

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday, May 19, 2009. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Robert Straub, Dennis Rosenfeld, John Gunn, Tony Brenner, Ed Jessup and Stacy Olyha were present. Also present was Maureen Harvey, alternate member, Walter Artus of Stormwater Management Consultants, Greg Bolner of Clark Patterson Lee and Rebecca Valk of VanDeWater & VanDeWater.

Mr. Jessup made a motion to accept the minutes of April 21, 2009, seconded by Mr. Straub and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

12 WALKER ROAD – Proposed site plan located on Walker road/NYS Rte. 376 containing 0.97 acres (Grid No. 6260-04-620248)

Mr. Pete Setaro of Morris Associates appeared before the board regarding this application.

The notice of public hearing was submitted to the Planning Board. Mr. Setaro said the project was located at the intersection of Walker Rd./Rte. 376. He said the house currently exists on the corner. His clients have purchased the property and would like to move their lawyer's office there. He said the property is zoned commercial. Mr. Setaro said they were going to clean up the property and take down some dead trees. He said some trees will be saved. Mr. Setaro said beside the parking area, the only other outside improvements will be landscaping, removing an existing wooden deck from the rear, adding a handicap ramp along the west side of the building. He said due to its proximity to the front property line, it will require an area variance, which they have made an application to the ZBA.

Mr. Setaro said the property is served by central water and they are working with the DC Dept. of Health for a new sewage disposal system. He said the access to the property will be slightly changed, moved approximately 25' north. He said they met with DPW and they don't have any issues with it and he said they made an application to them.

Mr. Setaro talked about minimal lighting consisting of 2 – ten foot high decorative site light poles, and he showed the board where on the site they would be. He said they won't emit any glare and added they were down-lit fixtures.

Mr. Bell declared the public hearing open for public comment and asked if there was anyone in the audience who wished to speak for or against the application. Mr. Bell referred to a letter that was received from an adjacent property owner, which was read as

follows:

DR. STEPHEN KAPLAN, DR. JOEL MILLER & DR. HOWARD L. FRIEDMAN
10 WALKER ROAD
POUGHKEEPSIE, NEW YORK 12603

May 14, 2009

ATTENTION: MR. ALAN BELL
CHAIRMAN PLANNING BOARD
TOWN OF LAGRANGE



Dear Mr. Bell:

Dr. Stephen Kaplan and I have reviewed the proposed Site Plan for 12 Walker Road, Poughkeepsie, New York 12603. We are pleased that a newly renovated and attractive site will now be adjacent to our property at 10 Walker Road, Poughkeepsie, New York 12603.

We would like to bring some concerns to the planning board.

1. We expect that no signs or landscaping will be put in place that will block the view to the right as patients leave our building onto Walker Road heading towards Route 376...this is a major safety concern.
2. We hope that the large area to be paved for parking will be pitched in a manner to direct water away from 10 Walker Road and not to overload the existing catch basin whose sole purpose is to properly drain the parking area of 10 Walker Road.
3. Please, no parking of construction equipment on our parking areas.
4. Please, if trees are damaged and could fall onto our property, please remove them before this happens.

We are unable to attend the meeting on Tuesday, May 19, 2009. The Dutchess County Dental Society has its monthly meeting at the same time.

We feel that the above concerns are quite reasonable and we welcome our new neighbors.

Sincerely,

Howard L. Friedman, D.D.S.
Stephen Kaplan D.D.S.

After Mr. Bell finished reading the letter, Mr. Setaro addressed the sign issue and said it would be no where near the adjacent's property and added it would not block their site distance. Ms. Livigni said this was an in-house review and there were still zoning issues on the site that were yet to be confirmed to be completed. Mr. Setaro said they showed an area for an infiltration trench. He said all of the water from the parking lot was

pitched to the back. Mr. Setaro talked about the catch basin and said he believed it was in the back corner and added that all the soil tests they did resulted in bank run gravel all throughout.

Mr. Bell discussed the concerns of the parking and also referred to the concerns of damaged trees falling onto their property. Mr. Bell gave Mr. Setaro a copy of the letter.

Mr. Bell told Mr. Setaro he would need to address the concerns in writing to the Planning Board.

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

DALEY FARM PDD – Proposed Planned Development District located on Titusville Road/Noxon Road (Grid No. 6360-03-081270/229310)

Mr. Bell said a public hearing was held some months ago when the applicant made their initial presentation. He said the purpose of that was to gather public comments in preparation for the preparation of a DEIS. The idea was to allow the public to voice their concerns so the board could determine the proper scope for that EIS was. He said the DEIS was now prepared and the purpose of this public hearing is to gather comments from the public on the report so answers to their concerns can be incorporated into the FEIS. Mr. Bell said the EIS is a lengthy document which addresses all of the concerns that were raised at the original public hearing and the purpose now is to address the adequacy of the responses from the applicant to those concerns.

Ms. Harvey recused herself from this application due to a possible conflict of interest.

