

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, February 20, 2014. Chairman Stacy Olyha called the meeting to order at 7:00 p.m. Board members John Gunn, Bob Straub, Marc Komorsky, Frank Sforza, Tony Brenner and Dennis Rosenfeld were present. Joe Zeidan was absent. Also present was Wanda Livigni, Administrator of Public Works, Walter Artus from Storm water Management Consultants Greg Bolner from CPL and Ron Blass from VanDeWater & VanDeWater

Ms. Olyha asked for a motion to accept the January 16, 2014 minutes. Mr. Rosenfeld made a motion, seconded by Mr. Straub and carried unanimously.

#### PUBLIC HEARINGS:

**SUNSET RIDGE ESTATES LOT LINE REALIGNMENT OF LOTS 8 & 8A** – Proposed 2-lot subdivision located on Angelo Blvd. containing 19.11/24.29 acres (Grid Nos. 6360-01-188896/258929)

Mr. Dennis Lynch of M.A. Day Engineering appeared before the Board. He said he is here to discuss the Lot Line Realignment of lots 8 and 8a of the original Sunset Ridge Subdivision on Angelo Blvd. He showed the board the existing lot and 8a and showed the proposed lot line realignment. He showed the board the existing house on lot 8a.

Ms. Olyha declared the public hearing open for public comment and asked if there was anyone in the audience who had any comments. There were no comments. Mr. Straub made a motion to close the public hearing, seconded by Mr. Rosenfeld and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Olyha set the escrow at \$250. Ms. Livigni said this was reviewed internally. Mr. Artus said he would recommend a Negative Declaration pursuant to SEQR, preliminary and final subdivision approval and he would prepare the resolutions.

Mr. Brenner asked how much road frontage was on the cul-de-sac. Mr. Lynch said the road frontage for lot 8 and said he assumed it met all of the requirements. Ms. Olyha said this is a subdivision that happened many years ago and these are the 2 end lots off the cul-de-sac and Ms. Livigni said the road frontage was not altered by the lot line change. Mr. Lynch said they are both 50 feet and Ms. Olyha said the back portion is changing, the large piece over on with the house and the smaller lot down in the front.

Mr. Rosenfeld made a motion to grant a Negative Declaration pursuant to SEQR, seconded by Mr. Straub and the motion carried unanimously. **NEGATIVE DECLARATION**

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

**AMEDEOS AMENDED SITE PLAN (PETTINELLA)** – Proposed amended site plan located on Lauer Road (Grid No. 6460-01-386999)

Mr. Alfred Cappelli representing Centurion Management appeared before the board. He said the applicant is looking to purchase the former restaurant and convert the lower level into a real estate office and turn the 2<sup>nd</sup> floor, which is currently unfinished, into 2 1-bedroom apartments. No changes are planned for the parking lot to the exterior of the building, zero changes with the exception of the interior building, no exterior changes at all.

Ms. Olyha declared the public hearing open and asked if anybody had a comment.

Jim Reagan of 463 Lauer Road spoke. He said one of his major concerns was an additional parking area that borders exactly on Lauer Road. He said the previous owner put gravel down and created an additional parking area that backed up to Lauer Road and he said he has mentioned this to numerous people throughout the years. He said the traffic used to overflow on to Lauer Road. He said he understood they were in violation and obviously nothing happened, there was no enforcement so before they take another step, he would like an assurance that the area would be covered with green, the way it was and the other comment is, he didn't understand the waste system, he said it is not a septic system, it is some other kind of system. He said he read in the minutes that the eventual plan is to use town sewer and asked how does town sewer fit there.

Ms. Olyha said part of the site plan they have already discussed with the applicant that he will remove the parking area on Lauer Road and return it to its natural state. She said the septic system, according to the Health Department, they had restrictions on what could be put when it was a restaurant. Because it is not a restaurant, it still has some limitations on it but it is a lesser use than it would have been in this application than it would have been in the restaurant.

