Mr. Artus said the dry wells may be an issue as well.

PINE HILL ESTATES SUBDIVISION – Proposed 32- lot subdivision located on Overlook Road containing 73.29 acres (Grid No. 6361-02-630549; 500585)

Mr. John Andrews of Rohde, Soyka & Andrews appeared before the board regarding this application. He said the project has been before the board before and reminded them of the site visit last year. He said they originally proposed 32 lots a long loop road taking access off of Overlook, looping around with wetlands in the back and coming out on Old Overlook. He said they received comments from SMC and CPL and took the comments on the field walk. Mr. Andrews said they had a public hearing and at the close of the public hearing they were asked to answer everybody's questions. In the meantime the town saw fit to modify their cluster regulations and one of the things the board had asked them to look at was would this be better done as a cluster. Mr. Andrews said his client agreed that it works better as a cluster and it seems to address a lot of issues and concerns. Mr. Andrews said they had a rather large interior extended wetlands and by clustering this, it allows them to stay out of the wetlands and the buffer except for one small driveway intrusion and a utility crossing for the water and sewer out the back which they would accomplish by a boring. Mr. Andrews said it has cut the road by virtually 50%. They've eliminated what the Highway Superintendent didn't want, which was a bridge as well as saving the big tree everybody wanted to save. He said they can now do that.

Mr. Andrews said they changed the entrance. They took it off Old Overlook and they have a cul-de-sac, which is slightly long, 1,290 feet and the town requirement is 1,250.

He said all the driveways would be almost flat with the road. He said when they walked the site there was a steep set of driveways down and steep set of driveways up. He said they now come up and get on top of the slope and they run all the way down the high point so the heavily wooded area where they walked was down where he referred to before and this would be up on the high so most of the driveways are much better. Mr. Andrews said where the steeper slopes were, it allowed them to end up with slightly larger lots, actually 2 quite large lots which addressed the concern of a neighbor about development being pushed back up to the property line.

Mr. Andrews said there is now 31 lots and they have 26 clustered which would be served by water and sewer connecting and they have 5 that would be served by individual wells and septic. Mr. Bell asked Mr. Andrews how much he would lose if he made the cul-de-sac 1,250 feet instead of 1,290. Mr. Andrews replied maybe 3. He said they did approach the Highway Superintendent and he didn't seem to have a concern. Mr. Andrews said he understood the town's guidelines, it depends on how you measure it. He said some towns measure to the beginning of the turning circle and others measure to the end of the turning circle.

Mr. Andrews corrected himself regarding the length of the cul-de-sac with saying it was 1,300 feet. Ms. Harvey asked what the issue of the length of the cul-de-sac was and if it was a safety issue. Mr. Bell said yes. Ms. Livigni suggested forwarding a copy of this to the Fire Inspector for review. Mr. Bell said another possibility could be to limit the length of the cul-de-sac to 1,250 feet and only have 23 houses instead of 26.

Mr. Andrews pointed out the pump station for the water and sewer and showed the board the easement to the town. Mr. Andrews said there is an easement for the pipes coming down and an access easement down the driveway rather than putting 2 down the slope, they assumed it would be easier and as long as it is written in the deeds, he said he's never seen a problem with that. Mr. Andrews said from his client's standpoint it cuts the infrastructure costs by better than 50%. Mr. Andrews said the overall impact to the community is substantially less. The board agreed that they liked this plan.

Mr. Andrews said they asked for a waiver in the town's vertical curve alignment. He said the town's multiplier on vertical curves is 35 based on a 35 mph design speed. He said this one utilizes a 20-25. He said it works better, but it is a variance from the code.

Mr. Andrews and the board discussed the benefit of having the access off of Overlook Rd. The board agreed to have the Fire Inspector review the length of the cul-de-sac. Mr. Andrews said the submittal addresses most of the issues but for drainage and requested the board allow the project to have a public hearing.

Mr. Gunn made a motion to set a public hearing for March 17, 2009, seconded by Mr. Straub and the motion carried unanimously. PUBLIC HEARING SET

LANDS OF TOBIN LOT LINE REALIGNMENT – Proposed lot line realignment located on Freedom Road containing 127.3 acres (Grid No. 6461-01-329596;406561); initial presentation

Kay Komisar of Komisar Surveying appeared before the board. She presented an updated map based on comments she received.

Ms. Komisar said this project was previously approved by the board in 2001. Mrs. Tobin conveyed lot 1 to the Aldredge family and she recently passed away and in her will she conveyed another 2 acres. Mr. Artus said typically the code asks for the entire track

boundary. He said he looked at the plan the board approved in 2001 and it didn't show the entire track boundary. Mr. Bell said if they approved it then, they didn't think they needed to have it shown. Mr. Bell asked about future plans, if any, in the location he referred to on the map. Ms. Komisar replied she believed not. The board set an escrow for \$500.00.

Mr. Straub made a motion to set a public hearing for March 17, 2009, seconded by Mr. Gunn and the motion carried unanimously. PUBLIC HEARING SET.

REQUEST FOR TIME EXTENSIONS:

WHISPERING PINES SUBDIVISION – 90-day extension from Re-approval of final subdivision approval.

Mr. Jessup made a motion to grant a 90-day extension of final subdivision re-approval, seconded by Mr. Straub and the motion carried unanimously. 90-DAY EXTENSION GRANTED

TRAVER WOODS SUBDIVISION – 6-Month extension from preliminary (2nd)

Mr. Straub made a motion to grant a 6-month extension from preliminary subdivision approval, seconded by Mr. Jessup and the motion carried unanimously. 6-MONTH EXTENSION

Mr. Bolner talked about the Pine Hill Estates project and said he checked the code and it does not provide clarification as to how the measurement of a cul-de-sac is made, but it does say unless those minimum or maximum lengths are modified by the Planning Board. Mr. Bell said he knew that and the practice of the Planning Board for many years has been to not waive that unless they are putting a small number of houses on the road. He said in this case, they can say ok and that they like this plan better than the other one and it's much less intrusive, but they have to be careful because it is a safety issue.

Mr. Artus said he recalled Whispering Pines in recent memory. He said they went through 3 or 4 different designs on the road and they were permitted to exceed the cul-de-sac length a bit. Mr. Bell said it didn't have 26 houses on it either, which he said was a concern. Mr. Bell said the board should wait to see what the Fire Inspector said.

Mr. Gunn made a motion to adjourn the meeting at 8:15 p.m., seconded by Mr. Straub and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted,

Eileen Mang
Planning Board Secretary