Present for this application was Steve Rieger, Ian Rieger, Steven Domber, David Petrovits. Also present was Syrette Dym, Saccardi & Schiff, Pete Setaro and Richard Harper from Morris Associates, Phil Greely from John Collins Associates, Dan Leary from Cuddy & Feder.

Mr. Rieger said the main access point is on Titusville Road and it's bordered on one side by the rail trail and the other by Noxon Road and to the south is Colleen Court. He said the project consists of 126 new homes, consisting of 64 single family, 56 town homes and 6 estate homes. He said the property consists of 233 acres and over 130 of those acres are left preserved including the farm homestead which is going to remain with about 57 acres. The zoning is R-40-60-80, which means residential and if you have public water and sewer the density is determined based upon 40,000 sq. ft. lots. Mr. Rieger said they are seeking PDD status which is Planned Development District which Syrette will address. He said their goal of acquiring PDD status is to allow them to create more diverse housing types, to preserve more open space and to preserve the farm site and create a more varied and beneficial project as a whole.

Mr. Rieger referred to the DEIS which has been accepted as complete by the board. Following this they will have a FEIS which will incorporate responses to the public's comments and then there is a findings statement that is adopted by the board. Following that they need to go to the town board and Health Department for subdivision approval. He said they expect about another 2 years of approval before the project starts.

Mr. Rieger said the project has town water and sewer available and added they have made a very substantial sewer payment to the town and will have that capacity available for them. He said part of the property is in the water district and the rest will pay hook up fees for the water system. Mr. Rieger said there is one small parcel on Titusville Road which is zoned commercial and that property is not a part of this application. He said they would come back at a future time when they have an intended user.

Mr. Rieger said the intent is to build a very high-end community. He said they have a beautiful property with a lot of potential to do a lovely job. He said the town homes are overlooking the pond which they think is a very valuable amenity to homeowners and the town. He said they feel the town home will be attractive to many Lagrange residents who live in single family homes now and would enjoy the opportunity to live in a home with less maintenance required.

Syrette Dym from Saccardi & Schiff in White Plains spoke. She said they are the planners and environmental consultants along with a team of other consultants specifically preparing the DEIS. She said the statement is available in the town, in the library and on line. Ms. Dym said this document was prepared in accordance with the scope and prepared and approved with public input by the board.

Ms. Dym gave an overview of the environmental impacts that were studied and those that have any specific mitigation or what the impacts are. She said that is the same that will happen for the sewer, water and drainage when she turns it over to the project engineer as well as for traffic.

Ms. Dym said the project involves Titusville Rd., Noxon Road, Maybrook Rail Trail. She said main access is off Titusville Road through a road to be built serving an estate area, a town house area and a single family home area. The PDD itself is a Planned Development District and is an opportunity for a developer to provide a series of different types of housing units. She said it will provide conservation of the farm site and a provision of a significant amount of retained open space, over 56% of this site will remain as open space as a result of the PDD. The PDD, which was enacted by the town allows for 100% units above what would otherwise be allowed in a standard development. The standard conventional subdivision plat was established with the approval of the Planning Board and that particular plat was for 91 dwelling units and lots and therefore the PDD is permitted to have a total of 182 lots. This particular plan seeks to have only 126 lots so there are 56 more lots that could have been permitted according to the zoning and PDD regulations but the developer and the applicant have chosen to retain more open space and to provide only 126 of that. Ms. Dym said 130 acres are going to be preserved as open space and trails are being provided to potentially link to the

Maybrook rail trail. The parking requirement, according to zoning requires 264 spaces of off-street parking. She said this proposal provides 306 and that is for the requirements for the multi-family units and for the single family units. There were certain refinements that were made to several of the provisions related to multi-family to several provisions in the PDD itself and clarifications that were enacted at the town. She said some were made in 2006 and some were made as short ago as August, 2008. She said they clarified that the multi-family units would be permitted to have 8 units per acre, previously 12 acres were permitted, which she said they comply with. A series of regulations regarding minimum lot size for town houses were also clarified such that interior town houses need to be on lots of 3150 sq. ft. and end units have to be on 5,000 sq. ft. lots and only 5 are permitted in a row, which she said they comply with.

There are requirements such as setbacks which may need some of the flexibility of the PDD. One of the advantages of the PDD is it provides in the zoning the opportunity for the Planning Board to consider flexible arrangements for some of the otherwise specified setbacks, yard requirements, etc. in the zoning that they can manage and make flexible according to the plan and she added they will be seeking some of that flexibility permitted in the PDD as they go through the process.

