

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, May 15, 2014. Chairman Stacy Olyha called the meeting to order at 7:00 PM. Board members John Gunn, Marc Komorsky Joe Zeidan, Robert Straub and Tony Brenner were present. Dennis Rosenfeld and Frank Sforza were absent. Also present was Wanda Livigni, Administrator of Public Works and Walter Artus of Stormwater Management and Greg Bolner of Clark Patterson Lee.

Mr. Zeidan made a motion to accept the minutes of April 17, 2014 seconded by Mr. Straub and the motion carried.

Ms. Olyha announced that Mark Komorsky would be a voting member.

**PUBLIC HEARINGS:**

**DALEY FARMS DEVELOPMENT** – Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid No. 6360-03-081270, 099220, 229310); continuation.

Ms. Livigni said the applicant is requesting an adjournment. The Board adjourned the public hearing adjourned to June 15, 2014.

Ms. Livigni said the previous night there was a Town Board meeting in which Daley Farms was on the agenda for the amended PDD for that one additional lot. At that public hearing there was someone who spoke and they brought up some concerns. She added she knew the Planning Board knows this but wanted to say that in the FEIS and findings statement, there were mitigations to various impacts that were addressed and the Board is charged with making sure those mitigations make it into the final plan and if it doesn't, it may warrant re-opening SEQR so she said it was something she wanted to remind everybody of. She said there was a recommendation for the Board to consider, which is if you take a look at the initial Town Board approved PDD, it had bulk regulations in there that talk about minimum lot size and single family homes. She said a resident said he was concerned about the 4 lots at the top that adjoin Bray Farm. She said if you look at the bulk rates, in the future somebody could potentially purchase one of those lots and look to further subdivide it. She said obviously that's not the intent of the Town Board or this Board, but she said it would be valuable in the future to either put a note on the plans stating no further subdivision will be permitted on the single family lots, including the estate lots or if there should be a covenant placed over them like at Vail Road or it might be able to be handled by the Town Board when and if they do approve the amended PDD for that one additional lot. She said she didn't it would be bad to have redundancy both in the Town Board Resolution and in with what the Planning Board does. She asked the Board to consider this the next time they come in because she felt it was worth while discussing.

Ms. Olyha said it might to have it in the resolution and a note on the plat, and Ms. Livigni agreed. Mr. Gunn said haven't we done that before and Mr. Straub said we have. Mr. Gunn said so there is a precedent for it.

**THE PINES AT OLD OVERLOOK SUBDIVISION** – Proposed 9-lot subdivision located on Old Overlook Road containing 65.98 acres (Grid No. 6361-02-500585); continuation.

Mr. John Andrews of Rohde, Soyka & Andrews was present. He said they are proposing to subdivide a 65.9 acre parcel that has frontage on Overlook and Old Overlook Road, is bounded on one side by the power lines. He said they propose 9 lots, 2 of which are served off a common driveway off of Old Overlook Road adjacent to the power lines, one is served by a driveway off of Overlook Road requiring a county highway work permit and the balance are served by one individual driveway off Old Overlook and one common driveway serving 5 lots off Old Overlook, the common driveway will be sized to accommodate the multiple lots. He said it is proposed 16' wide and each lot will have access through that driveway. He said they require a number of variances in addition to the Planning Board approval from the Zoning Board of Appeals dealing with minimum lot frontages and minimum lot widths at any point.

Ms. Olyha declared the public hearing open and asked if anyone in the audience wishes to speak. There was no response. Mr. Straub made a motion to close the public hearing, seconded by Mr. Brenner and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Livigni said this is one where we did get a comment at last month's meeting. Mr. Andrews said his client made him aware that there was a woman who spoke at the last meeting, she was concerned with flooding at Overlook. He said the floodplain is showing on our drawings and he said they acknowledge they have to cross one driveway so he said they must satisfy the floodplain requirements and he said they will make it as part of their future submittals. He said he received comments from both consultants and added he takes no exception to anything in them and they will be addressed in the future. Mr. Andrews said he also received an interesting letter from OPRHP that has some of us somewhat puzzled in terms of the newly identified archeological find and said he will attempt to work his way through it and address that. He said in order to get his SPEDES Permit that have to close that loop. Ms. Olyha referred to the comment made last month and advised Mr. Andrews that it had to be answered in writing. Mr. Andrews said he understood. He said they are going to make their way to the ZBA as well and will be back before the board as quickly as he can.

**WHISPERING PINES SUBDIVISION** – Proposed 5-lot subdivision located on Rte. 55 containing 51.67 acres (Grid No. 6360-02-972772) consideration of preliminary subdivision approval.

Mr. Brian Stokosa from M. Gillespie & Associates appeared before the board.