Ms. Livigni said there is a septic system out there. Mr. Reagan said it's a cesspool and Ms. Livigni said no, it has leech fields, it's just undersized for when it was a restaurant and to occupy the 2<sup>nd</sup> floor so the Department of Health put that requirement on the restaurant original site plan and that is approved by the Department of Health. They're the ones that said when town sewer came in, they could do that. She said town sewer was proposed for that area, however the area was not interested in obtaining sewer, not just them, the town center area. The current owner came up with different proposed uses in there which is office space on the first floor and residential on the 2<sup>nd</sup>. That was proposed to the Department of Health and since it is their jurisdiction they said that septic is sufficient for those uses, so that's why there is a change. She said there are leech fields out there and septic tank that was on the original Amedeo plans, and asked Mr. Cappelli if they were still on that one and he said yes.

Mr. Straub asked if there was a pump requirement on that and Ms. Livigni said yes, because of the use and it couldn't keep up with it. Mr. Straub asked if that was still

going to hold and Ms. Livigni said she didn't believe so, now it would be used as a septic system as it stands today. Ms. Olyha said with limitations on what the uses on the bottom floor can be, basically anything that uses a lot of water.

Mr. Straub made a motion to close the public hearing seconded by Mr. Brenner and the motion carried unanimously. Mr. Gunn interjected, before we close the public hearing, and asked are you going to change the plat. Mr. Cappelli said everything has been changed, notes have been removed relevant to the restaurant. The motion to close the public hearing passed unanimously. PUBLIC HEARING CLOSED.

Ms. Olyha brought up the issue of the 13 parking spaces needed and that they only have 12. She asked should the board waive the 1 space. She said if it is residential use and office use, there might be a cross-over. She asked if the board was in agreement to waive the 1 parking space and the board was in agreement. Ms. Olyha said and we discussed the parking on Lauer Road being removed and returned to its natural state and put the Health Department notes on the plan.

Ms. Artus said as long as the board feels that the public hearing comment that was generated has been properly addressed, he would recommend a Negative Declaration, conditional amended site plan approval.

Mr. Rosenfeld made a motion to grant a Negative Declaration pursuant to SEQR, seconded by Mr. Brenner and the motion carried unanimously. Mr. Gunn made a motion to grant conditional amended site plan approval, seconded by Mr. Brenner and the motion carried unanimously. CONDITIONAL AMENDED SITE PLAN APPROVAL.

**PROVIDENCE ESTATES (MID HUDSON DEVELOPMENT) LYNN MARIE TIRADO  
SPECIAL USE PERMIT FOR ACCESSORY APARTMENT** – Located on Providence  
Way containing 3.16 acres (Grid No. 6260-02-706577)

Mr. Brian Stokosa appeared before the Board. He said this is an existing lot, lot 3 of the Providence Estates Subdivision located along Red Oaks Mill Road. Common driveway recently went in and they are representing Mid Hudson Development, they are the developers of the parcel and they have a client interested in putting up a house with an accessory use downstairs in the basement which is going to be an accessory use for the in-laws. He said he is going through the formality of getting the special permit. He said he provided a plot plan that they submitted with the building permit. He said there is full access around the back of the building, walk out basement and a couple of windows along the back. He said it was just for the in-laws.

Ms. Olyha declared the public hearing open and asked if there was anyone in the audience who wished to comment. There was no comment. Mr. Rosenfeld made a motion to close the public hearing, seconded by Mr. Komorsky and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Livigni asked if the septic was sized to handle this and Mr. Stokosa said it was sized for a 4 bedroom house and there are 3 bedrooms upstairs and 1 downstairs. Ms. Olyha asked about a 2<sup>nd</sup> kitchen, and Mr. Stokosa said it looked like they have a wet bar with a sink and refrigerator. Mr. Gunn made a motion to grant the Special Use Permit, 2<sup>nd</sup> by Mr. Straub and the motion carried unanimously. SPECIAL USE PERMIT

Mr. Stokosa asked if this covered the residents that are there, and if it followed the lot. Ms. Olyha said it only follows the people with the in-laws. Mr. Brenner said what if it was a 4 bedroom house, does it go back to the Health Department then? Ms. Livigni said we have recently had this discussion yet again and she voiced her concern which is why she asked Brian the question. She said there was a period where the Building Inspector was requiring the applicant to hire an engineer to certify it was able to handle the additional room, so we are currently discussing how to handle that, but it is something we were just talking about. Ms. Livigni said we are looking to formalize that process, whether it is copying the Board of Health on the application, since it is there jurisdiction, it would ultimately be them, unless it was municipal sewer.

