

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

Mr. Bell noted in the absence of 3 board members, Maureen Harvey would be a voting member.

Mr. Straub made a motion to accept the minutes of February 17, 2009, seconded by Mr. Rosenfeld and the motion carried unanimously. MINUTES ACCEPTED

PUBLIC HEARINGS:

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

Ms. Kay Komisar appeared before the board regarding this application. Ms. Komisar said back in 1981 Elise Tobin who owned property on Freedom Road sold a 3.2 acre parcel to the Aldredge family and Ms. Tobin has since passed away and bequeathed an additional 2 acres to the Aldredges, so she is before the board requesting to have the rear property line for the existing 3.2 acres moved back approximately 135 feet to create the additional 2 acres.

Mr. Bell declared the public hearing open for Lands of Tobin 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 Ms. Harvey and carried unanimously. NEGATIVE DECLARATION.

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

Ms. Harvey made a motion to grant final subdivision approval, seconded by Mr. Straub and the motion carried unanimously. FINAL APPROVAL

PINE HILL ESTATES SUBDIVISION – Proposed 31-lot subdivision located on Overlook Road containing 73.29 acres (Grid No. 6361-02-630549/500585)

Mr. John Andrews of Rohde Soyka & Andrews appeared before the board regarding this application.

Mr. Andrews said the project was before the board about a year ago as a conventional subdivision. The property involves 72 acres and is situated on Overlook Road, Old Overlook and a small piece of frontage on Cramer Road. He said this was the old Millett Tree Farm. He said the proposal is to subdivide this parcel into 26 clustered lots to be served by connections to the town water and sewer and 5 individual lots of much greater size to be served by individual wells and septs. Mr. Andrews said the road would derive it's access from Old Overlook Road with a cul-de-sac approximately 1,400 linear feet in length slightly longer than the town standard, but because of the cluster he was confident that they could gain approval with that.

Mr. Andrews said this layout minimizes the amount of infrastructure that would have to be installed and minimizes the intrusions into any of the on-site wetlands. He said they have 2 small wetland incursions, one is a buffer crossing for a driveway to serve a lot and the other is a utility crossing at the rear which they propose to affect by a boring therefore no surface impacts to the wetlands would occur.

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.

Linda Maclsaac of 14 Cramer Road spoke. She asked about an environmental impact statement study. Mr. Andrews replied they submitted a long EAF and has been reviewed and most of the comments from the consultants were addressed. Mr. Bell said as a note of procedure the board has the public hearing to gather all comments and concerns before they make a determination on the impacts on the environment.

Ms. Maclsaac asked about a traffic study. Mr. Andrews replied no traffic study has been done nor have they been asked to perform one. Ms. Maclsaac asked about the houses on wells because one house is proposed to be directly behind her house up on the hill and asked about the impacts on the water table. Ms. Maclsaac also expressed her concern about drainage once the trees are removed. Ms. Maclsaac said from the drawing it looks like she has somebody's septic system in her backyard and asked how that would impact her also.

Ms. Maclsaac asked about the impact on the wildlife and school district. Ms. Maclsaac said she was in favor of progress and increasing the tax base, but she was concerned about the issues she raised. She said the access road goes right through her property or right next to it.

Ms. Maclsaac raised the issue of one of the septs that would be up hill from her house and said she was concerned with runoff and contamination.

Louise Vincenni of 8 Cramer Road said she was at the meeting last year and they did request a traffic study. Mr. Andrews replied the residents may have requested it, but he received no direction from the board at that time.

Ms. Vincennie was concerned about traffic on Cramer Rd. She talked about speed limits, traffic and if more houses are added, they wouldn't help. Mr. Andrews said he realized that 31 lots was an addition, and added that he didn't feel it was a substantial addition and said he would leave that up to the disgression of the board. Ms. Vincennie talked about a deed for the access road. She said as far as she understood there was no deed to # 12. Mr. Andrews replied his client owned the property outright. He said he acquired it during this process.

Marylou Hyland of 16 Cramer Road spoke. She asked about the traffic study and the wildlife. She asked if they planned on keeping any of the trees as a barrier.

