

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday November 15, 2011. Vice Chairman Robert Straub called the meeting to order at 7:30 p.m. Board members Joe Zeidan, John Gunn, Stacy Olyha, Dennis Rosenfeld were present. Tony Brenner, Frank Sforza and Alan Bell were absent. Also present was Wanda Livigni, Administrator of Public Works.

Mr. Gunn made a motion to accept the minutes of October 18, 2011, seconded by Ms. Olyha and the motion carried unanimously. MINUTES APPROVED

PUBLIC HEARING:

WOODS END LOT LINE REALIGNMENT – Proposed lot line realignment located on Woods End Road containing 10.09 acres (Grid No. 6460-04-877280; 6460-04-944273)

Mr. Constantine Vanikiotis of 16 Woods End Road appeared before the board. Mr. Vanikiotis gave the notice of publication and return receipts from the neighbors to the board. Mr. Vanikiotis said he is combining both lots into one large lot and then selling a part off to Mr. & Mrs. Cummings. He said there is an easement that will be relocated. Ms. Livigni said the applicant met with Mike Kelly and agreed to the relocation of the storm water pipe. She said the town attorney will have to change the location of the storm water easement so they relinquish that area and move it to the new pipe location. Mr. Straub said we need the map upgraded to show that detail and Mr. Vanikiotis said it showed that easement on the map as far as where the pipe is being located. Ms. Livigni said they will probably need the applicant's engineer or surveyor to give the metes and bounds description. Mr. Vanikiotis said he thought they did that. Ms. Livigni said she would look through the folder. Mr. Rosenfeld asked what is the intention for the old drainage and was it going to be removed. Mr. Vanikiotis said they are keeping the catch basin that is on the road, capping the existing pipe that goes out toward the wetland and then adding another catch basin around the cul-de-sac, connecting the 2 boxes and from that point they are going out in to the new area. Mr. Rosenfeld said so there won't be any access to the old drainage at all? Mr. Vanikiotis said the catch basin is going to be active. Mr. Rosenfeld said he was concerned about the abandoned drain pipe won't be able to be accessed by anybody. Ms. Olyha asked are you actually taking it out of the ground or are you sealing it off? Mr. Vanikiotis said they are capping it. Ms. Livigni said once the easement is lifted then it is the property owner's responsibility. Mr. Rosenfeld said then it is no longer a liability for the town and Ms. Livigni replied yes, once the easement is relocated.

Mr. Straub asked if there was anyone in the audience who wished to speak. There was none. Mr. Vanikiotis said due to the fact that the legal work has to be addressed, would it get approved tonight. Ms. Livigni asked Ms. Valk if that could be a condition of approval. Ms. Valk said yes but that it would not be able to be filed until that is completed. Ms. Livigni told Mr. Vanikiotis when he gets the resolution that approves this LL Realignment, one of the conditions of approval will be to have this easement language in place. She said you could still get approval from the Planning Board and

resolve that later on. Ms. Livigni said we would also need a mylar for the Chairman to sign and said Oswald would know.

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

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. Rosenfeld and carried unanimously. NEGATIVE DECLARATION.

Ms. Olyha said I propose we accept it with the condition that the legal descriptions are turned in and are approved. Mr. _____ seconded it and all board members agreed. Ms. Olyha said she will add fees to that. Ms. Livigni told Mr. Vanikiotis he did not have to come back to the Planning Board for this matter again.

OTHER BUSINESS:

GARY E. BECK JR. SUBDIVISION – Proposed 1 lot subdivision located on Hartstone Drive containing 1.14 acres (Grid No. 6361-03-098442); initial presentation.

Mr. Gary Beck Jr. appeared before the board. Mr. Beck said he has a lot over on Harts Farm at the end of Commerce Street consisting of 1.14 acres that he would like to build a house on. Ms. Olyha said we did this before and Mr. Beck said no we didn't and Ms. Olyha replied yes we did and Mr. Beck repeated no we didn't. He said he came in back in 2004 to fill in the drainage easement that was on that property and said he was not looking to fill in the drainage easement anymore; he was looking to build a house on the rest of the property. He showed the board the drainage easement, pointed out Harts Farm and Commerce Street and showed the board where he was proposing to building the house. He said the driveway is wrong and apologized. He said he has a driveway permit from the Highway Department from a couple of years ago and he showed the board where it came in. Deer Trail is now Keith Drive and has not yet been turned over to the town so he wasn't proposing to use that. He said this is Board of Health approved back a few years ago and he said he has an extension for that as well. Ms. Valk asked Mr. Beck to show where the driveway was. Ms. Livigni said this parcel was created during the Harts Farm Subdivision. It was called Parcel A. She said Parcel A was not a building lot in that subdivision. It was created for future drainage for Frank Farm. She said it was something to that effect in the language on the notes. She said Mr. Beck has bought the property and has submitted a site plan for the lot showing that he can meet zoning and this lot is in a water district and that is the facts as far as she knows them. Ms. Valk said she believed the Harts Farm Subdivision also included something about this lot being merged with something so really what the application is, is to amend the approval of the Harts Farm Subdivision to allow this to be an independent lot.

