

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Middle School, Stringham Road on Tuesday January 20, 2009. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Robert Straub, Dennis Rosenfeld, Stacy Olyha, John Gunn, Edward Jessup and Tony Brenner were present. Also present was Maureen Harvey, alternate board member, Wanda Livigni, Administrator of Public Works, Walter Artus from Stormwater Management Consultants, Greg Bolner from Clark Patterson Lee and Rebecca Valk from VanDeWater & VanDeWater.

Mr. Jessup made a motion to accept the minutes of December 16, 2008, seconded by Mr. Straub and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

MY KIDS GLUTEN FREE BREAD PRODUCTS. – Proposed Special Use Permit located on Reggie's Way (Grid No. 6560-03-234159)

Mr. Roger Foucek appeared before the board regarding this application. He said in 2006 his daughter was diagnosed with celiac disease, which is an auto immune disease where you cannot eat wheat or gluten so his house has been gluten free since then. Mr. Foucek said what he came across when he went to Nature's Pantry or Mother Earth to buy gluten free bread products taste bad. He said he and his wife have developed a recipe that has the bread tasting almost like real bread. Mr. Foucek said they were hoping to get the bread out to some retail stores to sell, not to sell directly to the public.

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. There was no response.

Mr. Foucek responded to a question that was not audible. He stated the agricultural markets is a state agency that would inspect his kitchen. Mr. Bell asked if that was a county agency. Mr. Foucek replied state agency. Ms. Livigni asked Mr. Foucek if his kitchen needed to be approved by the Department of Health. Mr. Foucek replied it would be done by Agricultural & Markets, and added this fell under their jurisdiction.

Ms. Harvey asked Mr. Foucek if they would be producing bread mixes or actual baked goods. Mr. Foucek replied baked goods.

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

Mr. Straub 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. Gunn made a motion to grant a Special Use Permit for My Kidz Gluten Free Bread Products, seconded by Mr. Straub and the motion carried unanimously. SPECIAL USE PERMIT GRANTED.

The Planning Board requested a \$100.00 escrow.

16 BRIAN COURT - Proposed Special Use Permit located on Brian Court (source of Heesch fill);

Mr. Kang appeared before the board. Mr. Kang explained that he leveled his backyard and took some fill off his property.

Mr. Bell asked if there was anyone in the audience who wished to speak for or against the application. There was no response.

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

The Planning Board set a \$100.00 escrow.

Mr. Straub 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. Straub made a motion to grant a Special Use Permit for 16 Brian Court, seconded by Mr. Gunn and the motion carried unanimously. SPECIAL USE PERMIT

WRIGHT FARM SUBDIVISION – Proposed 8-lot subdivision located on NYS Rte. 82 and Noxon Rd. containing 243.47 acres (Grid No. 6559-02-760965, 6660-03-025117, 6660-03-058120)

Mr. John Andrews of Rohde, Soyka & Andrews appeared before the board regarding this application. Also present was John and Tippy Stensrud. He said the project is the subdivision of 3 parcels totaling 243.4 acres into 8 single family residential parcels ranging in size from 6.8 acres to 125.3 acres. He said one of the lots will contain the existing house and the existing barn. Access to 6 of the new lots will be provided by 2 common driveways from 82, and the existing driveway serving the existing house and barn will be retained and one lot with an access from an existing curb cut on Noxon Road.

Mr. Andrews said the project sponsor proposes to voluntarily restrict future development, not totally eliminating but severely limiting future possible subdivisions particularly on

the larger 125 and 3 acre lot. The exact mechanics of how they propose to do this are being worked out. They have examined a conservation easement and there are certain limitations with the conservation with uses of the property which may not be in the best interest of either the applicant or future owners. Mr. Andrews said they received area variances from the Zoning Board of Appeals. The variances they received were relief from the minimal lot frontage on lots 1, 2, 3 & 5 and relief of the minimum width on lots 2, 3 & 5. He said they did this to maintain and preserve the ability of those lots to be used as farm sources. He said there are wetlands on the property which have been delineated. All proposed improvements have generally been kept outside the wetland and they have wherever possible and in all cases for the driveway used existing farm crossings on the wetlands where existing culverts are replaced.

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.

Pam Ally??? Said she lived on Rte. 82. She expressed her concern about a truck going over the culvert pipe, which is under the existing farm road.

Mr. Andrews said there were no proposals to make those town roads, they will be maintained and developed as driveways.

A member of the audience who did not identify herself asked a question regarding the driveway. Mr. Andrews' reply was it was a shared driveway serving 3 lots. She asked how could that not be a road. Ms. Valk spoke and said the town has a common driveway standard where you can have a shared driveway and the specs are not town road specs.

