

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday January 17, 2012. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Joe Zeidan, Tony Brenner, Frank Sforza, John Gunn, Bob Straub and Stacy Olyha were present. Dennis Rosenfeld was absent. Also present was Wanda Livigni, Administrator of Public Works, Walter Artus from Storm water Management Consultants and Rebecca from Van Dewater & Van Dewater.

Mr. Gunn made a motion to accept the minutes of December 20, 2011, seconded by Ms. Olyha and the motion carried unanimously. MINUTES ACCEPTED

Mr. Bell announced that Mr. Sforza would be a voting member.

PUBLIC HEARING:

GARY E. BECK SUBDIVISION – Proposed 1 lot subdivision located on Hart stone Drive containing 1.14 acres (Grid No. 6361-036-098442)

Mr. Gary Beck and Mr. Steven Burns appeared before the board. Mr. Beck submitted the affidavit from the paper and certified mail receipts. Mr. Beck said at the end of Harts farm, between Harts Farm and commerce Street, he owns a piece of property consisting of 1.14 acres and he is proposing to put a single family dwelling on it for himself. Mr. Bell declared the public hearing open and asked if there was anyone in the audience who wished to speak for or against the application.

Mr. Willie Bauer of 31 Harts Stone Drive asked about the gates and thru traffic and asked if the gates would stay. Mr. Bell said he believed the chances of this project changing that are relatively low, that was a decision that would be made by the Town Board and he speculated that he would be very surprised if they changed that policy based on this submission. Ms. Livigni said there should be a note, the plans call for one of the two gates be removed. Mr. Burns said yes, not the second one. Mr. Bauer asked if in a year from now the other one would be removed and Mr. Beck said no. Mr. Bell said it would be highly unlikely and added that was a discussion that was had vigorously when the entire adjacent subdivision went it and that didn't make any difference so he did not think one more house would make any difference.

Mr. Straub made a motion to close the public hearing, seconded by Mr. Zeidan and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Beck said they were prepared to answer some questions in Walter's comment letter in the next few days and will be prepared for next month's meeting.

OTHER BUSINESS:

GASLAND AT LAGRANGE AMENDED SITE PLAN – Proposed amended site plan located on Noxon Road and Titusville Road (Grid No. 6360-03-259493); update (R. Valk)

Ms. Valk spoke. She said the day of the Zoning meeting she received a call from the Building Inspector asking her whether or not this would be a prior non-conforming sign and I recommended to use his ability to interpret the code and make a decision and he said yes, this is a prior non-conforming sign and therefore they were withdrawn from the ZBA agenda so at this point if this board is so inclined, you can issue a Negative Declaration and essentially a re-approval resolution less the condition about removing the prior non-conforming sign.

Ms. Olyha 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. Gunn and carried unanimously. **NEGATIVE DECLARATION.**

Mr. Bell asked for a motion for a revised amended site plan approval absent the requirement to change the sign, Ms. Olyha made that motion, seconded by Mr. Straub and the motion carried unanimously. **AMENDED SITE PLAN APPROVAL.**

SHIR CHADASH SITE PLAN – Proposed site plan located on Freedom Road containing 4.81 acres (Grid No. 6461-03-438056); set public hearing.

Mr. Richard Chazen appeared before the board. Mr. Chazen said they were here last month and presented their conceptual plan for building a synagogue on their property they own on Freedom road and were before the board to hopefully set a public hearing for the February meeting. The Board set the public hearing for February 21, 2012.

HIDDEN POND ESTATES – Proposed subdivision containing 30.3 acres located on Noxon Road (Grid No. 6360-03-478160); continuation of pre-application discussion.