Mr. Andrews said one of the reasons they did entertain looking at the cluster is because they wanted to save some of the trees. They actually had to cut a road that tunneled through some of the trees which they didn't want to do. Mr. Andrews said they reduced the number of lots on the hill so they could save the trees. He said there were some rather large trees in the back, and one particular tree that the board was adamant about saving. Mr. Andrews said the heavier trees are down on the slopes and up on the top they are a little lighter. Ms. Hyland asked about an area on the map that she pointed to and Mr. Andrews said they were not touching anything in that area. Mr. Andrews showed the board the area he was referring to on the map. He showed the board where the land would remained undisturbed including the wetlands.

Mr. Bell said the applicant was before the board last year with a completely different plan and there was a public hearing for that. Mr. Bell said the board took an extensive walk of the property and this plan now is called a cluster development which allows them to take the number of lots that zoning permits for a particular piece of property and instead of building it the way the code says, with certain size lots, it allows them to put the same number of houses, but cluster them closer together on smaller lots than would normally be allowed with the goal of preserving more of the open space and having less impact on the environment. Mr. Bell said the applicant did that in response to a request by the board to try and avoid a fair amount of the impact that was identified both at the public hearing as well as from the walk the board took.

Ms. Hyland referred to the traffic study. She said the speed limit was too fast. Mr. Bell asked Ms. Hyland if she thought the speed limit of 35 was too fast or did she think that the people that drive do so much faster than 35 m.p.h. Ms. Hyland said they drive too fast. Mr. Bell said that was then a different problem, neither of which the Planning Board had any authority over. Ms. Hyland said she wanted to thank the board for the new school bus stop sign. Mr. Bell said that wasn't the Planning Board either, but he would be happy to accept the thanks for the town.

Judy Atwood and her dog Cheerio of 9 Hennessey Lane appeared before the board. Ms. Atwood said she looks directly across Overlook Rd. onto the hillside that was the tree farm and asked about what would happen to all those trees. Ms. Atwood expressed her concern for the traffic on Overlook Road. She also asked about town septic and town water and asked where would the hook ups be and who else might have access to them at some point.

Mr. Andrews showed Ms. Atwood and the board. He pointed out the Frank Farm Subdivision which is approved and they have access to water and sewer. He said they propose to cross their property at the rear and access the water and sewer through their property. He said they are proposing to supply the cluster portion. He said there are no plans to extend it beyond that. Mr. Andrews said that's why they have individual wells and septic around the perimeter.

Mr. Andrews said the majority of the trees across from Rombout and down, they are attempting to save. Mr. Andrews said the hillside is pretty sparse so they are trying to get most of the development at the top of the hill where the trees are the least dense. He said the tree farm sort of wraps around and the center is open and he said they have tried to take advantage of that opening so that they propose to save most of the trees around the perimeter.

Ms. Atwood expressed her concern about drainage once the trees are removed. Mr. Bell said he could assure her that the management of stormwater and where it goes and how it is handled is something that takes a tremendous amount of time, effort and attention on everyone of these projects and this one won't be any different.

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

Mr. Bell said wells and septic issues are typically, if not always, handled by the County Board of Health rather than this board. He said they make the determination on the placement of the wells and septic systems and they have to meet county health code. Mr. Bell added in no case would the applicant be permitted to get approval without all of that being approved by the County before the board approved it. Mr. Bell said the drainage is something the board always looks at very closely.

Mr. Bell said he had a note from the Building Inspector listing a number of things that need to be done and almost all of them are needed much farther on in the process than where they now are. Mr. Bell also indicated that the fire department does not have a problem with the length of the cul-de-sac.

Mr. Andrews said he would like to resolve the traffic study issue. He said this was a major departure for them and the next step is a lot of work to address the concerns and he said he didn't want to address the concerns and come back to the board with traffic hanging out. He asked the board how they would like him to proceed with the issue. He asked the board if they believed a traffic study was warranted.

Mr. Bell asked how many houses total? Mr. Andrews replied 26 clustered and 5 on individual lots and added the individual lots are better than 3 acres each. The board agreed unanimously that a traffic study was not warranted. Mr. Bell said the board has seen detailed traffic studies and generally what would happen if the board would ask for a traffic study with this number of houses is, the board would see individual intersections telling them what the additional number of trips at peak periods were. He said something this size is going to generate a change of 4 or 5 cars over the course of some period of time and what they ask is what is the impact going to be on the intersections and queing. Mr. Bell said the chances are extremely low that it's going to generate any change that would require any changes to stop signs or signals or any of the stuff that would normally come out of it. He said what they were asking for was a fairly expensive study to be done when the results are unlikely to change anything at all. It will not generate enough traffic to require a traffic signal, for example.