Mr. Andrews said the private driveways are maintained by the owners of those lots, there is no town involved whatsoever.

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

Mr. Artus recommended the Planning Board grant a Negative Declaration pursuant to SEQR.

Mr. Straub 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.

KALBA/MELVIN PROPERTY – Proposed Lot Line Realignment located on Gidley Road containing approximately 5 acres (Grid No. 6562-02-642632)

The applicant appeared before the board regarding this application. He said the proposal is to do lot line realignment so they can buy the property behind him to make their lots more compliant.

Mr. Bell declared the public hearing for Kalba/Melvin open for public comment and asked if there was anyone in the audience who wished to speak for or against the application. There was no response.

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

Mr. Straub 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. Jessup made a motion to grant preliminary approval, seconded by Mr. Straub and the motion carried unanimously. PRELIMINARY APPROVAL.

Mr. Artus said they were not ready for final because there was a right-of-way taking that still had to be reviewed by the town.

The Planning Board set an escrow for \$300.00.

TITUSVILLE LIGHTING PLAN – Proposed lighting plan located on Titusville Rd.

Mr. Tom Cummings appeared before the board. Mr. Cummings told the Planning Board the shopping plaza has poor visibility in the front and rear parking lots around the building. He said there were some issues with lighting and what they are proposing are 7 pole lights in the front lot, one at each of the entrance and exit locations onto Titusville Rd. and 5 more within the parking lot itself and 4 pole lights at the rear of the building at the edge of the parking lot. He said the purpose of these lights is to provide better visibility and access in the evening. He said the lights in the front will be 20' poles and the lights in the rear will be 15' high poles and all the lights have cutoffs so there is no spillage of light.

Mr. Bell declared the public hearing open for Titusville Lighting plan open for public comment and asked if there was anyone in the audience who wished to speak for or against the application.

Mr. Tim Robinson of 20 Davis Road spoke. He talked about the lights on the building that are existing. He pointed out his backyard and showed where the lights shined on his house. Mr. Cunningham said there was one light that was actually shining in Mr. Robinson's house and it was because the light was not put in properly. He said there

were also some other lights on the building that were not supposed to be there. He said since then those bulbs have been removed and those lights will be removed before this is finally approved. He said the light that was shining directly on Mr. Robinson's house has been re-oriented to shining downward. He said the new poles will be located at the back of the parking shining down towards the building away from his property.

Mr. Robinson said when this project was proposed there was never a lighting proposal.

Mr. Bell said when they first came in with this request the board had their engineer review the current lighting on the building for conformance and they found that a number of the lights in the back were not in conformance and the board had them correct it. Mr. Bell asked Mr. Robinson when they made those corrections did he notice a difference. He replied yes, it was a big difference. Mr. Robinson said all of the lower lights have been turned off.

Mr. Bell said the board has asked them to remove the lower lights. Mr. Bell asked Mr. Robinson if he was saying that the lights that are higher up, when they are operating properly, are ok. Mr. Robinson replied they are fine.

Mr. Robinson said his concern was now they were putting the lights 15 feet up in the air and how it would affect his yard.

Mr. Cunningham said the pattern of the lights are to aim down towards the building and not to spill out.

George Lakestream, tenant of Titusville Rd. said he has had numerous customers come in and complain that it is dark and they cannot see their cars and from the store you cannot see a car in the 2nd row. He said many customers have said they don't feel safe. He said there have been a lot of accidents. He said lighting at the entrance would be really helpful.

Elise Gambino, tenant of the plaza expressed her concern about the hazardous situation regarding the lighting and agreed with everything Mr. Lakestream said. She talked about kids hanging out and the poor lighting. She said the rear is not lit either.

Mr. Lakestream spoke again and said his store was burglarized and added that the lighting would help. Mr. Bell referred to a comment letter submitted which read as follows:

"I am unable to attend the meeting, please read for recording at public meeting on the 20th of January. I am against any more lighting at Titusville Plaza. The glow from the plaza on our house is unbelievable and is worse than I expected now. No more lights." From Gizelle Emmett

Mr. Bell also said there was a letter from the County.

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

Mr. Bell told Mr. Cummings he would need to submit, in writing, a response to the county comments and public comments. Ms. Livigni said she was also waiting for an additional submission.