Ms. Dym said town houses are not permitted in the R-40-60-80 and that is another one of the flexible requirements that they will be seeking from the Planning Board. She said some of the single family need some of the flexibility with regard to yards and setbacks. In addition to the PDD approval, which needs to be approved by the town Board with a referral back from the Planning Board, this will need subdivision approval. She said that is the process under the PDD. The impacts that are identified in the DEIS relate to the following categories. In terms of overall land use, this is compatible with surrounding land uses and it is in accordance with your comprehensive plan that was approved by the town in 2005. Ms. Dym said she has gone over specifically the zoning but in addition there are several categories of findings that this board and the Town Board will have to be making with regard to the PDD. She said they have provided their assessment on the way that this proposal meets all of the requirements of those findings and it will give the opportunity for the board and the Town Board to consider how this application meets those requirements.

One of the issues related to this is, there are agricultural soils on the site. Two of the three existing lots are in an agricultural district. Of the overall, 233 acres, 81 acres are currently or have been previously used for agricultural purposes and about 65 of those actually are within agricultural categories but of that 65, 57 acres will remain as conservation easements and the remainder will be largely included on these large estate lots, so they will not be a part of these other areas, and the rest is in the open space portions of the sites. She said a majority of the agricultural soils are being preserved.

In terms of soils and geology, the use of best management practices is going to be utilized in all development on the site so that there won't be any significant impact to soils on the site. Ms. Dym said there was no determination of any rare or endangered vegetative species on the site and a landscape plan will be implemented as part of the site plan

review. There's a minimal amount of habitat that obviously will have to be replaced as a result of construction on the site but there are no long term significant impacts as a result of that and the landscape plan will mitigate any of those impacts.

Ms. Dym referred to wildlife. She said there were a series of studies that were performed on the site for endangered and threatened species. There were 4 categories of endangered species that were studied by qualified consultants, which were Blanding Turtles, Bog Turtles, the Indiana Bat and Wood Turtles. Of those no habitat was determined to be found on the site for either the Blandings Turtles or the Bog Turtle. She said there is habitat for the Wood Turtle that is located along the lake outlet but they are not impacting that particular habitat and for the Indiana Bat, which does exist in the area, what they are doing to mitigate any impacts on those bats, is that their roosting trees are being avoided to the maximum extent practicable by doing most of the construction within the old field area and the timing of tree removal will be done in such a way during the months from October through March, when they have the least impact on the habitat of the Indiana Bat.

Ms. Dym said generally the fiscal impacts of the project will be positive on all of the taxing jurisdictions including the town where they have identified what the cost would be. It is anticipated that close to 400 people could live in this but the cost of providing services will be more than offset by the taxes that would be generated. She said with regard to school children, using different methodologies, which there are several methodologies available for identifying number of school children to be generated and the range of school children that were identified was somewhere between 59 and 82 children, with an allowance for those who attend private schools. The high end of 77 children was what was considered in terms of what the impacts would be and the supply of tax dollars to the school district over the cost per student does come out to be an addition of new money over the cost. She said there is not a negative impact on the schools, in terms of that. She said she understood that there has been some space issues but there has been bonding in place to address some of those space issues.

Ms. Dym referred to police, fire and EMS. She said based on standard multipliers for the approximately 400 people, it was not determined that additional personnel would be required for the local fire department. She said she understood police was through the state and county and again the revenues that would be generated as a result of the project would more than offset any of the additional costs.

Ms. Dym referred to recreation and open space, as they said, the impacts are positive and that's one of the things that must be a finding in the PDD that there needs to be a considerable amount of open space and in this case they are providing 130 acres through conservation easement.

Ms. Dym concluded these are one set of the impacts that are addressed and analyzed in the DEIS.

Pete Setaro from Morris Associates spoke. He referred to the existing farm and the access off Daley Road. He pointed out the high points. He said the main entrance would be located off Titusville Rd. Phil Greely, traffic consultant would speak more about traffic. Mr. Setaro said early on he coordinated with DPW on the access to make sure they would have adequate site distance. He said a traffic study has been prepared. Mr. Setaro said they also coordinated with the DPW as far as the rail trail overpass. He said one of the concerns was would there be adequate site distance once the overpass is in. Abutments for the overpass would be set back approximately 65-70 feet from the edge of Titusville Rd. Mr. Setaro said the coordination and review by the DPW would continue throughout the process.

Mr. Setaro said there was a fairly long access road until they reach some of the housing. He said as they start to climb up the hill, the town homes are in the location he showed the board, the maximum grade of any of the proposed town roads would be 10% and all of the roads were designed to meet town code requirements. Mr. Setaro then referred to the single family homes with a series of loop roads which create small communities. The whole intent behind this was not to create a through road that would just be one complete straight shot from Colleen Court down to the main access point. He said they wanted to put a series of curves and turns and stops so that they create more of a traffic calming effect so that they don't create a raceway. Mr. Setaro referred to the storm water management. He said they have a series of storm water retention basins. This project will have to be designed to meet the New York State DEC storm water requirements. He said they have prepared a preliminary SWPPP and the plan has been reviewed by the town storm water consultant. He said they are going to have a series of ponds. They have 2 high points which he showed the board, a fairly large storm water basin that would be located behind the current farm house. He referred to an area toward Colleen Court and said it will all drain back into the site and down toward that pond.