Mr. Brian Stokosa of M. Gillespie & Associates appeared before the board. He said they were before the board 2 months ago and talked about a parcel they would be looking to possibly pick up. He said they went before the Town Board and had a conversation regarding how to go about possibly putting a number as far as value on that. He said they established escrow to have Mr. McGrath do an appraisal so that has been initiated. He said they established application fees and they are working on purchasing that parcel. The biggest thing they discussed last time is the access along Noxon Road. He said they are preparing to show a couple of shared driveways, they have 3 homes – 1 drive on this leg and also having lot 1 come off that as well. Mr. Stokosa they sketched on knowing that these are a share driveway, that we do have the ability to at least show frontage to get the driveways in a conceptual format to Noxon Road. He said in talking to Susan downstairs the minimum frontage requirement is 100 feet back from center line of the road and they have shown it and do have it. He said they have a couple of jogs, lot lines that are shown in purple, and added they are kind of funky from a planned view but they do meet the minimum frontage requirements – 125 foot lot width, 100 feet back from center line of road. He showed the board the 4 lots in the front of the parcel, the pond, and in the back they do have that 50 foot leg that kicks off of Bart and Martin and they are toying around with the idea with Mike Kelly is possibly a private road but the only thing is the town code in its current format doesn't

really provide for a private road unless you have a 6 acre density. He said they tried that with West Lake Realty.

Mr. Stokosa said they would like to do a private road to lessen the burden on the town highway department but the way the code currently stands, they don't meet the density requirement so he thought they were going to be pushed in to some kind of town road, relatively small.

Mr. Bell said the last time they were here they were showing shared driveways in the location he referred to on the map. Mrs. Olyha said you have to have frontage for each of those lots off of a town road and you can't do that. Mr. Bell said which they have now demonstrated and if we asked they could consider changing that to a shared driveway, correct? Ms. Olyha said not unless they have town frontage somewhere on the town road. Mr. Bell asked why was it different from the one up there where they are demonstrating the frontage, and Ms. Olyha said because they have frontage and added this one, that's never going to be a town road so you have to show frontage on a town road. Mr. Stokosa said this is a proposal for 8 lots if we don't acquire this piece so we would have to put that town road in to gain the frontage around the cul-de-sac. Ms. Olyha said otherwise they have to pull of 4 lots over on to Bart somehow.

Mr. Gunn said they have to extend Bart, have Mike Kelly accept Bart as a town road for that piece. Mr. Stokosa said taking out if we don't purchase this piece. Mr. Bolner said and dedicate the right of way to establish frontage and do a private drive over that frontage. Ms. Olyha said that's never been done before and added we can see if we can do that. Ms. Valk said it's an interesting idea and asked if this was discussed with Mike Kelly yet. Mr. Stokosa said they toyed around with the idea of coming up with a means of going that route. The minimum of 400 feet for a town road was mentioned. Mr. Artus said unless it becomes a part of Bart Drive.....Ms. Olyha said Bart would just extend out because that other road is another name, Martin Rd.

Ms. Valk she thought it was worth talking to Mike about and exploring because she thought he would be happy to take this as opposed to having a large, more chunk of roadway to maintain. Mr. Bolner said Mike hates cul-de-sacs. Ms. Valk responded he's told her that. Mr. Bell said it's going to be a cul-de-sac either way so what they would be saying is I'd much rather maintain a long cul-de-sac than a short cul-de-sac and if that's his position, Mr. Bell said he was pretty sure he didn't care. Mr. Bell said his question is once you demonstrate that you can put together something with required frontage, his understanding is, the code provides for the Planning Board to request and consider less intrusive solutions including shared driveways instead, correct? Ms. Olyha said yes, but that's not the case here because that road does not exist. So since that road does not exist they have to demonstrate those 4 lots off Bart or Martin down there and they can't do that so that's why they have to put that little extension in and demonstrate it on the extension. She said the other question is can they dedicate everything, make it a town road right of way, never build a road and just put a driveway through it. Ms. Olyha said she knows it's been done at covered bridges but she didn't know if it was our part or East Fishkill's part.

Ms. Valk said this raises a 280A issue and said she may have to check the code because once you have it shown on a map that can satisfy your frontage under the town law but it also states something about being improved to satisfaction to the town so she had to take a look at that. Ms.

Olyha referred to the Montessori School and said it was the same concept because that was a town right of way up into Tom's way that was never built but a driveway was put in instead.

Ms. Valk asked about Mike Kelly and referred to a cul-de-sac in another location on the map. Mr. Artus said he didn't think at the end of the day the cul-de-sac would be the issue with Mike, he said he thought the big issue was the 450 feet and added he didn't know where that got resolved – through Mike and the Town Board?

