

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, October 15, 2015 at 7:00 PM. Board members Stacy Olyha, John Gunn, Dennis Rosenfeld, Tony Brenner, Frank Sforza & Joe Zeidan were present. Robert Straub was absent. Also present was Wanda Livigni, Administrator of Planning & Public Works, Ron Blass of VanDeWater & VanDeWater, Walter Artus of Stormwater Management Consultants and Greg Bolner of Clark Patterson Lee.

Marc Komorsky was a voting member in the absence of Robert Straub.

Mr. Gunn made a motion to accept the minutes of September 17, 2015, seconded by Mr. Rosenfeld and the motion carried unanimously. MINUTES ACCEPTED.

### **PUBLIC HEARINGS:**

**DALEY FARMS DEVELOPMENT** – Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid no. 6360-03-81270, 090220, 229310)

Ms. Livigni said the applicant was told the Board was going to close the public hearing and they were concerned and said they would like to proceed and they are supposedly going to be signing the water and sewer agreements and getting in front of the town board so they can activate this project. So we are keeping them on for one more month.

Mr. Rosenfeld made a motion to open and adjourn the public hearing to November 19, 2015, seconded by Mr. Komorsky and the motion carried unanimously. MEETING ADJOURNED.

### **OTHER BUSINESS:**

**CENTRAL HUDSON G-LINE NORTH** – Proposed Site Plan containing 148.89 acres (Grid No. sponsor owns utility crossings on various properties); discussion, update.

Ms. Jennifer VanTuyl of Cuddy & Feder and Mr. Gary Cassarro appeared before the board.

Mr. Blass gave the board a status update on the SEQR process. He said due to the fact that approximately 60% of the replacement line is LaGrange and 40% is in Pleasant Valley and there is a sub-station improvement and no substation improvement in Pleasant Valley. He said the Planning Board expressed an intent to be Lead Agency under SEQR, to run the environmental review process under that statute. He said consistent with the Commissioner's regulations and with the assistance of the applicant, a regulatory notice of that intention went to all of the other involved agencies with a piece of the action including the Town of Pleasant Valley. He said the 30-day window with respect to ripening the status of this board as the Lead Agency has not yet been exhausted. We are still in an open period with respect to this Board becoming Lead Agency and starting the SEQR review process on behalf of itself and all other agencies. He said it has come to the attention of himself, the Town Board and to the applicant that at a meeting of the Town of Pleasant Valley Planning Board on Tuesday evening of this week, that the Board in Pleasant Valley has some issues with respect to this board being Lead Agency under SEQR as opposed to it being the Lead Agency and he said he believed the Pleasant Valley Planning Board has reserved its rights certainly if not expressed an intention to potentially pursue lead agency status as an alternative to this board, conducting the lead agency function. He said whether or not the Planning Board in Pleasant Valley will exercise the regulatory for doing that remains open. He said he thought they have expressed, to be fair,

an intention to do that. He said that process is a filing of an application or filing of a request with the Commissioner of the New York State Department of Environmental Conservation under the SEQR regulations, would assume that function of deciding who among competing agencies should be the Lead Agency based on regulatory criteria and in this case, based on geographic criteria. Mr. Blass said he shared this with the Town Board last evening. He said this is an issue that potentially concerns the public purse, if there is going to be some sort of dispute between agencies over who should run the SEQR review process and proceedings in front of the Commissioner of the DEC, you can see the potential and need for lawyers to get involved and expenditures and time to pass relative to a resolution of that issue. He said he has been asked to report the Town Board's position on this which may affect the public purse to some degree and that is the Town Board is not at all surprised by the Planning Board of Pleasant Valley and is sympathetic and certainly not offended to its position that they would like to have a say in the matter and to preserve that opportunity. He said asked if perhaps it was wise to communicate immediately with officials in Pleasant Valley and to try and meet and creatively establish some joint mechanism for sharing information and sharing a role in the process including such things as one or more joint meetings of the Planning Boards of both towns or anything that sound and sharp minds can establish. Mr. Blass said that is the status of the SEQR process. He said there was no action for this Board to take other than to decide whether it is a good idea to open up the communication and see if the issue can be managed through mutual cooperation.