Mr. Setaro said throughout the site they have a series of smaller storm water management basins that will take care of various areas of the site and said they were situated based upon how they plan the road grades coming into the site. These ponds all have access roads to them so they can be adequately maintained. They also have a series of sewage of trails and said they were not shown on the present map but were shown on some other figures that were included in the DEIS. He said there will be various trails throughout the project that will be linked down to an existing parking area that the applicants are proposing to build for the future use of the rail trail. He said there will be a nice series of trails that will take advantage of the open space, especially where the pond is.

Mr. Setaro referred to water and sewer. He said Mr. Rieger indicated that part of the project is located within the Manchester Water district. He said they have met with the town on this and agreements have been signed. He said they are going to tie into an existing line off Titusville Road and they will be bringing their water mains up throughout the site and dead end into Colleen court. He said the project is going to use approximately 45,000 gallons per day once it is fully built out. As far as sewer, there was also an agreement signed for connection to the next phase of the town sewer treatment plant. He said they have sewer lines that run throughout the project and 2 pump stations,

one in the back which will take the sewage up to the gravity line and that will flow down to a point where it gets fairly flat. He said they would need another sewage pump station in the location he showed the board. He said the current proposal is to pump through an easement which their clients have obtained and then pump along Davis Road. The actual connection point to the town's trunk line hasn't been determined but it will be somewhere near the intersection of Titusville and Noxon Road.

Phil Grealy from John Collins Engineers spoke. He said they prepared the traffic impact study which is part of the DEIS. He said the study had to be prepared in accordance with the criteria for the DPW, NYSDOT and the town. He said they looked at existing conditions, future conditions without the project and then future conditions with the project. He said they evaluated in excess of 12 intersections in the area along the various roadways, including Titusville, Noxon, Maloney Rd., Daley Road, Rte. 376, Red Oak Mills Road and of course Colleen Court and Bray Farm Lane.

Mr. Grealy said they looked at weekday and Saturday conditions. A project of this size will generate in the peak hour of a one hour period about 120-130 trips. He said they look at how these get distributed onto the roadway and they look at how intersections will function. Mr. Grealy said spelled out in the DEIS are what is called Levels of Service, which is a rating scale of intersections. The County DPW has a project to improve the intersection of Titusville and Noxon, with some additional turning lanes and some alignment changes. In addition they identified about 10 recommendations in terms of improvements to intersections whether they be signing, striping. Because of the heavy through volume on Titusville Road they have identified the potential need for a left turn lane which will be coordinated with the county DPW.

Mr. Grealy said the layout of the internal road network is somewhat circuitous and there is a reason for that, to calm the traffic so it's not just a straight shot in terms of through traffic through the neighborhood and connecting to Colleen Court. This traffic study does identify traffic calming measures that would have to be coordinated with the town in addition to the alignment.

Mr. Grealy said the other types of improvements are signing, striping, signal upgrades and the county improvements. He said there are a lot of details in the report and they also look at accidents.

Mr. Bell declared the public hearing open for comment and asked if there was anyone in the audience who wished to speak for or against the application. Mr. Bell said the applicant indicated that comments collected tonight will be required to be answered in writing in the final document and the purpose of tonight's meeting is not to create a question and answer dialogue back and forth.

Larry Kelly of 3 Colleen Court spoke. He said he has lived there for 23 years. Mr. Kelly said he commented on this in 2006 and none of his points were addressed. Mr. Kelly's concerns included safety, property value impacts, quality of life issues. Mr. Kelly talked about traffic concerns. He said it would be the new runway for Rte. 9 commuters and

Rte. 9 access. Mr. Kelly said he was concerned with the increase traffic and said it was a safety issue. He said Colleen Court couldn't handle heavy traffic because it was not wide enough. Mr. Kelly said safety issues included people walking dogs, kids playing in the street and people taking walks and joggers. Mr. Kelly referred to pictures he brought along.

Mr. Kelly said the hillcrests caused problems with line of site and visibility. He talked about the crest on Bray Farm Lane. Mr. Kelly talked about the hillcrest on Curtin Court. Mr. Kelly talked about quality of life and headlights coming into bedroom windows. Mr. Kelly expressed his concern for property values and said it would cause a minimum 10% reduction. Mr. Kelly expressed his concern for wells and disturbance of the ground water. Mr. Bell asked Mr. Kelly if his concern was contamination of the groundwater for the adjacent properties that have wells caused by contamination from the new places as in driveways, parking, runoff. Mr. Kelly said yes.

Mr. Kelly expressed his concern for toxic substances during construction and said it was not discussed in the report at all. He asked about endangered species and spoke of 3 species of turtles using the pond. He said they cross Colleen Court and Bray Farm Lane and specifically mentioned the Yellow Blandings. He mentioned Falcons and Short Eared Owls.

