

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Tuesday August 18, 2009. Chairman Alan Bell called the meeting to order at 7:30 p.m. Board members Robert Straub, Dennis Rosenfeld, Tony Brenner, John Gunn, and were present. Stacy Olyha was absent. Also present was Maureen Harvey, alternate board member, Wanda Livigni, Administrator of Public Works, Walter Artus from Stormwater Management Consultants

Mr. Bell announced that in the absence of Stacy Olyha, Maureen Harvey would be a voting member.

**PUBLIC HEARING:**

**HART PAGE LOT LINE REALIGNMENT** – Proposed Lot Line Realignment located on Freedom Road containing 7.07 acres. (Grid No. 6461-01-346758;6461-01-309829)

Mr. Page submitted the notice of public hearing.

Mr. Jason Page appeared before the board. Mr. Page said the proposal was to transfer 2 acres from the Hart Property to the Page Property, located on Freedom Road. Mr. Page said it will leave Mr. Hart with 5.07 acres and Mr. Page's property will be increased to 13.77 acres. He said he updated the survey and added the bulk table and showed the improvements which include a barn.

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. There was no response. Mr. Straub made a motion to close the public hearing, seconded by Ms. Harvey and the motion carried unanimously. PUBLIC HEARING CLOSED.

Mr. Straub made a motion to deem the project 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 identified and suitable mitigating measures have been incorporated on the plans and/or in the reports. Mr. Brenner seconded it and the motion carried unanimously. NEGATIVE DECLARATION

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

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

The final subdivision approval was conditioned upon the endorsement of the Health Department of the non-realty subdivision note and the signature of the owner consent.

**OTHER BUSINESS:**

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

Mark Serino from Serino & McKay appeared before the board. He said he had the Dutchess County Board of Health approval and the DPW approval.

Mr. Bell asked if these were the only outstanding issues. Ms. Livigni said on behalf of DPW, the applicant needed to get the permit. Ms. Livigni asked him if head a DOT permit and Mr. Serino replied yes.

Mr. Bell said the letter said once the town grants site plan approval, they (DPW) will issue the permit. Mr. Gunn asked how are they going to grant that before the board grants site plan approval. Mr. Bell said they won't. Ms. Livigni said that was typical.

Ms. Harvey asked about the Dutchess County Board of Health. She said the approval has been granted on the condition that the sewage disposal and treatment facility will be installed in complete conformity. Ms. Harvey asked if that involved the board. Mr. Bell said they show their plan and we get a letter from the Department of Health indicating that it looks to them that the plan is one that they would approve. The board then grants site plan approval, then the BOH gives approval and at some point it gets inspected to make sure it is done right. Ms. Harvey asked if that just involved the Department of Health and Mr. Bell replied correct.

Mr. Gunn made a motion to grant site plan approval, seconded by Mr. Straub and the motion carried unanimously. **SITE PLAN APPROVAL.**

**FOX HOLLOW SUBDIVISION** – Proposed 9-lot subdivision located on Meddaugh Road/Traver Road containing 35.52 acres (Grid No. 6462-01-477583); discussion and consideration of final subdivision approval.

Mr. Brian Stokosa of M. Gillespie & Associates appeared before the board. Mr. Stokosa this project was a 9-lot subdivision located on Traver Road. He said he was before the board back in 2006 for their Neg Dec and Preliminary approval. He said he worked through the Health Department and received numerous extensions and then he submitted for final in 2007 and they had some comments relating to site distance with Mr. Mike Kelly and then some drainage details to be worked out with some of the adjoining home owners as far as how they were getting the outflow from their holding ponds across the street. He said the original plan was to work with Mr. Jay Shaffer and they had a plan worked out and the plan fell apart. Mr. Stokosa said they met out in the field with Wanda and came up with an idea to avoid Mr. Shaffer completely and allow the water to flow naturally there with some internal bypasses around the site and development.

Mr. Stokosa said the applicant seems to have secured a buyer for at least the existing house, which is lot 1. He said since the time they submitted for final, Ms. Appolonia has found it difficult to find a buyer for the entire site and afterwards she was looking for

some kind of mechanism to see if she could phase the project in order for lot 1 to be subdivided. Mr. Stokosa said she would remain the owner of the remaining parcel which would include the road and the remaining 8 lots. He said that's more of an attorney issue, with bonding and easement questions. Mr. Stokosa said he met with Walter Artus and Wanda Livigni.