Ms. Olyha said she would like a friendly solution to this with Pleasant Valley and we should have a meeting between our Planning Administrator, the Board Chairmen and attorneys to make sure we can work out some compromise. Mr. Gunn suggested how about anyone that wants to attend from the Planning Board. Ms. Olyha said yes but we can't have a quorum. Mr. Gunn said he would like to be a part of it. Ms. Livigni said she suggested something to the Town Board which was to try to come up with a solution to say if the Planning Board of LaGrange proceeded with lead agency, what could we do to recognize Pleasant Valley and their needs. She said she's pretty confident that if there was needs raised by the residents of Pleasant Valley she didn't think this Board would ignore them and added that initial meeting was to sit down to see if there even was anything to compromise on. She said she didn't think it did either town or the applicant any use to have a long drawn out battle on this especially since we are talking with a power company with a transmission line and existing easement. She said it seems like the best thing to do for everybody is to find some way to figure it out. Mr. Komorsky said if there is no compromise could it be 2 separate projects. Mr. Blass replied no. Ms. Olyha said that would be segmentation. Mr. Gunn asked the mileage difference. The answer was 4.4 miles in LaGrange and 3.6 in Pleasant Valley. Ms. Olyha said we have a larger parcel population. Their parcels are larger and less developed. Mr. Rosenfeld asked Mr. Blass if the Pleasant Valley Board expressed any concerns with what they feel they might be left out of? He asked what are their concerns? That we wouldn't include their best interest? Mr. Blass said he wasn't there, the applicant was.

Ms. Jennifer VanTuyl said she was at the meeting. The PV Board acknowledge they received circulation and Ms. VanTuyl said she was certain that the LaGrange Board would welcome full participation from PV and that the applicant fully supported that as well that could well be joint meetings and that this was a hard look and involved agencies had an obligation under SEQR to bring all their concerns to the attention of the Lead Agency and she said we thought that was a positive solution. Thereafter the PV PB went into executive session and discussed it for some time and she was informed thereafter that the PB had made a determination to seek a co-lead agency status and that if that failed there was an intention to move forward to challenge with the Commissioner. She said on behalf of the applicant, as she stated to the PV PB and would

repeat here, they welcome full cooperation but SEQR provides that in a Type I Action a Lead Agency must be designated. She said she believed the objective facts showing this is the town where this is the town with the sub-station, this is a greater extent of the line, objectively dictates in that direction. Obviously it's up to the agencies. She said the last time she was before LaGrange she said it was up to the agencies and not the applicant. She said on behalf of the applicant, while we welcome meetings and full cooperation, we believe the concept of the co-Lead Agency is completely unworkable. The DEC does not support it. Ms. VanTuyl said they fully support full cooperation efforts you think are appropriate, the applicant will always participate. She said they are submitting exactly the same materials to both towns so both understand. Ms. VanTuyl said Lead Agency affects the administration of the SEQR process, each board retains it's full jurisdiction, only PV Board can approve the site plan for PV and only LaGrange can approve the line in LaGrange.

Ms. Olyha said it protects the applicant so that everything is looked at at one time, all environmental, visual, so that our Board would gather all the information and we would have the public hearings with comments. She said that protects them so when they go to Pleasant Valley all that is taken care of and Pleasant Valley doesn't have to do that all over again. She said everything comes forward in the beginning and that's when all involved and interested agencies give their comments and can be looked at during the SEQR process. She said that protects them so that maybe 3 months down the line we say oh, we never looked at this, well it's too late, the SEQR process is over. She said if it is really major they can do an addendum but they want to get everything out and open in the beginning and if you try to do that with 2 different boards at the same time, then you are just wasting your time.