Mr. Kelly asked why neighbors were not notified and said the town code stated that adjacent property owners should be notified within 150'. He said that has not happened in any of the public hearings. He said they found out about it because they were looking at the paper.

Ms. Valk said that requirement does not apply to public hearings under the State Environmental Review Act. She said that is for the public hearing under the subdivision and site plan review process, which is a separate public hearing. Mr. Kelly said they can interpret the town code any way they want but there has been 2 public hearings without any notifications. He said it stated that in 3 different spots in the town code. He said the town code is not suggestions, it is expected to be followed from what he understood.

Ms. Valk responded that this is a separate public hearing under what the town code requires. She said this is not a procedure under the town code. Ms. Valk said this is a procedure under the State Environmental Review Act.

Debbie Plambeck from Colleen Court and Joann Wadhwa spoke. Ms. Plambeck pointed out her driveway and she said she was never notified of anything. She said Dave Petrovits did her driveway and when he did it, he mentioned to her what was going on and Ms. Plambeck said Mr. Petrovits said it would be great because they could tap into their water, never realizing at that time that they were going to cut into Colleen Court. She said she found it really obnoxious that no one has ever said anything and nobody ever listened to their side because people were not aware of the hearings. She said to her this was very biased and one sided. She said she has been waiting 3 years to have curves put into her cul-de-sac and because of this and they have refused to do it, but it's not

being done because of this project. Ms. Wadhwa said she was never notified either. She said she lives on the right hand side of Colleen Court and her driveway comes out onto Colleen. She said from her driveway you cannot see down Colleen Court because the road is on a rise. She said there is no vision over that hill of oncoming traffic at all. Ms. Wadhwa asked about the impact of their neighborhood of all these homes coming out on Colleen Court. She expressed her concern for noise and traffic and the value of their properties.

Hank Picariello of 19 Bray Farm Lane spoke. He said he has lived there for 22 years. He said he had no knowledge of today's hearing. Mr. Picariello said he lived downstream from Colleen Court and there are 2 months in the winter where he literally has to crawl up the road at a very slow pace with his head out the window because the sun shines directly at them. He said it is treacherous. Mr. Picariello said he loves his neighborhood and this will impact them. He said this is going to be a tremendous increase in traffic flow. He talked about his quality of life and his serenity of live being affected by 140 more homes.

Marty Trioloa from 8 Bray Farm Lane spoke. He submitted a letter to the board

May 19, 2009

Town of LaGrange
Planning Board
Town Hall
120 Stringham Road
LaGrangeville, NY 12540

This letter relates to the proposed Daley Farms development, which would include high-density housing along with a new road that connects to Colleen Court. Currently, my Bray Farms Lane road and Colleen Court have fewer than 30 single family homes. If the Daley Farms development is approved as is, our quiet residential neighborhood will suffer greatly from a large increase in traffic. When we purchased our home on Bray Farm Lane, we did not foresee that such a development would have such a great impact on the safety and quality of life of our home. We made a substantial investment in our home, which is currently assessed with a value exceeding \$1,900,000, and we currently pay approximately \$20,000 for property taxes each year. We know that the value of our home will decline substantially. However, the economic impact is not as severe as the safety impact. We now enjoy a dead-end road with light traffic, and that allows us to walk on the road with our grandchildren. We are absolutely convinced that the great increase in traffic would totally eliminate walking and bicycling as options for using the road. The danger would extend to driving, with the likelihood of car crashes greatly increased as we enter and exit our driveways.

Please do not allow the use of Colleen Court and Bray Farm Lane as connectors into the Daley Farms development. You have the power to prevent a dramatic decline in our safety and quality of life, and we ask that you exercise that power now.

Sincerely,

Marty Triolo
8 Bray Farm Lane
Wappingers Falls, NY
Marty Triolo

Virginia Triolo
8 Bray Farm Lane
Wappingers Falls, NY
Virginia Triolo

Mr. Triolo expressed his concern for his property value and said he would personally lose \$100,000 - \$200,000 a year in the value of his home. He expressed his concern for safety. He likes to jog and the site distance on Colleen Court causes a safety issue.

He talked about a bad curve on Maloney Road and said it was dangerous. Mr. Triolo said he was concerned about quality of life.

Chuck Cohitesell of 27 Bray Farm Lane addressed traffic and quality of life. He said he believes the traffic volume is underestimated. He talked about safety and walking and riding their bikes. He said this will become a thoroughfare. He talked about geese and ducks crossing the road and said they will be killed. He said that character will be destroyed. Mr. Cohitesell talked about his taxes.