The discussion continued about Bart Drive and the approach to take. Ms. Livigni said she was comfortable saying Mike is not going to want a cul-de-sac, right now it's a loop and he can loop up and around and it's not a dead end. Mr. Bell said Mike can send the board a comment letter and we can consider it with everything else but he doesn't get to decide whether or not to plow road. Mr. Bell said the board should look at the legality of making that a shared driveway because that's what they originally planned in the first place, it's less intrusive.

Mr. Bell said the applicant would prefer to have it be a shared driveway and Mr. Stokosa from a storm water stand point it's less impervious and Mr. Bell said if everybody wants that then that is what they should determine if they can do it or not. Mr. Artus said maybe you could consider a hammer head. He said he makes it easier to plow. Ms. Olyha explained a hammer head was just a T. Ms. Livigni asked Ms. Valk what if there was language in the common driveway easement that would almost create a transportation district and that land would get turned over to the town in the even they wanted to put their own driveways in, and asked isn't that sort of the intent? Ms. Valk said yeah, and I think we've done that before. Ms. Livigni repeated her suggestion to Mr. Bell and added they would be responsible for paying for the road to come in. Ms. Valk said in other words the town would have the option to build out. Ms. Olyha said we wouldn't have frontage on a town road. Ms. Livigni said it depends on the intent of the law. Mr. Bolner said they would all be dedicated it's just it would be written on the map that if these people decided they wanted this to be a paved town road that the transportation district would already be intact and they would pay for it, so it's clear to them as a property owner that don't buy the house and then come petition the town to build the road. Mr. Zeidan said they would probably do that anyway and Mr. Bolner said it would be written on the map.

Mr. Bolner clarified – put the right of way of the cul-de-sac on the map. Mr. Brenner asked so you have the frontage for all 4 lots and then you are not going to do it, just go with the one thing and have 4 driveways off of it. Mr. Brenner asked about fire truck access. Mr. Bolner said it would be a common drive. He said the right of way was just establishing the road frontage. He said the common drive would be no different than the requirements for any other common drive. Ms. Valk requested this be sent to her via PDF to bullet some of the things that were talked about.

Mr. Bolner said the common drive is 16 feet wide and you could increase it to 20 feet and when it comes up to where it would split, the driveways would split off and added the 20 feet would clearly make the fire department happy. Ms. Livigni said we probably wouldn't want the right of way unless they wanted to build the road, she didn't think, because we don't want to maintain their shared driveway. Mr. Brenner asked what if you extend the road to 450 feet and that satisfies everybody and Ms. Olyha said that's too far. Mr. Stokosa said the problem is you are

starting to catch grade because it goes up substantially. Mr. Brenner said curve it in and go with the contour. Mr. Stokosa said there is some economics behind this, they are trying to keep the infrastructure as low as possible. Ms. Livigni said Mike Kelly walked out there with Brian and this lot doesn't really want to have a road going in to it, for lack of a better term. She said even an extension up into it. She said she wouldn't speak for Mike, but he will have a chance to comment. The desire to take over 400 feet of dead head is not desirable, so that's sort of the problem too.

Mr. Bell said let's determine what our legal options are, it sounds like the way it is written isn't an option because it's too short and the code says it has to be a minimum of 450 so let's see what other alternatives we have. Mr. [redacted] asked if there was any alternative to making any alterations to the code. Mr. Bell said that is a question for the Town Board. Mr. Stokosa said he would get Rebecca a PDF and some bullet points as to what was discussed and she said she would take a look at the issue.

EMANS ROAD SITE PLAN – Proposed site plan located on Emans Road. PRE-APPLICATION DISCUSSION

Mr. Gary Beck appeared before the board. Mr. Beck said this is located at 275 Emans Road, the old Jackel ??? apple farm. The 2 long buildings to the east side are being proposed to make them indoor kennel and veterinarian hospital. He said many years ago this was proposed before the ZBA and it was denied because it was for outdoor dog kennels and added the code allows the indoor kennels, which is what they are going to stick to. He said they were here to see what he board thinks. Mr. Brenner asked about the other buildings. Mr. Beck referred to one that burned down a few years ago, to the west side of the property by the creek. Mr. Beck said that's going to stay for now, if someday they get some money they will do something with it. Mr. Beck pointed out the 3-family house and single family house next to it, which Jamie Terell, owner of the property lives at. In the back the warehouse is split up into 2 units, one is storage on the right side and one is storage as well for granite countertop. Mr. Bell asked the only change being proposed is the use of these buildings? Mr. Beck replied correct. Mr. Bell asked, so you are not building anything new? Mr. Beck say no, Mr. Bell said so you are just going to change the use of the buildings to indoor kennels and Mr. Beck replied correct. Mr. Beck said those were housing for the apple pickers when they came up during apple season, right now they are just being used as storage. Mr. Brenner asked what the zoning was. Mr. Beck said it was R-120? Residential? The board asked if it was Hamlet and the answer was no, not Hamlet.