Ms. Olyha said what we are putting on the table is before the 30 days are up for Lead Agency we wanted to meet with PV and get a dialogue going and see what their concerns are so maybe we can alleviate them and move forward and be Lead Agency. Mr. Blass said that's about the size of the matter and added there was no action this board can take other than to extend the invitation. Mr. Gunn asked has there ever been a co-lead agency. Mr. Blass said the position of the DEC is found within its handbook under SEQR and that is there is absolutely no provision in the SEQR regulations for co-lead agencies, there's no prohibition of it either, however it is the opinion and preference of the DEC as stated in the handbook that co-lead agency is not generally workable, it's not preferred and if it was to be put in place by some sort of extensive agreement addressing how it would work would have to include dispute resolution, provisions and other contractual conditions and added personally he would not want to be involved or devote energy or the amount of energy it would take to identify all of the issues distilling right down to how do you even vote, and all of the other issues and dispute resolution clauses and to experience and suffer the delay and the cost that would be incurred to work out all the issues that are not in any way invited or addressed by regulations. It's a bit cumbersome. Ms. Olyha said when you read some of them, the process is more long drawn out. Mr. Komorsky asked who starts the dialogue. Mr. Blass said he had a phone conversation with Wanda and the Chairman and he thought Stacy could make the phone call. Mr. Blass said actually he's already made a phone call to put a date range of somewhere between October 23 and October 29 to have this dialogue. Mr. Zeidan said he agreed in talking with Pleasant Valley but is anyone on this board looking to give up the Lead Agency status. Ms. Olyha said well that is our decision. At the last meeting we discussed it and in our minutes they said given that the sub-station with most of the environmental pertaining to drainage and clearing is on our section and given that most of the sites the right of way currently crosses are habitated parcels with one family homes on them whereas the parcels in PV are mainly larger parcels, we felt that it would be best for LaGrange to look at it since we know our land and our issues on our parcels then when you move on to their parcels we understand theirs because we also have that kind of situation in our

town. Mr. Zeidan said he agreed. Mr. Zeidan said if they are adamant about being Lead Agency what is our next step.

Mr. Blass said if the PV PB is committed to try to become the Lead Agency then within the 30-day period of time which is from October 2<sup>nd</sup>, they will file paperwork with the commissioner of the DEC in Albany and put the issue on the desk of the commissioner and he will decide. He said the ball is actually in the PV PB court.

Mr. Gary Cassaro, project manager spoke. He briefed the board again on the Central Hudson project. He said he supports a cooperative solution to the process. He said there were a lot of questions last time they were before the Board. He said he wanted to provide some clarification and make some aspects of the project a little clearer. He said they have the comment letters from SMC and CPL and they are in the processing of addressing them and will provide responses. Mr. Cassaro recapped the project as previously stated in the prior month's minutes.

Mr. Cassaro said they are rebuilding this with stronger materials meeting today's current design standards for the industry and incorporate features for storm hardening in order to provide a more consistent and reliable power line. He said this is part of the existing electrical grid so it is important to support that line and the various lines that are interconnected that feed Dutchess County. Mr. Cassaro talked about the extent and nature of the disturbances that occur during construction. He said to install the poles, they drill a 24-30" diameter hole so the actual disturbance during construction ends up being very minor - .028 acres of permanent disturbance. He said because it extends 8 miles and we traverse that right of way with materials, equipment and vehicles they have to access the environmental impacts with all those activities, not just drilling the holes and placing the poles. He said it is done through matting and other methods recognized by the DEC. He said the poles are placed every 300-500 feet along that 8 miles.

Mr. Cassaro said at the last meeting a question about parcel parcels came up. He said their survey contractor do a tax map for us with how many parcels contain the right-of-way in each town and he found out they have 86 parcels in LaGrange and 52 parcels in PV. He also had them extend the search out to include parcels within 500' of the right of way and there are 132 parcels in LaGrange and 119 in PV. He said this is just another piece of information that gives explanation as to the distribution of the line in each town and its affect on each town. Mr. Cassaro this is an important project for the people of Dutchess County. He said the line is 80 years old and they would like to upgrade it with a modern design line and so we are fully committed with addressing any issues for this Board and for the PV PB.

Mike Compagna, Transmission Engineer spoke. He went over the same topics that were discussed at the previous meeting. He had a poster board showing the area in Lagrange, the town border line too. He showed the sub-station. Showed the 115KVC line which will be rebuilt in January. He showed the highlighted right of way which was 150 feet wide. He said they will be moving the line an additional 25 feet off the edge of the right of way which will put it a total of 50 feet closer to the middle of the right of way and off the western edge. He talked about the Tinkertown sub-station and they also run in parallel with the Iroquois gas line, 2 ½ miles and they terminate the project at tower 14-94 which is a lattice tower line which runs to the Pleasant Valley sub-station. Ms. Olyha asked if they would be doing anything in the Tinkertown station and Mr. Compagna said no. He said they do have 2 switch structures which allow them to divert electricity into the sub-station or right outside of it but those are brand new structures and they are going to be moving those along with the rest of the line an additional 25 feet. Ms. Olyha asked about the Pleasant Valley sub-station. Mr. Compagna responded that tower will be connecting to tower 1494 and is staying exactly the same. Ms. Livigni asked the total pole