Steve Kovacs of 15 Bray Farm said he was a physician in the community. He has lived here for 14 years with 3 children. Mr. Kovacs said they love living there. He said he added 1,600 sq. ft. to his house. Mr. Kovacs said he wants to keep the integrity of his neighborhood. He chose Bray Farm because of the fact that there was no thoroughfare and the only way in and out was through Bray Farm Lane, with no way of anticipating there would be a major development in the backyard egressing through Colleen court. Mr. Kovacs pointed out his home and said he was directly across the intersection of Colleen and Bray Farm. The headlights that will be coming through his living room will be multiplied about 30 fold. He said right now it is not much of an issue, but 130 homes would create a major problem. He talked about safety and asked the board to reconsider the proposal and asked the board for alternate proposals. He said there are other ways that this can be addressed besides Colleen Court and asked the board to seriously that they take them into consideration.

Bob Wagner of 13 Bray Farm Lane suggested if the board really wanted to understand the issue they have with Colleen Court, to go there and drive to the top of Colleen and have somebody drive up so they can realize the danger of that. Mr. Wagner talked about an alternative because he thought there was an alternative. Mr. Wagner asked the developers to develop alternate road system to get the traffic out of the southwest part of the development rather than coming through Colleen Court. He proposed a road exiting out somewhere between the estate lots and the farm onto Daley Road. He said there are some advantages to that. Mr. Wagner suggested a road system down the hill to Daley Road and coming out at the same point. Mr. Wagner said this would not provide any lengthier route out of the road system to do that. He said he realized putting a road crossing Maybrook may cost the developer some money to develop some sort of road system over or under the trail, but when you have to balance all the needs of the town, he thought that was something they had to consider.

Mr. Wagner said he believed the road system would work and it would get them out to the same point that they are going to come to presently. He said it would eliminate safety concerns about Colleen Court and heavy traffic, also the 16th of a mile of piece of Maloney Road that goes from the Bray Farm intersection out to the intersection with Daley, there is never a section that's probably more than 50 feet or 100 feet that's straight. There's a very narrow tree lined road and the 90 degree turn at the horse farm which is a horrendous intersection. By going out on to Daley, it will take that traffic away from that 90 degree turn, which is out of the board's jurisdiction because it is in the town of Wappingers. Mr. Wagner said he felt it was a safer alternative to develop a road

system out to Daley. Mr. Wagner said it would then eliminate all of the concerns of the neighbors that Bray Farm Lane has concerning quality of life and safety. Mr. Wagner requested that when that plan is developed, to give it serious consideration.

Paul Agnello of 17 Bray Farm Lane said he shares all of the concerns of his neighbors. He said when the engineers discussed this project they did point out how long it was to go from Titusville Road into the main part of the development. He said he hasn't seen the lengthy report on the traffic planning but if you look at the centroid of the mass of where this development is, it's all toward Colleen Court. Most of the points that most of the people would be traveling would be either to the Taconic or towards Wappingers Falls, and he said if he were to run a google map search of where the likely traffic path would be, most of it would come out through Colleen Court. Mr. Agnello referred to the pictures that were taken during the spring and summer times. He referred to the sun pattern and the road layout in the winter and even more importantly is the width of the roads are further narrowed in the winter so the traffic safety issues are compounded in the winter. Mr. Agnello heard it mentioned several times by the developers the concern for preserving the farm homestead. Where is the concern for preserving the Bray Farm community with numerous homeowners as opposed to just this one homestead. He said there was mention of a rail trail overpass for Titusville and a similar overpass could be provided down here as was suggested for the alternate outlet from this neighborhood and it would basically leave the exit from this neighborhood onto a very straight, more heavily traveled road and solve some of the traffic issues.

Mr. Agnello said one of the planners mentioned she was from White Plains and said with all due respect to White Plains and Westchester County; they want to preserve the nature of Dutchess County and asked the board to keep that in mind with their decision to preserve the character of Dutchess County. We don't want to be like Westchester County with it's population density and it's traffic problems.

Scott Loveland of 4 Curtin Court spoke. He said he received no notice of this hearing. He echoed all of the concerns of his neighbors. He and his wife have lived in the neighborhood for 7 years. He said they are big walkers and they walk their dogs. He expressed his concern for her safety when walking, especially when she has to walk in the dark during certain months.

Valerie Cook of 11 Bray Farm Lane submitted a letter which is attached.

Mr. Straub made a motion to close the public hearing seconded by Ms. Olyha and the motion carried. PUBLIC HEARING CLOSED

Mr. Wagner asked what is the process from here. Mr. Bell said this process is a little different from the normal subdivision process because the application is a Planned Development District. The way the process starts is that the applicant goes to the town board with an initial application for a Planned Development District. The whole PDD is set up in the district to allow for an applicant to make an application for a development

that doesn't meet some of the specific zoning code restrictions because they believe their proposal in general produces something that is better and of benefit to the town. They make that case initially to the town board. The Town Board typically takes those applications, sends it to the Planning Board for comments, the board comments back to the Town Board and then they make a determination as to whether the applicant is to proceed. If they make the determination that they are to proceed, the next process is the environmental review which is what we are in the middle of. Mr. Bell said the Town Board typically asks the Planning Board to conduct that review because the board is going to have to do an environmental review for the subdivision approval anyway and it's better to do one rather than two. Mr. Bell said the next step from here is there is a Draft Environmental Impact Statement. The public has made comments regarding the concerns about what is in the report and more seriously what isn't in it and the applicants are now required to answer all of those concerns in writing to the board and then there is a final environmental impact statement. Once that report is prepared, the next stage is it goes back to the town board for them to give final approval of the PDD. If they create that PDD then it gets batted over the net back to the Planning Board to do the subdivision review and site plan review.