Mr. Bell said this doesn't strike him as phasing. Mr. Stokosa said he realized it may not be possible because according to Greg Bolner they would have to rescind her application which they already have preliminary on. Mr. Bell asked if the idea was that if you phase you don't have to pay all the fees. Mr. Artus said this actually goes against the town code relative to phasing. Mr. Bell asked if the new phasing law was passed. Ms. Valk nodded yes and in addition, when someone comes in to change a subdivision to a phased plan we have had them do another public hearing so there's really no way that the board can shorten the process. She said if there is an amendment to the map it is going to require another public hearing. Ms. Valk said Ms. Appolonia did call her and indicated that she was not in a position to bond the road at this time but there is no way that you can get your final plat and not either bond or build it. Ms. Valk said she touched base with Ron Blass on this and he came to the same conclusion as she did. Either they forego the approval and do the 2 lot, but that would still require a public hearing and even if they could get around the new code, they keep ending up at the same place.

Ms. Valk said they are grandfathered from the current zoning because they had their preliminary approval before the September, 2006 passage date. Mr. Bell asked if she meant they were grandfathered from the new phasing and Ms. Valk said the building square particularly. Ms. Artus said if they wanted to proceed and basically do a 2-lot subdivision so Ms. Appolonia could sell the residence they would have to withdraw the other application and therefore lose preliminary and they wouldn't likely get another building square on that lot because of the slopes.

Mr. Stokosa said they were not going to go down that path. Mr. Bell said there was nothing that the board could actually do and asked Mr. Stokosa if he wanted the board to consider granting final approval. Mr. Stokosa said he thought the avenue they would need to take is it is more valuable with the final approval behind it and to a perspective buyer. He said hopefully the market may be taking a turn.

Mr. Stokosa said if the board cannot grant final this month, he would like to do it the following month. Mr. Bell asked if there were any outstanding issues. Mr. Artus said he could tell the board what the conditions would be if the board wanted to grant the approval. Mr. Bell said tell me what is going to happen in the next 30 days. Mr. Artus said what should happen is Brian is going to make some very minor revisions to the plan based on some very minor comments relative to drainage. He said he would prepare an MS4 SWPPP acceptance form and give that to Wanda to endorse and then to Brian who will send it in to DEC to get acknowledgement and coverage. There will be a performance bond estimate submitted to the Town Board and the town engineer will be reviewing easement descriptions and then the town attorney's office will be reviewing the language and offers of cession.

Mr. Bell asked which of those are not something that the board would normally allow to be part of a conditional final. Mr. Artus said there are some minor plan revisions, nothing major and Mr. Bell asked Mr. Stokosa if there was any problem with doing this next month. Mr. Stokosa replied no problem. Ms. Livigni reminded Mr. Stokosa the applicant needs to replenish the escrow.

**VALCARCEL SPECIAL USE PERMIT** – Proposed Special Use Permit located on Clover Hill Road (Grid No. 6260-02-903683)

Mr. Brian Stokosa appeared before the board. Mr. Stokosa said the applicant reconstructed a front wall and in the back yard he built a 6-foot tiered retaining wall without permits. Ms. Livigni said the applicant also brought in 100 cubic yards of fill and changed the contours by more than 2 feet.

Ms. Harvey asked where he put the fill. Mr. Stokosa replied within the confines of the wall.

The board set a \$250.00 escrow. Mr. Gunn made a motion to set the public hearing for September 15, 2009, seconded by Mr. Straub and the motion carried unanimously.  
PUBLIC HEARING SET

**LOT # 17 WOODS END SUBDIVISION** – Proposed Wetlands Permit located on Woods End Rd. (Grid No. 6460-04-891261)

Mr. Harry Wenning appeared before the board. Ms. Livigni said there was a comment letter from CPL that Mr. Wenning might want to review. Mr. Bolner said some of his comments were administrative as far as documentation of the wetlands disturbance permit from the NYSDEC. He said Mr. Wenning would need to provide Dutchess County Department of Health endorsement of the revised plans. He said there was an endorsement of the previous plan and said they had a comment in there which said they have talked to the Dept. of Health about it, but that they do need the endorsement on the plan.

Mr. Bolner said there needs to be the Planning Board's signature block on the plans and on the detail for the retaining wall, in several places it appears they have provided a generic detail, it's a 6-foot retaining wall so it does require design by a structural engineer and in several locations they indicate "verified by general review engineer". Mr. Bolner said he hoped they didn't mean him because it wasn't for him to design the structural fill, the back fill, etc., that is for their engineer.

Mr. Bolner said the concern showing the re-enforcing fabric that you lay down, they indicate that the size, type and length is to be verified by the general review engineer so they don't provide that detail on it, they just say it needs to be verified. He said they indicate it needs to have a 2,000 PSI allowable bearing capacity on the soil to be

confirmed by the general review engineer. He said those are things they should do or whoever is going to build the wall should do and verify it.