count. Mr. Compagna said because he was able to rebuild the entire line he was able to optimize the placement of the actual poles. He said they reduced the total number of polls from 144 down to 115. Even better in LaGrange they went from 84 to 61 so there is a 27% reduction rate. Additionally on top of that, running from the Todd Hill sub-station into Rte. 55, they actually have a distribution line surge, 13.4KV distribution line that is the 60-24 circuit. That right now sits on its own poles and own separate circuit and as part of this rebuild they are under building which means they have their 69KV G line up top and underneath they will have their distribution line and have it's own cross arms which allows them to still do work on the distribution line but it eliminates, while the 69KV line is energized it still allows for the elimination for all those distribution poles. He said that is also another reduction they don't count in the reduction of the transmission line but it is a reduction of poles in that corridor.

Mr. Gunn if the static whip came off of that. Mr. Compagna said that's another point, the lightening mast is increasing on these poles which will increase the height of your shield wire above your actual load carrying conductors and it creates an umbrella of shielding over the actual conductors from lightening so that will reduce any risk of lightening affects that we have had on this line in the past. He said one of the main advantages in moving the line is it gets it away from that tree line, now its 25 feet away. There is vegetation outages they have noticed on the line so moving it that additional 25 feet is really advantageous.

Ms. Livigni asked if there is any consolidation going on with any of the distribution lines in PV? Mr. Compagna said they have their 7062 circuit, a 13.4 KV distribution circuit but it runs in parallel with the line right now so they have the G-line on one side and the distribution on the other. He said they will be rebuilding to look very similar to this. He said this representation is actually is about 95% of the poles with the final configuration so t hey think it is a much cleaner look for the entire line.

Ms. Olyha asked about the terminus 14 in Pleasant Valley, where is it. Mr. Compagna said it is right by the quarry. Mr. Compagna said that is double circuited with our E-line 69KV and he showed the board where it ran. Ms. Olyha asked what part of that goes with Iroquois and he replied the gas is about 2 ½ miles all the way up and showed where it tapered off. He said they have had preliminary discussion with Iroquois gas and they are fully aware of the project and they are addressing their concerns. A question was not audible. Mr. Compagna's response was we are stopping on that because they are actually double circuited their lattice towers, and the E-line and that runs to the PV sub station. It would just create a larger scope of the project and is not necessary for what they are trying to do here. The lattice towers are in good shape.

Mr. Compagna said we run with the 115KV C-Line and if possible, if they could, that corridor is shared from Todd Hill to Frost Hill and they would like to build them at the same time, that section of the G-line. He said it would reduce the impact on the homeowner. They will be in there rebuilding for the C-line and when they pull out they will re-seed and make sure everything is good and then a year later be back in there so they would actually start construction on the G-Line the same time as the C-line with the same equipment and matting and come out, rebuild that section and terminate and be fine until they want to complete the rest of it.

Ms. Livigni said for clarification the C line is the one the PSC approved. Mr. Compagna said the C line is under PSC regulations, an article 7 process which is in process now.

Mr. Komorsky asked about rock pads up near Frost Hill, and asked if was Central Hudson. Chris Callagero from Central Hudson said yes. Mr. Komorsky asked when complete will that be put back to grass seed and Mr. Callagero said they were all temporary accesses they had to put

in according to the State regulations to start the construction on their C-line. He said they are hoping to get in the next month or so. Mr. Gunn so the big pallets that have been thrown out, are they going to be there for the winter? Mr. Callagero said no, the ones they have on the A-line should all be removed by the 31<sup>st</sup> of December. He said the matting, there are different types, timber matting and composite matting.

Gary Cassaro spoke again. He talked about coordinating construction between the G and C line. He said the C line is already under construction and they do have some leeway to the construction activities they take on C-line, whether they start on one end or the other or how they sequence it. However, if the permitting process proceeds fairly expeditiously and with these developments it is a big question, they have that opportunity in the early part of next year to be looking at approval. If it drags on too much later they would probably lose that opportunity to coordinate those 2 projects. He said because it is a DPS approved project, it will proceed and added they don't have the option of stopping it. Mr. Cassaro talked about the Todd Hill substation. He said they building an extension 60 feet off the back end which is opposite Bushwick Road. He said there will be a new transformer, dead end structures and switches similar to what's in the present sub station so the look, size, heights of the equipment will be similar. Mr. Cassaro showed the board the existing structure and then showed the board a simulation of what it would look like after. He said you really don't see much of a difference.