Mr. Bell said when they do the subdivision they would have another public hearing. Ms. Valk said because of this unique nature where the board is actually doing a SEQR environmental review before the board has a full application for the actual layout and identification of plans, that's why they are having the hearing separately because there is 2 boards giving 2 different reviews. One board has to be the Lead Agency and the Planning Board is acting as the Lead Agency.

Mr. Bell said he understood that there were a number of residents present that were not notified of this public hearing. Mr. Bell asked if notices were sent out to adjacent property owners at all. Ms. Valk replied no. Mr. Bell asked if that was also true of the original hearing. Ms. Valk asked if that was for scoping. Ms. Valk said any hearing that is under the State Environmental Review Act does not require the notifications of adjacents. Ms. Valk said with SEQR public hearings, notice is sent to the New York State Department of Environmental Conservation, published in the Environmental Notice Bulletin and it's also published in the Poughkeepsie Journal. Ms. Valk said the written comment period on this document is open until June 5th so additional written comments can be submitted. She said there will be a 10-day public comment period on what is known as the Final Environmental Impact Statement, which is where the applicant responds to all the comments that have been made during this window of time on the document.

Mr. Wagner asked the question if there was a specific time with which the developer needed to respond and stated that it was their benefit to respond sooner than later. Ms. Valk responded that the regulations state that it should be 45 days after the close of the hearing, and depending on how the applicant is progressing with comments, we may or may not find that they enter into an extension of that time. She said that was an issue she would need to discuss with the applicant's Counsel.

Mr. Wagner asked how the public would be notified of what that response is. Ms. Valk said there is a notice of completion filed with the DEC and the ENB, which is available online at the DEC's website and she added that can be checked for all projects that are Type I, and Ms. Valk concluded that it would be published in the Poughkeepsie Journal.

Ms. Valk said all documents are available to be read at the town hall, the LaGrange Library and online. Once the town website is up and running there will be a link. It was also noted that the website address is in the public notice.

Mr. Triolo referred to the opposition to the egress onto Colleen Court. If Colleen Court continued to be part of this, how much of the rest of that project is still open for approval. He asked about the PDD and final approval and asked if they still had an opportunity to oppose larger segments of the whole development if Colleen Court continues to be a part of the application. Mr. Bell said when the environmental impact review is complete it will be given back to the Town Board which has to give final approval to the creation of that district before it comes back to the Planning Board for potential subdivision and site plan review. Mr. Bell told Mr. Triolo that he could certainly voice his concerns to the Town Board as well the next time around in front of the Planning Board. Mr. Bell encouraged the residents to submit any further concerns in writing up to the June 5th date.

OTHER BUSINESS:

TRAVER WOODS SUBDIVISION – Proposed 4-lot subdivision located on Traver Rd. Containing 18.04 acres (Grid No. 6462-03-420280); consideration of final subdivision approval.

Mr. Bell said he believed the applicant is anticipating getting final subdivision approval and he referred to documentation in his packet from both Clark Patterson and Stormwater Management Consultants that lead him to believe that there are no outstanding issues keeping them from obtaining final.

Mr. Rosenfeld made a motion to grant final subdivision approval condition on the satisfactory response to any outstanding issues and payment of all fees. The motion was seconded by Mr. Jessup and the motion carried unanimously. **FINAL SUBDIVISION APPROVAL.**

ROLLING MEADOWS SUBDIVISION – Proposed 130-lot subdivision located on Rte. 55/Saxon Drive containing 70-625 acres (Grid No. 6361-04-778118); discussion

Mr. Bell said in the board's package there was a letter from Spectra Engineering and said the bottom line is they are suggesting that they need not file an amended FEIS as a result of requesting phasing. He said this project already has final approval and they are asking to do the phasing. Mr. Bell said in the public hearing they had on phasing, the only public concern was the construction disruption would occur more sporadically and over a longer period of time instead of being concentrated and over a shorter period of time. Mr. Bell asked the board if they felt that issue or any other issues that the board might

raise, justifies an actual amended FEIS or did the board want to determine that no further environmental investigation would be required.

Ms. Jansen addressed the construction noise issue. She said whether they phase it or not, construction is really a function of the rate at which they can sell the houses. She said it really isn't a function of the phasing. Mr. Bell said if they were somehow forced to build the approved one, they would end up building it over a sequence of time anyway because the houses wouldn't sell and it would probably take just as long.

Ms. Olyha asked which phase does the water line go all the way across and start going back down. Ms. Jansen replied Phase I.