Mr. Bolner said there were some minor comments. He said they indicate in their cover letter to the plans, as people may recall during the public hearing there was concern about drainage along the adjacent property lines. He referred to the property line that ties into the centerline of the swale being on the property line and suggested it be 1 foot in, even though he realized there was minimal drainage. Mr. Bolner referred to another area where he recommended pulling the grading back slightly. Mr. Bolner pointed out the catch basin in the road and also referred to the swale.

Mr. Bell asked Mr. Bolner if he was satisfied with the way this was designed so there won't be an increase in water going on to the other property. Mr. Bolner said yes.

Mr. Bolner said this is shown to be built within the 50-foot of the wetland and would need a wetland permit. Mr. Bell asked if there was something from the DEC showing their approval.

Mr. Artus said he believed at one point Mr. Wenning did have a freshwater wetland permit from the DEC and it would be a matter of checking the file to see if it was consistent with the latest plan and that it hasn't expired. Mr. Artus said the DEC typically wouldn't issue freshwater wetland permit without a SEQR determination.

Ms. Harvey asked Mr. Wenning how much fill was brought in to the lot. Ms. Harvey asked about Mr. Bolner's comment at the public hearing regarding easement to work on that retaining wall and trees that were not properly shown on the plans and asked if that had been taken care of. Mr. Wenning said he would remove the large trees for the septic. Mr. Bolner said that is now clearly identified in the letter and they also indicate that the Health Department has required they put the location of those trees on the plans. Mr. Bolner said they were being removed. Mr. Bell said his recollection about the easement and retaining wall, in that plan that wall was much closer to the property. Ms. Harvey said it looks like it was set back 5 feet and Mr. Bolner said yes and it was fine now.

Ms. Harvey asked about the wetland buffer and where the house and the disturbance is. She said it's not touching the wetland but it was in the wetland buffer and asked if that was accurate. Mr. Bell said it was 50' from the wetland instead of 100'. Mr. Bell said to build in that buffer, they need a DEC permit and a wetland permit. Mr. Bell said there is no fill in the buffer, the house is being built in the buffer. Mr. Bell said the DEC has seen this multiple times and they have been ok with that before. Ms. Harvey asked Mr. Bolner if he was confident that there would be no impact on the neighbors because she thought the water flow was a major concern. Mr. Bolner said based on the minor comments, pulling the contour slightly and then bringing the centerline of the swale on the property, even if it's just 6" to a foot on the property, just so it's not shown to be right at the property line, which can be achieved with the grading as shown and there is very little tributary to that so it wouldn't be a substantial amount of water. With the neighbors being concerned, they don't want to have a situation where it ends up being an issue.

Mr. Bell said the board has to look into the DEC permits and the plans need to incorporate the minor issues brought up by the town engineer.

**REDL'S MONOPOLE SITE PLAN & SPECIAL USE PERMIT**- Proposed site plan located on Sedgwick Road containing 11 acres; revoke public hearing set for September 15, 2009 and set public hearing for October 20, 2009.

Ms. Livigni said the applicant is requesting the board rescind the public hearing set for September 15, 2009 and to set it for October 20, 2009 because they didn't meet the deadline for the requested documentation.

The Planning Board moved the public hearing to October 20, 2009.

**SITE DEVELOPMENT FOR RODRIGUES PROPERTY** – INITIAL PRESENTATION

Ms. Livigni explained that Ernst Martin from Paggi, Martin & Delbene requested a consultants meeting for a property on Rte. 82 that she thought was one that had already been before the board. She said that lot is completely encompassed by floodplain A, which means it has no base flood elevation in it. From reviewing what Mr. Martin submitted they have a bunch of conceptual ideas to float by the board. Ms. Livigni said she told Mr. Martin to make a submission to the board so they could establish an escrow. They are not here. Mr. Bell said do we want to involve consultants and spend money without the board even looking at and added he was inclined to say no.

Ms. Livigni said her understanding after reviewing the document is that the floodplain administrator, Ken McLaughlin, needs to look at this. She referred to the building square as that lot stands now, he wouldn't be able to get a building square in there because it is all in the floodplain. Mr. Bell asked if this was a plan or just a sketch that was submitted. Ms. Livigni said there were 3 conceptual plans. Mr. Bell asked if there was enough detail for Ken to determine whether they meet zoning or not because that determination should be made before they come before the board. However if this is just a sketch and they want to appear for an initial presentation to get a feel for it, that's fine but if they have enough information, Ken should be making that determination before the board sees it.

Ms. Livigni agreed that it should be looked at by the Floodplain Administrator