Ms. Olyha and Mr. Cassaro talked about the visual and the area of tree removal. He said this site was developed and showed the storm water measures proposed to comply with DEC. He said you end up with a bio-retention pond in the back end of the site and swales and grading to bring any excess \_\_\_\_\_ and then letting out on a exit structure or discharge structure similar to what exists on the site now but larger. Ms. Olyha asked if the access road was on the same side and Mr. Cassaro said it is not changing. He said they scanned the access road along the substation 10-15 feet because it was narrow to accommodate equipment. Mr. Komorsky asked if the discharge structure was going to direct the water into the woods or go over the road. Mr. Cassaro said it will go in the same direction it is going currently. Mr. Cassaro the position of the discharge structure is similar to where it is now except the pipe is larger. Mr. \_\_\_\_\_ said on the eastern side of the sub- station there is an existing drainage swale, existing culvert that discharges close to the road and that drainage pattern will remain. Mr. Cassaro with the bio retention pond and the swales that will contain and control runoff than what currently exists. There is no impervious surface here, the whole substation pad is gravel and any of these roads are gravel. Ms. VanTuyl said Chris just brought to her attention that the construction of the A line is going to remove some of the trees in front of the sub station. Mr. Callagero said the trees out in front of the Todd Hill sub station in accordance with for the A line have to be removed because they are considered a danger tree for clearance. They are a lot of cedars and they are in bad shape anyway. He said they will replace them with a tree that won't grow so high and cause outages. Mr. Callagero showed the board where. Ms. Livigni asked if Central Hudson could look into a tree that is less interesting for deer to eat. They said they could.

Mr. \_\_\_\_\_ said the construction of this is unique in that it is over an 8 mile stretch and the right of way is 150 feet but the implementation of the re build is somewhat surgical, there's not a whole lot of earth work and it is really focused on removing the existing poles and installing the new ones. Because this line goes back to the 30's within that 150 foot ROW there's already existing access driveways that can be used for construction so 90% of that ROW will be accessed on existing driveways through the grassed open field. In the area where there are sensitive resources, wetlands or streams those are the areas that will be matted as discussed earlier. He passed out pictures of some current projects to show the matting. He said the

majority of the right of way is remaining stable. The majority of it will remain how it looks today and then after the temporary access and temporary vehicular access is constructed everything will be stabilized and the machines will be pulled out and it will look very similar to what it looks like now and showed the board a simulation. The work really will follow the existing poles and the proposed poles. Chris Callagero spoke again. He said the new poles will be installed along side the existing ones so they can build their new line while the old line is still energized and then at the time of the transfer over, energize the new line, remove the old line and it will all be cleaned up at once.

Ms. VanTuyl spoke about the permitting process. She said they will be responding to the comments made by the engineers, progress that discussion along. She said both in PV and LaGrange we have filed for applications with the Code Enforcement Officers for some interpretation of the zoning law, most particularly how the height regulations in the code apply to these poles. She said the codes in both towns are similar but not exactly the same. She said some of these poles are higher as part of meeting ground clearance requirements but it is impossible to say is one pole any percent higher than another pole because they are being put in different locations and depend on that. She said they are going to need that interpretation and hope it is forthcoming because that will indicate whether they need height variances and if they do that will be among the permits being sought and to cover that eventuality the ZBA in both towns have been included as involved agencies. Ms. VanTuyl said she will bring the graphics presented tonight with them in the future to help answer any questions.

Mr. Brenner said you previously replaced the poles with steel poles a few years ago and when you replaced that line, it crossed some of his property and said now you are going through with a new one and asked why we didn't go through any of this process that time. Mr. Callagero said that was a maintenance repair and this is a rebuild. Ms. Olyha added there are going to be 2 lines out there until 1 is removed. Mr. Brenner said he understood. Mr. Callagero said we will be replacing all the wire and conductor on this job, which is also different from the maintenance work.

Mr. Cassaro said building this in parallel is actually a big advantage because it allows them to move forward and build this whole project without having to have temporary outages and less disruption. He said in this project the rebuild is going to be totally new.

**HATFIELD AMENDED SITE PLAN** – Proposed amended site plan located on Hatfield Lane containing 16.8 acres (Grid No. 6261-02-805774); initial presentation.