Ms. Livigni explained that when someone comes in for an accessory apartment, what she has seen is, they make them hire their own engineer to certify that the fields can handle it, it may not be the designer, it may be a house built in the 1960's and Mr. Brenner said so when it switches hands, the new people have to apply. Mr. Artus said the real concern is when the homes that were designed in the 60's with these small septic fields and this situation, now to some degree, there's an overdesign almost somewhat. He said he has seen 16 people living in 3 bedroom approved thing.

**DALEY FARMS DEVELOPMENT**- Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid Nos. 6360-03-081270, 099220, 22931010)

Mr. Tom Harvey appeared before the board. He said they have been working to get the submission in for review at the Planning Board of both the subdivision and town houses. He said this last submission the goal was to have it complete enough to set a public hearing for next month so we can get public input and be able to incorporate whatever public input possible into the plans. He said the secondary goal is to keep the process moving because the applicant has applied to the Town Board to amend the PDD to include 1 more lot. The lot is an estate sized lot and they have met with the DPW about the driveway and access, performed deep tests and perk tests with the Health Department and he said they can get a septic system on the lot, and they are proposing a well for the lot. He said the Town Board has made a favorable recommendation and we are hoping to obtain a reaffirmation of the SEQR and a favorable recommendation back to the Town Board from the Planning Board. Mr. Blass said this is a project that went through the environmental impact statement review as the board will recall. He said this is a small project modification to add an additional single family lot with a driveway off of Noxon Road. He said the board is still the lead agency under SEQR and as so, it is the board's obligations to look at this modification and to determine whether or not the project modification gives rise to any potential significant environmental

impacts that were not of a type already examined in the EIS review. If the board concludes that the addition of this one additional residential lot does not trigger any potential significant environmental affects, they get make findings that a supplemental EIS is not required and there is no further additional SEQR work to be done. He said that is probably what the applicant is looking for tonight is a determination that no supplemental environmental impact statement is necessary to this project modification because it doesn't threaten any significant additional environmental impact. He said he had a resolution to give to the board to allow them to make a finding of no additional significance impact. He said the resolution goes one step further and addresses the PDD procedure. Whenever there is a PDD application or an application to modify a PDD, the T own Board ships it to the Planning Board by local law for a recommendation under court as to what the Planning Board thinks relative to the PDD or the PDD modification. He said the resolution also gives the Planning Board the opportunity if it doesn't have a problem, they would give a favorable recommendation back to the Town Board for this modification. He said he didn't think he was understating the modification, it's basically the addition of 1 lot. Mr. Harvey said and the purpose of that is to provide security in an area where trespassing and dumping is happening.

Mr. Blass said this would yield one additional detached single family lot of approximately 3 acres with no interconnection to the internal road system of the PDD but instead with independent access onto Noxon road. Mr. Gunn asked is this is a separate driveway and the answer was yes. Mr. Harvey said the driveway is basically following an improvement the DPW made to stabilize the bank of Noxon Road. He said they prepared a pretty good size driveway and he said they are following it to the "T" to where the proposed house will be. Ms. Olyha asked the board if anybody had any further comment. There were none. Mr. Blass said the resolution passed out has a couple of resolve clauses on the 2<sup>nd</sup> page, and he said they indicated there is not a need for a supplemental environmental impact statement here because there is no real significant potential adverse impacts from the modification. He said the 3<sup>rd</sup> paragraph said that there was a favorable report and recommendation to the Town Board on the modification of the PDD. Ms. Olyha said so both things are covered under the one resolution.

Mr. Gunn made a motion to accept the resolution, seconded by Mr. Straub and the motion carried unanimously. Ms. Olyha asked the applicant if he was ready to set the public hearing. Ms. Olyha asked the applicant if they added the adjoining property owners to the map and Mr. Harvey gave 9 copies of the revised title sheet to the board.