Mr. Beck said the detention basin is completely dug, when he was here back in 2004, it wasn't 100%. He said it has now been built to the requirements of the Frank Farm Subdivision. He said it was delineated and showed the board where it ended. Mr. Gunn asked Mr. Beck if he had the ability to put a building square there and Mr. Beck replied yes, the square fits. Ms. Olyha asked so was it approved as a building lot back in 2004 because it got Health Department approval somehow. Ms. Olyha said when it was Harts Farm it didn't have a building lot on it. Ms. Valk said that's why the application should be to amend the Harts Farm Subdivision, to remove those stipulations. Mr. Gunn asked to turn it into a building lot? Ms. Valk said she found those phrases to be a little too overly broad, not building lot – building lot. She said there are certain restrictions that are located in the chain of title on the Harts Farm map that need to be addressed and removed by the board. They need to amend that Harts Farm Subdivision, that piece of it, not the entire subdivision.

Mr. Beck said they wouldn't be removing the conditions about the drainage easement Parcel A, that would still remain, the metes and bounds of that drainage easement would stay, that's being used for Frank Farm Subdivision. Ms. Livigni said she thought the language of Harts Farm for Parcel A is probably been handled by the Frank Farm Subdivision with that drainage easement. Ms. Valk said in 2004 this matter didn't proceed forward because there was going to be some encroachment here and if that requires the Town Board to consent and since there is not going to be an encroachment on the easement area as she currently understands it, she believes the Town Board's necessity to consent is removed because they only have rights within the delineated easement area. Mr. Straub said so we have to clear the easement? Ms. Valk said no, you are not going to clear the easement, we are going to look at the Harts Farm and anything that essentially restricts this from being built on is what we are going to take a look at.

Ms. Valk said she has seen some opinion letters from before but this is going to need a little more attention. Ms. Olyha asked if there was sewer and water or just water. Ms. Valk said just water. Mr. Straub asked if sewer was near the answer was yes. Mr. Beck said it has Board of approval without the water or the sewer, he said it is in the water district. Mr. Zeidan said by him cleaning this all up, would that be restricting. Mr. Beck said he is not going to touch that. Ms. Valk said assuming nothing requires him to touch past this easement line, then the Town Board's consent...he is not allowed to put any structures or anything, that's a chain of title restriction, or make any physical changes without Town Board approval, but if he is outside of the easement area, that is where the significant.....Mr. Beck showed the easement line and the house. Ms. Olyha asked the acreage of the part that is not a part of the easement. Mr. Beck replied .66 acres.

Mr. Beck said there's not really any shrubs or trees on it, just the few he showed the board. He said he also got rid of all the garbage. Ms. Valk said we need to get our arms around exactly what the path is, it is not insurmountable, it's going to take some attention. She said she thought this would be more ready for a January public hearing. Mr. Beck said that is fine, he didn't expect a public hearing this evening but he wanted to present to the board and he has already started talking to the neighbors and Dave Petrovits has written a letter in favor of it. Mr. Beck said this house is actually going to

be for him. Ms. Valk asked Mr. Beck if Dick Barger can sketch out and show the driveway. Mr. Beck said he would have Barger's office put this on a cleaner map so you can see the building square, driveway, house. Ms. Valk said Walter should probably take a look to make sure that the house construction does not have any impacts upon this that need to be either mitigated or be modified. Ms. Livigni said the Department of Health approved this with the pond there and Mr. Beck said yes. Ms. Olyha said and it says pond so does that mean there is standing water in it. Ms. Livigni said yes. Mr. Beck said during the Irene flood it never made it up to this overflow. He said he had pictures of it. Ms. Livigni said that pond functions really well. Ms. Valk said it probably wouldn't be a bad idea to make copies of them. The Key question is making sure that any development here isn't going to impact this. Ms. Livigni suggested the board set an escrow for the consultants to review. Ms. Valk asked if this is the building square that is currently proposed. Mr. Beck replied yes. Ms. Valk said if Dick could show that with the new driveway and then show the setback so we can see the zoning. Ms. Livigni said that work has been done because the zoning office looked at it.

Ms. Valk said this file has been reviewed extensively over the years so it's just a matter of figuring out our path. Mr. Beck said also there's been some changes too and the big change is he doesn't want to fill the area in anymore, it has come to light that there is that easement and it has been filed and done correctly. He said his title company didn't pick it up, and the other thing is it is included in the water district now. Mr. Straub said ok, we will put him on the agenda for next month.

The board set the escrow for \$1,000.

Mr. Gunn made a motion to adjourn the meeting at 8:00 P.M., seconded by Ms. Olyha and the motion carried unanimously. MEETING ADJOURNED

Respectfully submitted

Eileen A. Mang