Mr. Bill Moreau was present for the applicant. He said they were aware they need some variances for this but the ZBA wanted to hear from the Planning Board first. He said a small temporary storage building is proposed – 30' x 60'. He said it is for fabrications that are prepared and then they have to wait for a sub assembly or delay in galvanizing and are piled up outside so Chris & Henry would like to put this building up to clean up the site and store the stuff inside. Ms. Olyha said a while ago they had come before the board with another plan. Mr. Moreau said there's been a couple, a mini storage warehouse and Ms. Olyha asked if it was active and Mr. Moreau said no. Ms. Olyha said she wants to make sure nothing is open while pursuing this and said she wants to make sure all the old projects are withdrawn. Ms. Moreau said he can confirm that. Mr. Moreau said this project is out of the floodplain with the elevation of the floor there might not even be a slab, Henry hasn't decided yet. He said there are no new workers and no new equipment. He said the only service that will be in the building is electric so the lighting circuits will be 4 feet or more above the floodplain in compliance with the flood prevention code. He said there is no heat and no plumbing just a pre-engineered storage

building. Mr. Moreau said they are looking at 2 variances – 1 for the setback from the front road frontages and the other setback from a residential zone. He said they are significantly short however the neighborhood already has a couple of commercial buildings closer than this proposal. Ms. Olyha said the residential being across the street and Mr. Moreau said yes. Ms. Olyha said which is technically Overlook Road, the turn right there. Mr. Moreau said the proposed building sits about 45 feet lower than the road. Ms. Olyha asked is it the same height or smaller than the building that is existing out there now. Mr. Moreau said it won't be any higher, might be a little shorter. Mr. Moreau said you wouldn't see it from the road. Ms. Olyha asked if they were before the ZBA and Mr. Moreau said the ZBA suggested we come see you first because they didn't want to give them a variance without the Planning Board liking the project. He said they have the application. Mr. Gunn said he just want to make sure the old projects are withdrawn.

Ms. Livigni said the minutes will reflect the Board's comments.

**GALLO SUBDIVISION** – Proposed 2-lot subdivision located on Traver Road & Meddaugh Road containing 35.52 acres (Grid No. 6462-01-477583) initial presentation (former Fox Hollow Sub)

Mr. Brian Stokosa from M. Gillespie & Associates appeared before the Board. Mr. Stokosa said this is the old Fox Hollow Subdivision. Ms. Appolonia sold the parcel to the Gallos. He said this originally 9-lots with a town road and heavy disturbance through the site. They are now looking to do a 2-lot subdivision. The existing farmhouse and barns will be the bigger piece and the parcel which was formerly lot 9 is now going to be the 2<sup>nd</sup> lot. 6 acres +/- and the thought is they will have their in-law live in that house after divided. Mr. Stokosa said they tried to utilize work that already has been done, the existing septic area for lot 9 they are going to try and use. He said the applicant wants to position the house on the hill looking down. Mr. Stokosa showed the driveway which will have access where the town road was formerly proposed. So the center line for the town road is now the center line for the driveway. Mr. Stokosa said site distance was tight there. He said there is a small drainage improvement, culvert under the driveway and there was a little bit of clearing on the old subdivision to clear some brush. Ms. Olyha asked was this the house that had the driveway that went up on a little hill. Mr. Stokosa said yes.

Ms. Olyha asked the acreage for each lot. Mr. Stokosa said they are 6 acres and the balance is 29 +/- . He said they had to do a little right of way dedication because the property line does cross the road. He explained where the dedication is located.

Mr. Brenner asked the road frontage for lot 2 and Mr. Stokosa said 250' +. Ms. Livigni said she recalled on the previous application there was drainage, a lot of runoff and storm water. She asked would the applicant consider putting a conservation easement on the rest of it so we don't have to deal with that in the future. Mr. Stokosa said asked if it would be restrictive to structures and Ms. Livigni said subdivision. Mr. Stokosa said he would discuss it with the applicant. But the intent right now is to proceed with a 2 lot subdivision and he said he didn't know if there were any future plans down the road. Ms. Livigni said that would be up to the board if they wanted to entertain that.

Ms. Olyha said if they are considering subdividing possibly in the future it should be shown now so there is not segmentation.