The Planning Board set the public hearing for March 20, 2014.

**COVERED BRIDGE FARM (SWANSON) SPECIAL USE PERMIT AND WETLAND PERMIT.** – Proposed Special Use permit and wetland permit located on Stringham Road containing 45 acres (Grid No. 6460-03-338270); consideration of granting the Special Use Permit.

Mr. Swanson appeared and said he is looking to put a bridge in to gain access to the property. He said they have livestock there now, and have 18-20 acres fenced off and eventually they want to build a house.

Ms. Livigni said this application is ready for approval for special use permit and wetlands permit. Ms. Livigni said last time they had DEC approval for the wetlands but they were missing a part of the SWPPP. Mr. Artus said yes, and added he gave w and a MS4 acceptance form and one of the conditions in the resolution is acknowledgement of coverage come back to the Planning Department prior to endorsing and everything was ok with the SPEDES permit.

Ms. Olyha said the bridge design will go the Building Department for permit.

Mr. Rosenfeld made a motion to grant the special use permit, seconded by Mr. Gunn and the motion carried. SPECIAL USE PERMIT (Stream Corridor Overlay Zone)  
Mr. Straub made a motion to grant the Wetlands permit, seconded by Mr. Brenner and the motion carried unanimously. WETLANDS PERMIT

### **WHISPERING PINES SUBDIVISION –**

Mr. Brian Stokosa was present.

Ms. Livigni said the town conflict attorney was supposed to be here tonight and she didn't see him, however she said she did have a conversation with Ken McLaughlin verifying what Brian is going to say.

Mr. Stokosa said this is a subdivision that's gone from 12-10 to 5 and now we are doing this open development area plan which incorporates 5 building lots with a common horse-riding easement around the border of the property. He said the open development option they are pursuing solves the road frontage issue because they are on a state highway and they needed 200 feet of road frontage per lot and there's only 150 feet for the entire parcel. He said the open development action covers the road frontage. He said at the last meeting they talked about minimum lot width and the question he had was does the open development permit process cover frontage and lot width and he said he wrote an e-mail to ken a few weeks ago and long story short, it appears the open development permit process does not cover the lot width requirement. It says strictly road frontage so the solution they verbally discussed was to take the lot line associated with lot # 1 the first one off of Rte. 55, extend that all the way to the property line where you have one lot that meets the minimum lot width requirement that has frontage and then each one of the remaining lots would meet the minimum lot width internally because the open development permit process covers the road frontage aspect of it and there would be an easement over lot # 1 that would cover access, maintenance associated with the common driveway. He said he knows it sounds complicated but that is what he talked about with Ken over the phone. Ms. Livigni said

this was her understanding as well. Ms. Livigni asked where the lot line was for lot 1. The Board and Mr. Stokosa continued to discuss the state road frontage. Ms. Livigni said it was recommended to Brian to move the lot line so it doesn't exist anymore. Otherwise they have to go for variances. Ms. Livigni said they are hopeful to set a public hearing for next month if the board would allow them to do this lot line change and get it to her. Mr. Stokosa said Steve has someone interested in lot # 2 so we are willing to work with any time frame the board allows them to have. Ms. Olyha asked Mr. Artus if this was ready for a public hearing. Mr. Artus said there is sufficient information on the plan for a public hearing. Mr. Bolner agreed. Mr. Straub asked how long was the driveway coming into the lots 4 & 3 and if there was ample room for fire trucks. Ms. Olyha said it looked like they put a hammer head at the end of the long lot. She said they made it look like a road but it's not a road. Mr. Stokosa said if you look at some of the criteria of the open development permit process under 280A, there is actually some provisions for access for emergency vehicles to turn around and access the site. He said Providence Estates; the driveway ends at a house location whereas this one, we put the hammerhead there to have the ability to do a 3 point turn, not a full cul-de-sac. Mr. Stokosa said the length was 1,250. Mr. Stokosa said they have always talked about individual riding areas because this is geared toward the horse community so he showed a barn area, a paddock area, possible riding area, he said he showed them generically just to show intent with the understanding as these individual plot plans come in to the building department that there would be some flexibility in the location of those as we go down the road toward the building permit. Mr. Straub asked if the drawing stated that and Mr. Stokosa said he did make mention and was showing that they could fit. He said not on all lots, maybe all, maybe some, but there is flexibility under review.