Ms. Valk said it will not generate enough traffic to require offsite mitigation. Mr. Bell said which is not to say that it won't generate more traffic on the roads. He said it is unlikely to generate enough traffic that the applicant would have to propose mitigation measures that would change the way the traffic is handled. Mr. Bell said the problem with Cramer continues to be the people who drive Cramer do not pay any attention to the posted speed limit. Mr. Bell said the Planning Board has no control over the traffic.

The Planning Board was in agreement that there was no need for a traffic study.

Mr. Bell said Clark Patterson was asking if the board wanted a visual analysis because it is in the ridgeline. Mr. Bell asked if the whole thing was in the ridgeline or just the top hill. Mr. Andrews replied just the top hill. Mr. Andrews explained this was an independent ridgeline which was substantially lower. Mr. Bell asked if this was in the Ridgeline and Mr. Andrews replied he didn't think by numbers it was.

Mr. Bell said the cluster wasn't in the ridgeline, but at the top there were 3 houses above 500'. The board concluded that a visual analysis would not be necessary.

Mr. Bell asked about circulation and if this project was previously circulated. Mr. Andrews said it was circulated. Mr. Bell asked Ms. Valk if the board needed to re-circulate because it was a changed application and Ms. Valk replied yes, it would need to go to the county. Mr. Andrews asked if it needed to be circulated for SEQR. He said he didn't think any of the impacts has changed other than the roads got shorter. He asked if they needed to re-submit to the county as a referral agency. Mr. Bell said the board did not make a SEQR determination. Ms. Mang said she already circulated this to the county as part of the referral process for the public hearing.

ROLLING MEADOWS SUBDIVISION – Proposed 130-lot subdivision located on Rte. 55/Saxon Drive containing 70.625 acres (Grid No. 6361-04-778118); discussion and requesting 90-day extension of re-approval of final subdivision approval

Jolanda Jansen of Spectra Engineering appeared before the board. Ms. Jansen said they were before the board to request a 90-day extension for the final approval of the 130 lot subdivision and she said they are in the middle of preparing a phasing plan that can be bonded and filed. She said while the extension is part this, they need to know sequentially exactly what the steps are going to be.

Mr. Bell asked when the final expired. Ms. Mang replied March. Mr. Bell said the first thing the board has to do is grant the 90-day extension and the next step would be the applicant would be to come in with the phasing proposal which the board would then take through the process. Ms. Jansen said they have submitted a set of drawings and she said they have received a comment letter from Walter, responded and re-submitted as of Monday to his comments. Ms. Jansen said they are in the technical submission process. She said they have worked out with the Health Department that they are going to be filing with them, signed maps for the 130-lot subdivision for the water and sewer approval. She said the Health Department approval will be on record for the full project and when they approve Phase 1, they will refer to the approval they granted for the 130-lots.

Ms. Jansen said when they come in for Phase II they will refer back to the approval granted for the entire project. She said it will be a dated, filed approval they will have copies of. Ms. Jansen said the Health Department is locking in place their approval of the entire 130 lots for water and sewer.

Mr. Artus said the Health Department would endorse each phased portion. Mr. Bell said SEQR wise, he told Ms. Jansen when they come in with the actual phasing plan that shows the phases, the board will make a SEQR determination, which will boil down to the board determining whether they think the impact of the phased plan is less than or equal to the original. If the board does determine it is, they would issue a simple Neg Dec and if the board determines it is not, than he said he couldn't guess what they would guess what the board would do.

Mr. Bell inquired about a public hearing. Ms. Valk replied under the code any revisions to the subdivision is a re-subdivision which takes the board through the process. Ms. Jansen asked even if it was for phasing. Ms. Valk replied yes. Ms. Valk said the town of LaGrange's position has always that the phases need to stand on their own particularly when it comes to construction of in development water and sewer lines and the stormwater. Ms. Valk said it is a full blown new subdivision application.

Mr. asked if the board should schedule a public hearing at this point or wait until they come in with the phased plan first. Mr. Artus said they need to see the phased plan. Ms. Jansen showed the board what Mr. Artus said the board needed to see. Mr. Bell said there were 5 phases.