Ms. Livigni asked Mr. Stokosa about the Building Inspector's memo and asked if had a chance to figure out what it means. Ms. Livigni said there is 3 buildings and there is a statement that by reducing the lot size it's making it more non-conforming and it's not based on the acreage but

on the 3 structures. She asked what are those 3 structures. Mr. Stokosa said one is a house, small cottage and a barn. Ms. Livigni asked if the cottage was an accessory apt. now and Mr. Stokosa said he believed it was livable. Mr. Stokosa said which is strange because when they went through the subdivision he didn't think that issue came up.

Ms. Livigni said so the board may want to seek clarification from the Building Department on that issue because it does create a problem for this board to proceed. Mr. Stokosa said he thought they pre-dated zoning.

Mr. Brenner asked about the septic that was originally lot 9, and was it Board of Health approved and if it was expired. Mr. Stokosa said they had all the septic approved and test wells approved. Technically the BOH approval does not start until they actually sign the map which means we've posted a bond with the town, fees have been paid. He said they got to the point with the previous application of getting everything set except for establishing the bond and moving forward with actual signatures on the map. He said they have a verbal approval on those 9 septic fields and test wells but as far as the actual signing of the map, they never got to that point. He said he would make a new application with the new owner's information and a new map and just use the same test information so it would be an amendment with the new title of the subdivision. He said they would still have to go through that process with them.

Ms. Olyha asked about the 3 buildings and asked weren't they all supposed to be removed. Mr. Stokosa said he knows they kept the cottage and Ms. Olyha asked if that was going on a separate lot and Mr. Stokosa said he didn't think so, it remained. He said he knows the bigger barn was supposed to come down because they shifted the storm water pond. Mr. Stokosa said he would give Ken a call and see how he wants to proceed and he may want them to go to the ZBA. Ms. Olyha said since you are in the Ridgeline you know you have to abide by certain criteria. The Board set an escrow for \$500.

**ADLER TIMBER HARVEST SPECIAL USE PERMIT** – Proposed Special Use Permit located on Cole Road containing 22.28 acres (Grid No. 6661-01-061994); declare Lead Agency.

Mr. Brent Feldweg appeared before the board. The Board discussed the issue of the Ridgeline. Mr. Feldweg said there will be very few trees harvested from the Ridgeline area. Ms. Olyha said well the entire site is in the Ridgeline area. Ms. Olyha said that's why the response was odd to her because you said very few trees will be in the Ridgeline Section but when you look at it the Ridgeline section runs from 670 down to 470 which is the entire site. Mr. Feldweg said the confusion may have come from the LaGrange CAC, there was mention of exposed Ridgeline and there is no exposed ridgeline on that site. Ms. Olyha what they meant is you would expose the ridgeline. She said it's not that there is exposed Ridgeline. She said to her when Mr. Feldweg said there is no exposed ridgeline, she wants it clarified that the canopy will not have an exposed area. Ms. Olyha said she didn't think Mr. Feldweg understood what it meant by exposed ridgeline.

Mr. Brenner made a motion to declare Lead Agency, seconded by Mr. Zeidan and the motion carried unanimously. LEAD AGENCY.

Mr. Artus brought up the letter from the DEC and asked if he met with the Highway Superintendent. Mr. Feldweg said he hadn't but would. Mr. Artus said that could be a condition. Ms. Olyha read a portion of the letter which is on file in the Planning Office. Bats and Turtles were mentioned.

Mr. Brenner 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 Mr. Sforza and carried unanimously. **NEGATIVE DECLARATION.**

Mr. Sforza made a motion to grant a special use permit, seconded by Mr. Rosenfeld and the motion carried unanimously. **SPECIAL USE PERMIT GRANTED.**

**DURANTS TOOL CENTER SITE PLAN** – Proposed site plan located on Freedom Plains Road containing 1.283 acres and 0.730 acres (Grid Nos. 6361-03-058278,04530)