Ms. Olyha said she likes stuff to be clean and she thought it would make more sense that you would put the frontage on lot 5 because that would put the common drive all on one lot so you wouldn't have to keep switching off. Ms. Olyha said make the flat lot # 5 so that the common drive up to the hammer head is all on one lot. Right now it's on 2 lots, lots 1 & 2. Mr. Stokosa said right now, it's on all 5 because that lot line splits the road so lots 2, 3 & 4. Ms. Livigni referred to the 1<sup>st</sup> lot, the 2<sup>nd</sup> lot and said there is going to be language for the HOA for the road to traverse over all those lots to cover them. She said it might be cleaner to have the lots go all the way across. The Board and Mr. Stokosa continued to discuss this. Ms. Livigni said this is going to be a 280A and Mr. Brenner asked what that was and Ms. Livigni said that takes away the road frontage requirement. She said it's up to the board. Ms. Olyha said she did not know what was easiest or what wasn't easiest. Mr. Brenner said what would make the people happier here. Mr. Brenner asked Mr. Page which one he liked better and Mr. Page said it didn't really matter to him and said he would check with the lawyers.

Mr. Gunn asked why Ms. Olyha thought Lot 5 would be cleaner and Ms. Olyha showed him the map. Mr. Straub said he tended to agree with Stacy. Mr. Stokosa asked about a public hearing. Ms. Livigni said Brian is going to re-work the lot lines as requested to make sure he doesn't create any new variances for himself and in conjunction with that, if it is acceptable to ken and John Lyons by Monday, would the board consider setting

the public hearing. Ms. Olyha said we can set the public hearing and if they don't get everything done, then we don't have the public hearing. Mr. Stokosa said that was fair enough. Mr. Artus said at the applicant's request relative to the flexibility with the accessory uses, which is certainly understandable when someone comes in, they are going to want to move this or that, we do need to keep in mind this is in ridgeline so moving a barn way up.....there should be a note on there saying should you go above that, they would have to come in for a special permit. Ms. Olyha asked Mr. Stokosa to add the ridgeline line on the map as well as a note to that affect.

The Planning Board set the public hearing for March 20<sup>th</sup>.

### **REQUEST FOR 90-DAY EXTENSION**

**ROLLING MEADOWS** – Requesting 90-day extension of final subdivision re-approval granted on September 19, 2013 (1<sup>st</sup> one)

Mr. Straub made a motion to grant a 90-day extension, seconded by Mr. Rosenfeld and the motion carried unanimously.

**LAKE RIDGE SUBDIVISION** – Requesting 90-day extension of final subdivision re-approval granted on September 19, 2013 (first one)

Mr. Gunn made a motion to grant a 90-day extension, seconded by Mr. Brenner and the motion carried unanimously. 90-DAY EXTENSION

Ms. Olyha talked about the 4hr. training required each year and announced one at the Farm & Home Center on March 26<sup>th</sup> from 7-9 regarding managing storm water on site. Mr. Artus said he may be on that forum. And another one concerning a 6-month biodiversity assessment training for land use decision makers. She said she took the short course and it was very helpful. She said depending on how they make their agenda, it would be 2 days a month for 6 months. She said it is really interesting and the way they want it done is they want towns to sign up in groups and in groups of 5-10 people, and can be anybody within the Town Boards that wants to do it. She said if anybody was interested they should e-mail her by February 27<sup>th</sup>. She said there is no date yet, and will set the agenda after they find out how many towns sign up. She said it's probably going to happen on a Saturday, not a work day, maybe an evening. She said they would probably be their 4 hours and Mr. Gunn said your 4 hours can carry over from year to year and Ms. Olyha said yes, if you have an extensive amount, you can carry it over.

Mr. Komorsky made a motion to adjourn the meeting at 8:00 p.m., seconded by Mr. Straub and the meeting was adjourned.

Respectfully submitted

  
Eileen Mang  
Planning Board Secretary