Mr. Stokosa said they've been before the board a number of times and they are now down to 5 lots, and he said they held the public hearing. He said there was 1 comment from a citizen and said he believed he addressed it. He said he has also had comments from the CAC regarding Army Corp wetlands and so he said they re-activated Mr. Nowicki, he delineated the wetlands on site and originally worked with him back when it was 12 lots on the original approval with the Army Corp disturbance. He said we are over a tenth of an acre and we still hold that. What he did was he actually made another application to Army Corp, the Engineers updating the application. He said they have a 45 day comment period and if there is an issue they will comment within those 45 days. He said the 45 days has come and passed so it is his understanding that the permit will be re-issued to reflect this development, the 5 lots v the original 12. He said he addressed some of Walter's comments and some of the storm water comments from Greg's office. He said he thought he could work out the detail stuff while working toward final. He said he is here tonight for preliminary and take it to the next step, which would be back to the Town Board. Ms. Livigni asked about a Neg Dec. Mr. Artus said they revised the SEQR documents. Ms. Olyha said she noticed the comment in Walter's letter saying the drainage report needs to be reviewed by CPL. Mr. Bolner said he reviewed that report and had some comments on that and nothing that will hold up preliminary.

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

**DAY SPECIAL USE PERMIT** – Proposed Special Use Permit location is within 200 feet of Sprout Creek) located on Gidley Road (Grid No. 6562-02-739555). Consideration of granting special use permit.

Ms. Sharon Randazzo and Ms. Kelly Day appeared before the board. Ms. Olyha asked if we received the comments from the public hearing. Ms. Day said there were no comments. Ms. Olyha said there was a county comment.

Mr. Gunn made a motion to grant the Special Use Permit, seconded by Mr. Brenner and the motion carried unanimously. SPECIAL USE PERMIT GRANTED.

**CAROZZA SPECIAL USE GRADING PERMIT** – Proposed grading permit located on Tom's Way. Initial presentation

Ms. Livigni said this is a special use grading permit. Ms. Livigni asked Mr. Carozza how many cubic yards he was putting in and he said he wasn't 100% maybe 500-750. Somewhere around there. Ms. Livigni said she printed out a sketch from parcel access. She said in the back of the property there is a ravine between their property and the property she pointed to. Mr. Carozza said where his house is, it slopes toward his backyard and it doesn't make it to the ravine. He said it actually slopes back to the middle of his yard. He said the water sits in the middle of his yard and doesn't go anywhere. He said he wants to get some fill in the middle with a curtain drain to go

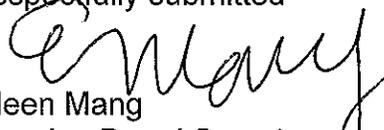
back to the ravine, make it level and it will drain right to it. He said some of it does but most of it does, but most of it sits in the middle of his yard. He said he cannot use his backyard. Mr. Brenner asked how many yards of fill? Ms. Livigni said it's written on the application between 900 and 11,000. Mr. Carozza asked 11,000 or 1,100? Ms. Livigni said it says 11,000. Mr. Straub asked who approves this fill. Mr. Carozza said he was hoping to use the Todd Hill project, some of that fill. Mr. Straub asked if there was any requirement for that to be certified. Ms. Livigni said they are getting it from a local site. She said this isn't coming from a gas station excavation. Mr. Carozza showed the board where it would drain out to the ravine. He said it will be a straight shot. Ms. Olyha asked if the drainage stays on his property, and added when it enters the ravine, the ravine is on your property. Ms. Livigni said it's a shared ravine and Ms. Olyha said she wanted to make sure the curtain drain was not on the edge of the property going across the neighbor's property and then going into the ravine. Mr. Carozza said no it will not. Mr. Gunn asked who was doing the excavation and Mr. Carozza replied hopefully the person doing the leveling of the fill and added he was hoping Metzger. The board discussed the Todd Hill property and Ms. Livigni said it was another Metzger project. Mr. Zeidan asked how far the house was from the ravine. Ms. Livigni asked how much of the back yard was cleared now. Ms. Olyha replied 200 ft. Mr. Carozza said his drawing was very old. He said he took 7 trees down already to open it up. He said before it was even there he had a lake in the middle so he couldn't use it, it just sat there. He said he took the trees down to utilize the backyard and now he needs to get to the point where he can put the fill in, make it level, drain it to the ravine so he could utilize his back yard.

Ms. Livigni and Mr. Carozza showed the board where he wanted to make the property level. Mr. Brenner asked the difference in elevation and Mr. Carozza said it's enough to where they can pitch it. Mr. Zeidan asked if other neighbors had the same problem and Mr. Carozza said yes. Ms. Olyha spoke and explained the high points. Mr. Carozza said he would have a silt fence. Ms. Olyha described the path of the curtain drain to the ravine. Mr. Carozza said when do the fill they will put shale over the well line. Ms. Olyha asked if the water in the ravine was flowing all year round and Mr. Carozza said not all year round. Mr. Gunn asked for a clarification on the amount of fill on the application...was it 900-1,100? Mr. Carozza said it probably is and Mr. Gunn said they should probably correct it on the form.

Ms. Olyha said to clear that up before next month's meeting. The Planning Board set the public hearing for June 19, 2014. The board set a \$200 escrow.

Mr. Straub made a motion to adjourn the meeting at 7:30, seconded by Mr. Gunn and the motion carried unanimously. MEETING ADJOURNED.

Respectfully submitted

  
Eileen Mang  
Planning Board Secretary