Mr. Bill Povall appeared before the board. Ms. Olyha talked about the note on the plan that referred to the parking on the parcel to be conditioned upon the ownership in the comment about the parcels. Mr. Bolner said there is a note on the plan that clearly indicates that the parcel that is parking only is parking only for the other parcel. The intent of what the board was looking for is that these be permanently tied together is in essence addressed but if the board would like that strengthened by stating should ownership cease to be in common, that that parcel lose the approval, whatever the board would like. Ms. Olyha said the intention was that it will not be a parking parcel to stand alone and if the 2 become separated, the parcel does not get to be a parking lot for somebody that it has to have a real site plan. Mr. Bolner said they put on the note that parking lot can only be for the parking for the other parcel, so in essence if they did sell it, the guy would be buying a parking lot that he can only provide parking to the other parcel. He said if you want it strengthened then.....and Ms. Olyha said we wanted it tied to the business. Mr. Bolner said it is tied and Ms. Olyha said well the parcels are tied. Mr. Povall said and it is tied to the business the way the note is written. Mr. Povall read the note "Parking as shown on Parcel ending in 301 shall be associated with the business operating on parcel ending in 278, which is the main parcel. No other parking associated with any other business operations or owner shall be permitted". He said so even if the parcel sold to another owner, or another business, it clearly states in his opinion that parking is associated to that and the reason is as it is 2 parcels, and the owner does decide to sell the property to another owner, the business owner still would want the right to operate his business as it is now, whoever owns it isn't as important to tying the parking to the business on the main parcel. He said no matter who owns the parcel, that parking can only be used for the main business. Ms. Olyha said the board's concern is that let's say it's no longer a rental business and something else and they start parking stuff back there that we have not approved, u-haul trucks or something like it. That is the Board's concern. Mr. Povall asked wouldn't they be required to come in for a site plan approval. Ms. Livigni said no, they would come in for a change of use. Ms. Olyha said that's why they wanted the note on there that they do have to come back for a site plan but if they do change of use that doesn't automatically come back. Mr. Bolner asked what should the note say?

Ms. Olyha said the approval for parcel 301 shall be conditioned upon the ownership in common of parcels 301 and 278 is what Mr. Bolner said but that still doesn't take into account if the type of business changes and something that's not just storage for equipment; they don't have to come before us.

Mr. Povall said with this ultimately becoming an approved site plan, all the notes and conditions on this plan, so the way this is written is if there is any other use, Ms. Olyha added she didn't think it said use. Mr. Povall said it said business operations. Ms. Olyha said instead of operations it should be use and Mr. Povall said it could read business operations/use. Mr. Blass

suggested an additional sentence that said "change of use shall require amended site plan approval" and Mr. Povall said he could add "any change of use on any of the 2 parcels will require amended site plan approval". Mr. Bolner said he did say while it is understood that the Zoning Administrator has said that this is the practice of the town, it is 2 separate parcels and he should supply the board with a letter that has in the file that we didn't just make this up. Ms. Olyha said didn't we ask for that 2 months ago? Mr. Bolner said he believed so, it may have come it but he said he never saw it. Ms. Olyha said 2 months ago in the minutes the board asked for 2 things, that and the boxes. Mr. Bolner said the boxes have been removed. Ms. Olyha said we had written a note to the Zoning Administrator asked for 2 specific things and she said she didn't think we received either one of those. Mr. Bolner said it should be a letter from the zoning administrator. The boxes went away so we just need a letter indicating that it is the policy of the town.

Mr. Bolner said the town code requires paved parking and the board had indicated to allow that and it should be noted. Ms. Olyha said they are paving just the entranceway and Mr. Bolner said it should be noted in the resolution that it is being waived. Ms. Olyha said so all we need is clarification from the zoning administrator.

Ms. Livigni said this is not necessarily the applicant's fault and asked the board to consider approval conditioned on a letter from Ken and the note being written. Ms. Livigni said she will verify and the key is the note from Ken we've been waiting for.

Mr. Zeidan 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 Mr. Sforza and carried unanimously. **NEGATIVE DECLARATION.**

Mr. Brenner made a motion to grant site plan approval conditioned on the letter from the Zoning Administrator and the note on the Plan, seconded by Mr. Gunn and the motion carried unanimously. **SITE PLAN APPROVED**

### **REFERRALS FROM TOWN BOARD FOR DISCUSSION AND/OR COMMENT**

Town of LaGrange Proposed Local Law: amending Chapter 240 "Zoning" to amend Section 240-32 in its entirety to establish regulations for open space cluster subdivisions, Repealing section 240-33 regarding planned development districts, repealing section 240-36 regarding senior citizen housing districts, repealing section 240-36.1 regarding alternative senior citizen housing districts, and amending section 240-112, definitions, to add definitions for attached dwelling, semi detached dwelling and common area.

Ms. Olyha asked if the any Board member had a comment. There was no comment  
Mr. Sforza made a motion to adjourn the meeting at 8:42, seconded by Mr. Zeidan and carried Unanimously. Meeting adjourned.

Respectfully submitted

  
Eileen Mang  
Planning Board Secretary