Mr. Bell said one comment the board has is on numerous cases the access drive from Rte. 55 isn't clearly outlined. Ms. Jansen said on the 200 scale version, it is not clear and said

she could add it. The board continued to discuss the 5 phases and maps. Mr. Bell said they would need a summary sheet for the public hearing.

Ms. Valk asked for metes and bounds for each conservation easement area.

Mr. Straub made a motion to grant Rolling Meadows a 90-day extension of re-approval of final subdivision approval, seconded by Ms. Harvey and the motion carried unanimously. 90-EXTENSION OF RE-APPROVAL OF FINAL

Mr. Gunn made a motion to set a public hearing for April 21, 2009, seconded by Mr. Straub and the motion carried unanimously. PUBLIC HEARING SET.

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

Mr. Pete Setaro of Morris Associates appeared before the board regarding this application. Mr. Kevin McKay, owner of the property was also present.

Mr. Setaro gave the board a description and location of the project. Mr. Setaro said Kevin and his partner purchased the property which is zoned C-2 and they would like to renovate the building and clean up the property and move their law offices there. He said one of the first things they were concerned about was converting it from a residential building to an office building, in terms of the code. He said they had several meetings with the Building Inspector in terms of the some of the interior things that need to be done to bring it up to code. He said they have a good set of plans for the interior. Mr. Setaro said there are some structural issues that need to be done. Mr. Setaro said they submitted a very preliminary set of plans to get some feedback from the board before they take the next step.

Mr. Setaro said they met with the Dutchess County Department of Public Works. He said they are proposing to move the driveway very slightly. He showed the board the existing garage and the driveway currently goes right into that so they want to move the driveway a little bit to the other side so they can save that. They want to try and keep the garage. He said eventually they will want to replace the siding with something more historic with hardy board. Mr. McKay spoke about the roof needing work as well as structural issues with the columns in the basement and the floor, specifically the loading on the floor.

Mr. Setaro said when ken came out to the site he confirmed some existing code issues on the building, as a residential building. Mr. Setaro said Mr. McKay sent a letter to Mr. McLaughlin stating that those issues would be corrected as part of one building permit to do the renovation work and structural work, handicapped accessible. Mr. Bell said it doesn't make a great deal of sense to fix all of the residential code violations and then proceed to have to change them to meet the commercial code. Mr. Setaro said this parcel actually has land on both sides of 376.

Mr. Setaro said now that the weather has gotten better they want to go out and do soil tests for the septic. He said the property is hooked up to the town water system and there are no other properties within the area that are hooked in. The rest are on individual wells and septics. He said they were in the process of locating them now. Mr. Setaro said they talked to the Health Department and it is obviously going to be a much less intense use than previously in terms of the water and sewer.

Mr. Setaro said after they do the tests they will have an idea where they can put storm drainage to handle any increase in runoff from the parking area. He said as part of their next plan, they will have a full landscaping plan. He said as this point there are no plans to change the exterior of the building except for cleaning it up, landscaping and a new sign. Mr. McKay said they have no intention of the exterior with the exception of the ramp. He said other than eventually changing the siding, they really don't want to alter the footprint of the building at all. The issue of dead trees was discussed. Mr. McKay referred to an existing easement with the DOT and said they have approval with them to bond out to remove trees in the area. Pursuant to the bond they actually have to clear and replant with grass as well as landscape.

Mr. Setaro said they have to submit a more detailed set of plans. Mr. Straub asked about lighting. Mr. Setaro said they may have a very short 8' pole or 2 in the corners of the lot and that would be shown on the next plan. He said it wouldn't be bright and he said there would probably be a light on the building. Mr. McKay said this is a professional building and any sign they would propose would be historical in nature and it wouldn't be neon. Mr. Setaro said they wouldn't approve a neon sign anyway. Mr. Bell said the sign will meet the town sign ordinance.

Mr. McKay said they are looking to clean the property up. Mr. Straub asked if the lights would be on for 24 hours. Mr. Setaro replied no, they would talk about timers.

Mr. Setaro referred to several large pine trees on the site and he thought the plan was to take most of them down. He said they would try and save some of the maple trees, but some of the pine trees were very close to the house and they weren't in very good shape. Mr. McKay said they would replant some trees.

Mr. Bolner said all of the properties along Walker Road were in the Manchester Water District and suggested the applicant contact the town water system operator and they could tell them if anybody was hooked up. Mr. Setaro said he believed they already did that.

