

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday, June 16, 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 were present. Also present was Maureen Harvey, alternate member Stacy Olyha was absent. Walter Artus of Stormwater Management Consultants, Greg Bolner of Clark Patterson Lee and Rebecca Valk of VanDeWater & VanDeWater.

Mr. Straub made a motion to accept the minutes of May 19, 2009, seconded by Mr. Gunn and the motion carried unanimously. MINUTES ACCEPTED.

**VSC.R. ENTERPRISES**- Proposed site plan located on Lauer Rd. Rte. 55 containing 2.37 acres (Grid No. 6460-01-363952); discussion regarding sidewalk.

Mr. Shawn Farrell of Morris Associates appeared before the board regarding this application.

Mr. Straub made a motion to grant re-approval of site plan approval, seconded by Mr. Brenner and the motion carried unanimously. RE-APPROVAL.

**BRADBURY SUBDIVISION** – Proposed 2-lot subdivision located on Skidmore Road containing 76.79 acres (Grid No. 6562-03-489297). Consideration of final subdivision approval.

Mr. Brian Stokosa appeared before the board regarding this application.

Mr. Gunn made a motion to grant final subdivision approval, conditioned on the satisfactory response to all outstanding comments and payment of all fees. The motion was seconded by Mr. Jessup and carried unanimously. FINAL SUBDIVISION APPROVAL

**MANOR HILLS SUBDIVISION II SUBDIVISION** – Proposed 47 lot subdivision located on Bushwick Rd. containing 70 +/- acres; discussion.

Mr. Pete Setaro of Morris Associates appeared before the board.

The Planning Board and Mr. Setaro had a discussion regarding this project. The minutes of this are not available due to the fact that the recorder was not functioning.

**KONDAS SUBDIVISION** – Proposed 2-lot subdivision located on Freedom Road containing 141 acres (Grid No. 6462-01-191677); initial presentation

The board discussed proposed subdivision. The recording of this application was picked up in the middle of the presentation because the recorder was not functioning.

Mr. Gunn talked about grandfathering sites. Ms. Valk said if there was no other option feasible, then the applicant could make their case to the Town Board. The Planning Board set an escrow for \$200.00.

**RIEGER HOMES WETLANDS PERMIT** – Proposed wetlands permit located on Freedom Plains Road (Grid No. 6460-01-398951); discussion to set public hearing.

Ms. Livigni said the applicant is putting in a water main extension to serve the 4 homes on Rte. 55 across from the Mobile station. She said the water application was in her office being reviewed and added they are going to be putting in the wetlands buffer along Rte. 55. She said they are going to need a DEC and Town Wetlands Permit. Mr. Bell asked if those houses were on a single lot. Mr. Bell asked if this was an amended site plan as well. He asked if this was a single site subject to a single site plan or were they individual lots, in which case they probably don't need a modified site plan, just the permits. Ms. Harvey said according to parcel access, it looks like it is all one lot. Mr. Alan said if it is one lot, is there a filed site plan for it. Ms. Livigni said they want to get municipal water service. She said the Exxon Mobil had contaminated the ground water there. Mr. Bell said the town needs to make a determination as to whether or not what they are doing is significant enough to trigger an amended site plan review.

Mr. Bell said he believed that Ken McLaughlin needs to make that determination. Ms. Valk said that property is part of the overall town center site plan so that is in the grasp at this point, as far as the end result of that property. Mr. Bell said he understood. He said it didn't sound like they were actually changing the site layout because they are just putting stuff in the ground. Ms. Livigni said they are extending the water main and running services. Mr. Artus said they did the same thing for Cinnamon Tree about 2 years ago. It was a wetland permit for the waterline extension.

Mr. Bell asked if the board required a modified site plan review. Mr. Artus replied no. Mr. Artus said he believed it was actually the Mobil Station that submitted the plan, and Ms. Livigni added, as was the case here.

Mr. Straub asked if this would be a good time to consider a sidewalk along there. Mr. Bell replied no. The Planning Board set the public hearing for July 21, 2009. PUBLIC HEARING SET

The Planning Board set an escrow for \$200.00

**ORRICO FLOODPLAIN PERMIT** – Proposed Floodplain permit located on Ryandale Street (Grid No. 6561-04-901349); set public hearing.

Mr. Bell said as he recalled he asked for an indication of where the floodway was. Mr. Bell said they know it is in the Floodplain. Ms. Livigni said she was at the property with Mike Kelly and this site does typically flood because of the drainage coming out from DOT. She said there is willows and such. She pointed out to the Planning Board that this is the low point for those properties so everybody drains to them so in a way they would

just be making their own situation worse. Ms. Livigni said this is not a FEMA regulated action. She said this is more of a concern of the cumulative effects of flooding on neighbors. She said when you are in a floodplain it typically means it's flat and there's a good chance there's water there. She reminded the board of the Bertha Cruz case in which that floodplain application, we made that applicant jump through hoops. She said he put in a shed with flow through vents and he spent a lot of money and time and she requested that the town is consistent with all applications like that. Mr. Bell said flood gates in a swimming pool is going to be a problem. Ms. Livigni said in this case the negative impact would be on their own land to their own house.