Mr. Bell asked the board if they felt an amended FEIS was necessary. The board had no objections and did not deem it necessary for an amended FEIS.

Ms. Jansen said this subdivision received a 90-day extension in March which will carry them to June so they would need to ask for another 90-day extension.

Ms. Jansen said they didn't need it until June and asked if they would have to come back for that. The board agreed that they could grant the 90-day extension at the meeting.

Ms. Olyha made a motion to grant a 90-day extension of final subdivision re-approval effective June 16, 2009 and due to expire on September 16, 2009. The motion was seconded by Mr. Straub and the motion carried unanimously. 90-DAY EXTENSION

Ms. Jansen said the Health Department is in the process of signing off on the 130-lots that will be on file with the town and then they will get Health Department approval for phase I. She said the board will define how more accurately the phasing would work. Mr. Bell said the phasing has to take place in a manner so that each of the pieces work independently from a technical standpoint and asked where the board was with that review.

Mr. Bolner said the issue related to the water line has been resolved but he hasn't seen an official response to his comment on it. Mr. Bell asked about the settling of when the water district gets created and how that works and how the lots are going to be assessed and taxes levied. He asked if that has been straightened out. Ms. Livigni said the Town Board is meeting in a workshop to discuss the global phasing approach with the consultants and herself. She said Rolling Meadows has been very cooperative in working with us.

Mr. Bell said before they come back for final they expect all of this to be nailed down.

ORRICO FLOODPLAIN DEVELOPMENT PERMIT – 6 Ryandale St. Grid No. 6561-04-901349); set public hearing.

Mr. Bell said this is for an existing lot at 6 Ryandale Street. He said want to install an above ground pool and it's going to be in the floodplain so they need a floodplain development permit because they are creating a structure in the floodplain.

Mr. Bell asked if they needed to a study as to whether this would have a negative impact on the flow. Mr. Bell said he was inclined to think that the impact is that the flood would knock down the pool. Ms. Olyha said no. She said when her house flooded the flood went all the way around the pool. Mr. Bell said that it will change the flow and the question is, should the board be concerned about it.

Mr. Bell asked if the board needed to request a flood impact study. Ms. Livigni said this isn't a minor issue. Mr. Bolner said he thought the applicant should be advised as to the extent they would be required to respond to this and find out if they are serious. He said they may decide that they might not do the pool. Ms. Livigni asked if an inground pool less detrimental to the floodplain than an above ground pool. Ms. Olyha said there wouldn't be any displacement with an inground pool.

Mr. Bell said from the diagram he had, it looked like the pool was about 8 feet behind the house. Mr. Bell said he didn't know if the board was ready to set the public hearing. Mr. Bolner agreed that it was not ready for a public hearing.

Ms. Livigni said she believed this should be directed to the Floodplain Administrator, Ken McLaughlin. Mr. Artus said additional was needed. Ms. Livigni said the applicant needed to identify the floodplain and advised of the potential cost of doing a floodplain analysis and added that she could do that.

Kevin Donohue of 289 Noxon road said he was a certified Floodplain Manager. He said a floodplain or the flood fringe doesn't have any movement. He said it rises up and rises down and added as long as it is not in the floodway. Mr. Donohue referred to the town code referring to any development cannot raise the base flood elevation more than 12" and so if the flood fringe is 100' across, a pool would not raise it 12".

Mr. Bell said the board needs the map to indicate where the floodplain is and where the floodway is. He said if it is not in the floodway, but it is in the floodplain, then it wouldn't impact anything the board was concerned about.

Mr. Bell said the board needed to know whether it was in the floodway or floodplain and if it only in the floodplain, then the board can set a public hearing.

REQUEST FOR RE-APPROVAL

SLEIGHT FARM SUBDIVISION – Ms. Valk presented resolutions for Sleight Farm. Ms. Valk summarized the content of the resolutions. These resolutions are attached.

Mr. Rosenfeld made a motion to grant re-approval of the Wetlands Permit for Sleight Farm, seconded by Mr. Jessup and the motion carried unanimously. WETLANDS PERMIT RE-APPROVAL.

Mr. Jessup made a motion to grant re-approval of subdivision approval for Sleight Farm Subdivision, seconded by Mr. Rosenfeld and the motion carried unanimously. RE-APPROVAL GRANTED.

FRANK FARM SUBDIVISION

Mr. Gunn made a motion to grant re-approval of the Wetlands Permit for Frank Farm Subdivision, seconded by Ms. Olyha and the motion carried unanimously.

Mr. Straub made a motion to grant Frank Farm Subdivision re-approval of final subdivision approval, seconded by Ms. Olyha and the motion carried unanimously. RE-APPROVAL OF FINAL SUBDIVISION.

Mr. Gunn made a motion to adjourn the meeting at 9:50 p.m., seconded by Ms. Olyha and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted,

Eileen Mang
Planning Board Secretary