Ms. Harvey asked if this plan goes through and it is determined that there is much more light there than zero, does the public have recourse in that they can come back to the building Inspector and ask him to look at the plans. Ms. Livigni said it would be a violation. Ms. Valk stated if the proposed plans state it is going to be a zero and it does not comply, then they are not in compliance with the lighting plan and it can go to the attention of the Building Inspector. Ms. Valk said the only reason she said, if the plans propose zero is because some small spill over in the industry is not unknown, but if the proposal is zero and then there is spill over than the plans would have to be looked at because clearly it would not be in compliance.

Mr. Cummings asked if he would get a written transcript of the comments. Mr. Bell responded the minutes would include the comments.

DALEY FARM - PRESENTATION

Dan Leary, Attorney from Cuddy & Fedder was present, representing Daley Farm Development LLC. Relative to this proposal is a planned development district which is a residential development on a 233 acre track of land at the intersection of Noxon Road and Titusville Road in the Town of LaGrange, consisting of 64 single detached homes, 56 town homes, 6 estate size homes on lots ranging from 2 to 6 acres and the preservation of the existing farm residence for a total of 127 units.

Mr. Leary said they prepared a revised DEIS which was submitted to the board as Lead Agency in early December of 2008. He said the revisions were made in response to a previous CPL memo and the revisions should be red-lined or underscored on your prior version. He said the revisions also include updates to the land use and zoning section which were made to correspond to the zoning amendments that were adopted by the Town Board in August, 2008.

Syrette Dym was also present. She said the farm site takes up the entire property and she pointed out the existing farm and farmhouse. Current access to the site is off Daley Road into the farm site. The proposed access to the overall development is off Titusville Rd. In terms of a long road, it takes you through the portions of the proposed project. The project is currently in an R40-60-80 zone and they are proposing a Planned District Development for the site. As part of that there are a range of housing types, including estate lots ranging from 2 to 6 acres, 56 town homes, and single family homes, which would generally be 4 bedrooms. The road takes you through the portions of that and the road is meant to open from Titusville Rd. onto existing Colleen Court, which would be reconfigured from its current status as a cul-de-sac.

Ms. Dym said several other characteristics of the development are the pre-existing pond which is going to remain as part of the open space as part of this project. They are preserving about 58 acres of the existing farm. There is a proposed additional 140 acres in 3 parcels. She said there are many criteria the board has set up as standards which have to be met as part of the PDD. One having to do with setbacks and the town homes have a setback of 900 to 1,000 feet. Ms. Dym said one of the things from a prior submission, the town undertook a series of zoning changes to facilitate several things going on but also to help define some of the things going on in this particular project, including definitions of town homes, the density permitted for multi-family and an interpretation of parking related to town homes and single family. She said they more than meet the required parking for all of the portions of the unit. They are over the required parking and that does not count. Ms. Dym said the garages in the single family homes which as per the zoning is not allowed to be counted so even not counting them, they are over the required the parking.

Ms. Dym said there is an onsite trail system that is being maintained with access from different points along the roadway. She said these are really the main characteristics. She said there are several issues particularly related to some of the setbacks on some of the single family homes that _____ the application by the Planning Board of some of the flexibility requirements that are permitted in the PDD, so those are part of the proposal and that is something that the board will have to consider as the board considers the PDD. Ms. Dym said this is really the determination of completeness of this DEIS so they are not going into all of the issues related to that. She said that is what happens in terms of the technical review and then they can go through what all of the impacts and mitigation are of these things once this is a complete document. She said they are here to give the board an overview.

Mr. Pete Setaro spoke. He said as part of the DEIS document they prepared a conceptual utility plan and a conceptual SWPPP. As far as water and sewer, everything will be ultimately be tied into the Titusville Road area. The water line is currently part of the Manchester Water District and will be connecting to an existing line out of Titusville Rd. The sewer is going to be part of the Titusville sewer district and their clients have engaged in contracts with the town in order to be part of the district. He said the sewer line is going to come same as the water from the very end of the site down by Colleen Court, will come all the way down through the access roads and they have obtained an easement from an adjacent property owner and they will end up coming through Davis Rd. and tying it to a point somewhere in the intersection of Titusville and Noxon Road haven't really completely detailed that yet, but they are in the concept stages.

He said they have done a fairly comprehensive drainage analysis. In order to comply with DEC requirements there will be a series of stormwater management ponds located throughout the site, which he referred to on the map.

He said they have prepared preliminary road profiles, grading plans and the whole intent of the project was to try to limit the amount of area that was disturbed because it is a very beautiful piece of property.

Mr. Greg Bolner said this document has been reviewed quite substantially. He introduced his comment letter, which is attached for the record and on file in the Planning Office for review.

Respectfully submitted

Eileen Mang, Planning Board
Secretary