Ms. Harvey asked if they had a map showing the floodplain. Mr. Bell said they have one showing the floodplain which basically shows all of the lots in this entire area are in the floodplain. Mr. Bell said the entire existing lot is in the floodplain, the house as well as the pool. Mr. Bell again questioned where the floodway was. It was the determination of the Planning Board to refer this application back to Ken McLaughlin.

### **REQUEST FOR TIME EXTENSIONS**

WEST LAKE SUBDIVISION – 6-MONTH EXTENSION OF preliminary subdivision approval (have depleted all extensions)

Mr. Brian Stokosa appeared before the Planning Board. Mr. Stokosa said they have used all of their entitled extensions and preliminary approval expired. Mr. Stokosa said they have been pursuing Board of Health approval and part of the resolution of preliminary was for Mr. Stenger to enter into a sewer agreement contract with some of the neighboring properties and also work with the town in order to gain access to the plant. Mr. Stokosa said Mr. Stinger has been trying to secure an agreement and Wanda has been trying to get the capacity numbers to work. Mr. Stokosa asked the board to not rescind preliminary but to be able to keep riding the preliminary in hopes of trying to secure a sewer agreement for the applicant.

Ms. Livigni said they are held up for the sewer agreement on this site with the site plan that has been before the Planning Board. She said this has been a town hold up.

Ms. Valk said they are in the Harvest Ridge situation and added absent a resolution rescinding their preliminary, they can hang out there and they have the right to apply for final. Ms. Livigni asked what happens if zoning changes. Ms. Valk said under the town code, preliminary is grandfathered. Mr. Bell said once they get past that last extension the board can rescind it anytime they want.

If the code changed in a way that the board thought was significant and the board wanted to apply it to that subdivision, the board could rescind it. Mr. Bell said in the meantime if they are doing everything they can and it's help up because of the town, it doesn't make sense to do that.

**WHISPERING PINES SUBDIVISION** – 90-DAY EXTENSION OF re-approval of final subdivision approval (last one)

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

**BIXBY SUBDIVISION – 90-DAY EXTENSION** (effective July 21, 2009 and due to expire on October 21, 2009 – last one)

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

**OTHER BUSINESS:**

Ms. Livigni said there was a mis-communication between the Zoning Dept. and her office as to when City Style Deli would be on the agenda. She said she was under the impression they were waiting for the canopy elevations and they brought pictures.

Mr. Bell said he believed this was a preliminary discussion for a potential new application.

Bob Skank, Marketing Manager for Warex Terminals Corporation spoke. He said this project involved 688 Freedom Plains Road, next to Apple Valley Shopping Plaza.

Exxon has stopped marketing in the area so they had to change the brand and opted to go to Gulf. Mr. Skank said a general contractor came in and did this location for them. He said after the job was done, he received a letter from the Code Enforcement Officer basically saying they needed to apply for sign permits. He said they actually didn't change any signage. He said the ground sign changed from Exxon to Gulf. He said the canopy was the issue.

Mr. Skank showed the board pictures. He showed the board the changed sign on the canopy. He said when he went in to the town to fill out the application for the sign, he was informed that he needed to appear before the Planning Board. Ms. Valk said she believed they needed to go to the ZBA because the sign is over the roof line which is not permitted under LaGrange code. This board cannot vary that.

Mr. Bell said furthermore the Planning Board does not issue sign permits. He said they cannot issue sign permits or grant variances. Ms. Livigni said when she and Susan Quigley talked about it, there were changes being made to the canopy. Mr. Bell said unless it was an amended site plan the board wouldn't do anything.

Mr. Skank said he submitted an amended site plan application. Mr. Bell said he didn't know why he submitted it. Mr. Setaro said he didn't believe that Mr. Skank needed to be here. Ms. Valk agreed.

Mr. Bell asked if Ken McLaughlin said they applicant needed to be here. Ms. Livigni said Susan Quigley spoke to her about this and said they were waiting for canopy elevations which she assumed meant they were changing the canopy.

Mr. Setaro said they were not changing the canopy. Mr. Bell said it was his recommendation that they should get their amended site plan application and money returned and they should be filling out a sign permit application and if Ken is disinclined to approve it then they need to go to the ZBA. Mr. Setaro said he did some work for Bob in the past and had helped get this site re-permitted back in 2004. Mr. Setaro said the applicant did talk to him about making a site plan application for a Dunkin Donuts, no drive through. Mr. Bell asked if they would be adding on to the structure and Mr. Setaro replied no, just renovations on the inside and it would obviously require site plan approval.

Mr. Setaro said they would have to show parking and landscaping so it would be a regular site plan application. Mr. Bell said, it would be at the judgment of the Zoning Administrator. Mr. Bell if the change, in the judgment of the Zoning Administrator is going to change things like parking requirements, it would trigger it and it sounded like it probably would.

Mr. Setaro asked the board if there was anything off the top they might like to see there. He said they would try to increase the landscaping. Mr. Bell said if they were planning on changing the outside of the building they would need to show the board elevations and if they plan on adding landscaping, they are going to need a landscape plan. Mr. Bell said the office downstairs were probably going to want details on the inside of the building. Mr. Bell said parking would have to be reviewed as well.

Mr. Bell asked about bathrooms. Mr. Setaro said this was not a bakery, all donuts would be brought in.

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

Respectfully submitted

Eileen Mang  
Planning Board Secretary