Mr. Valk asked Ms. Valk since this is a single site and this is an application for site plan approval, does that means all of the current uses have to meet zoning, as opposed to the new proposed uses. Mr. Beck said he met with the Building Inspector, Ken McLaughlin and they went through the file and he indicated to him that everything that is there now is prior legal non-conforming and it could stay. Mr. Bell said ok. Ms. Valk asked if he put that in writing. Mr. Beck said he would get it from him. Ms. Valk said Mr. McLaughlin will need to do that. Mr. Bell said the board will need a letter from him, and the board would take care of asking for that. Ms. Livigni asked Mr. Beck if Mr. McLaughlin told him that all the buildings were legal non-conforming? Mr. Bell said we are interested in him taking an official position with respect to the existing uses are subject to some sort of review or not. Or whether all we are looking at is the

new. Mr. Bell said he presumed Mr. McLaughlin told Mr. Beck this was a legal use as well and Mr. Beck replied correct, the proposed indoor kennel and veterinary hospital. Mr. Brenner asked would they need a variance from the ZBA, Mr. Beck replied no, it's a permitted use. Mr. Bell said the board would like a letter that says all that.

Mr. Bell said this would be an amended site plan presuming that Ken says that all of this is conforming then all we are looking at is a change of use and existing structures, which seems more than a little routine to him. Ms. Olyha asked if this was owner occupied and Mr. Beck replied yes. Mr. Straub asked about parking. Mr. Beck if you look at the west building, it would be alongside that building and then probably a few handicapped spots in the front to comply with building code. Mr. Beck said we would obviously need the map to show all that. Mr. Beck said we are just on for discussion.

Mr. Bell said he had no concerns. Mr. Beck asked did he have to do anything with Ken McLaughlin. Mr. Sforza asked what they were doing with the dogs as far as exercise, would they be outside or inside. Mr. Beck said they are going to be inside, but they are going to be walked, pointing out the fence between the 2 buildings, that's where they would be walked. Mr. Sforza said that way they would not have an issue with noise and the neighbors. Mr. Sforza said that was his only concern. Mr. Gunn said so you are only developing that section? Ms. Livigni said it is developed, they are utilizing that section.

Mr. Bell said the next step is we need the maps modified to show everything that would be appropriate for a public hearing, an escrow set at \$300 and an application.

Mr. Straub asked if they were putting siding on the buildings and the answer was no, they were leaving them block and said no exterior dress up at all.

EXTENSIONS:

HARVEST RIDGE SUBDIVISION – Received re-approval on April 19, 2011. Need 1 90-day extension effective October 19, 2011 to expire on January 19, 2012. Need last 90-day extension effective January 19, 2012 to expire on April 10, 2012.

Mr. Straub made a motion to grant a 90-day extension of the forth re-approval granted on April 19, 2011, to be effective October 19, 2011 and to expire on January 19, 2012. The motion was seconded by Ms. Olyha and carried unanimously. 90 DAY EXTENSION.

Ms. Straub made a motion to grant a 90- day extension from the reapproval of final subdivision approval, to be effective January 19, 2012 and to expire on April 19, 2012. The motion was seconded by Mr. Gunn and carried unanimously. 90-DAY EXTENSION (LAST ONE)

2nd approval

DUTCHESS COUNTY ANIMAL HOSPITAL

Mr. Straub made a motion to grant a 2nd site plan approval, seconded by Ms. Olyha and the motion carried unanimously.

Mr. Straub made a motion to adjourn the meeting at 8:10 PM, seconded by Ms. Olyha and the motion carried unanimously. MEETING ADJOURNED.

Respectfully submitted,

Eileen Mang
Planning Board Secretary

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