Mr. Bell asked Mr. Setaro if Ken was ok with the idea of handling the remedy of the existing code violations with the plan. Mr. McKay said Mr. McLaughlin suggested that he provide a letter basically obligating himself to repair the building codes, so they could proceed with the process. Mr. Setaro asked about an escrow. Mr. Bell said standard escrow for a site plan was \$1,000.

TITUSVILLE LIGHTING SITE PLAN – Proposed site plan located on Rte. 55 containing 3.03 acres (Grid No. 6460-02-757853); discussion

Mr. Bell said the board should have a copy of a comment letter from CPL. He talked about removing the lights that aren't supposed to be there and changing some of the lights that are installed wrong. He said both have to be fixed before the final approved site plan is signed. Mr. Bolner said those 2 issues have been addressed.

Mr. Bell referred to Dutchess County recommending 175 watt bulbs vs. 250 watts. Mr. Bell asked the status of this. Mr. Cunningham said he showed the board at a previous meeting prior to those comments. He said they changed the height and orientations and went through different scenarios to show that the foot candles would not spill off the property and also to try and achieve the best uniformity. He said they reached a compromise that worked within the site and using the best they could with the existing islands. Mr. Cunningham said had they started from scratch and dug up the entire parking lot and rewired everything, they would put them closer together and lower lighting to achieve that. Mr. Cunningham said they did change to 175 watts at the 2 entrances by the street, which he said were shown on the plan. He said the others were 250 watts. Mr. Bell asked him if he looked at what would happen if they replaced them all with 175. Mr. Cunningham replied it got darker.

Mr. Gunn asked if they could do the installation with 175 and if they determined it was not enough they could boost it up to 250 watts. Mr. Bell said he didn't know how they could do that. Mr. Gunn said then the board either approves 175 or 250 watts.

Mr. Bolner said according to the plan, the 2 shown at the road are still being shown at 250 watts. Mr. Bell said that needs to be updated.

Mr. Bell told Mr. Cunningham that the plan has to reflect what he told the board. Mr. Cunningham said it does. Mr. Bolner said there is an error between the lighting schedule and the plan. He said one says 250 and one says 175.

Mr. Bell said it needs to be cleaned up before he signs the plan.

Mr. Bell talked about the public hearing comment regarding glare from the parking area. Mr. Bell asked if they submitted a written response to the public hearing comments. The answer was yes. Mr. Bolner said the comment doesn't stand out very well because it was in reference to a concern expressed by the Planning Board as to what were the public comments about the lighting in the previous application.

Mr. Bell talked about the light orientation. Mr. Bell said Ms. Olyha suggested turning specific lights 90 degrees and he said her idea was that if they did that they might be able to use smaller bulbs. Mr. Bell asked Mr. Cunningham if they looked at it. Mr. Cunningham showed the board the lighting patterns.

Mr. Rosenfeld made a motion to grant site plan approval, seconded by Mr. Gunn and the motion carried unanimously.

THE NURTURY – Proposed site plan located on Rte. 55 containing 0.56 acres (Grid No. 6560-02-982930); Special Use Permit

Mr. Bell said the Planning Board granted site plan approval and neglected to grant a Special Use Permit as well. Ms. Valk said under the code a special use permit is required for any place of public assembly which includes government, schools, and libraries. She said also they are generally including the babysitting type use with that because the same property is going to be used for the Montessori School at some point in the future.

She said there were a couple of conditions that would need to be added to it, which the resolution states. Ms. Harvey asked to back up to the meeting 2 weeks ago. She asked what was done and why. Ms. Valk recapped the action of the board that occurred 2 weeks prior.

Mr. Gunn made a motion to grant a Special Use permit for The Nurtury, seconded by Mr. Rosenfeld and the motion carried unanimously. **SPECIAL USE PERMIT GRANTED**

TIME EXTENSIONS:

LAKE RIDGE SUBDIVISION – Request 90-day extension from re-approval of final subdivision approval (1st extension).

Ms. Harvey made a motion to grant a 90-day extension of re-approval of final subdivision approval, seconded by Mr. Gunn and the motion carried unanimously. **90-DAY EXTENSION.**

Mr. Straub made a motion to adjourn the meeting at 9:00 p.m., seconded by Mr. Gunn and the motion carried unanimously. **METING ADJOURNED**

Respectfully submitted,

Eileen Mang
Planning Board Secretary

