

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

Ms. Olyha announced that the agenda would be switched slightly to bring the Referrals from Town Board for discussion up to the front in order for the Town Attorney to be present.

Ms. Olyha said up for discussion is proposed local law amending section 240-71.1 section 240-27 Schedule A and section 240-35 (H) (2) (a) (8) of Chapter 240 ZONING OF THE LAGRANGE TOWN CODE TO MODIFY REGULATIONS PERTAINING TO DRIVE-THROUGH SERVICE FACILITIES.

Ms. Olyha asked the board if they received the local law and asked if the board had any comments. Mr. Straub asked about the town center allowing it only for pharmacy and banks. Mr. Blass said the current rule with respect to TCB prior to this amendment is that no drive-thrus are allowable with respect to restaurants or fast food restaurants. He said what this amendment does in that regard is to add some additional for clarification sake that the prohibition with respect to drive-thrus in the TCB zone covers, as it does now, restaurants, fast food restaurants and also the retail of sale and distribution of food and beverage. Thereby broadening or clarifying the scope of the prohibition. Mr. Straub said he understood. Mr. Gunn said asked if this will go into affect immediately as soon as the town council ratifies it? Ms. Olyha said as soon as they vote for it and file it. Mr. Gunn asked would that negate the 6 month moratorium then? Mr. Blass said correct and Mr. Gunn said once this goes in the 6 month moratorium is out and for the sake of argument if somebody wanted to open a pharmacy in TCB in June and have a drive thru, they could, or could they put in on the plan. Mr. Blass said the way it currently reads all retail establishments with the exception of restaurants, fast food restaurants and retail sale and distribution of food or beverage would be sites for a drive thru, subject to Planning Board approval and the issuance of a special permit. Mr. Brenner said so to recap it's only for the way it was, pharmacies and banks only. Mr. Blass said the clarification applies to the prohibition or the limitation, what cannot occur as to what can occur and so the exclusion currently says not for restaurants, not for fast food restaurants. The amendment clarifies the exclusion to say not for restaurants, not for fast food and not for any retail sale or distribution of food or beverage whether it's a primary use or subordinate use. Mr. Sforza referred to McDonalds in the Town Center and asked what would happen if they wanted to expand or remodel or expand the drive thru, would that be a problem. Mr. Blass said that would be subject to special permit review by the Planning Board. Mr. Blass it may also be subject to the prohibition because the only reason the driveway continues at McDonalds and may continue is that it is a prior non-conforming use with respect to amendments to the town code decades ago.

Ms. Olyha asked does the board have any recommendation or comments to send to the Town Board on this local law. Mr. Straub had none, Mr. Gunn had none and Mr. Brenner said he personally opposed it. He said he heard notions just between Lauer, Stringham, just the town center, not from the Taconic all the way down. Ms. Olyha said they did not amend the town overlay zone for town center and Ms. Livigni said there's been no zoning change. Mr. Gunn so now it's the Taconic to Cinnamon Tree. Mr. Brenner said he was opposed to that. Mr. Brenner said he could understand between Stringham Road, Lauer and Todd Hill, in the new Town Center but not out in the fringes. Mr. Sforza said he agreed with Tony. Mr. Brenner said you are taking businesses that have been here for a long time talking away their ability to retire or sell their business. He said how can you be on Rte. 55 and not have a drive thru. He said he didn't think it was fair. He said the new part he agreed.

Ms. Olyha resumed the regular agenda. She said she had some minor corrections to the minutes. Mr. Straub made a motion to accept the minutes of February 20, 2014, seconded by Mr. Gunn and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARINGS:

DALEY FARM DEVELOPMENT – Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid No. 6360-03-081270, 099220, 22931010)

Mr. Steven Rieger spoke. He said they have been pursuing this project with both the Planning Board and Town Board for a long time. He said they have completed the environmental review, the SEQR process which was completed through their submission of a draft EIS and a final EIS and the Planning Board's adoption of a findings statement. He said they then went to the Town Board where they enacted a PDD, a Planned Development District for this property and that was completed. He said they are looking for the board to grant preliminary approval, and added they didn't expect it tonight. He said the project is located adjacent to Noxon Road and Titusville Road consisting of 233 acres and the plan includes 76 town homes, 60 single family homes and we maintain an existing farm/lot parcel which includes the existing farm house and barns and about 57 acres. Since the public hearing on the SEQR end of it, the plan has not changed in any material way. The Engineers have done a lot of work on utilities and drainage mostly how the project relates/ works internal to the site. Mr. Pete Setaro spoke. He said for some general orientation, he pointed out the entrance road, he pointed out Titusville Road, Noxon Road, the Rail Trail, Gold's Gym and part of the open space is the former Petrovits farm which is going to be preserved as open space. He said the main access will be off of Titusville Road and showed the board how it would come in. He said there would be a stream crossing, which will require a DEC stream crossing permit and he said they have submitted a Stormwater Management Report, a floodplain analysis for this area. He pointed out the high points of the site. He referred to a small cul-de-sac road with some town homes and showed the other town homes further up the hill. He showed the board the clustered single

family lots, 3 larger single family lots and said most of them were in an area he showed the board. He talked about a road coming up, showed it looping around and another road tying into the existing Bray Farms Subdivision. He showed Colleen Court. He said they have been working with the residents throughout the PDD process on Colleen Court, there were many concerns about increased traffic, the speed. He said they have also worked with the town officials to come up with some improvements to an area of Colleen Court that will include reducing a vertical curve and also do some other improvements to the road that will act as some traffic calming. Mr. Setaro said there is approximately 7,500 lineal feet of roadway. He talked about storm water management basins designed, and showed the board the location including a large one in back of the farm. He said there will be some individual storm water treatment on each of the individual lots to treat some of the roof runoff. He said it is anticipated that the project is going to be developed in phases. He said 7 phases are being planned progressing Titusville Road in, some inter-mixed phases where they will do some single family lots and some town homes in another area. He said a lot will depend on the market at the time. He said one of their phases, a big concern was with providing emergency access so as part of the first phase, the road he showed the board eventually tying into Colleen Court will be rough graded with item 4 and it will be maintained by the applicants throughout the life of the project until we start to go into the next phase and that section of road will be developed. He said they will be maintaining an emergency access all the way out to where he showed the board and added they haven't figured it out yet, but there will be some type of gating here. He said there is going to be central water and sewer that will be served by the town and they are also going to make a water connection over to Simone Drive not only to benefit this project but to help for some others within the town that are currently served by the water system to help with fire flow, pressures. He said the project hasn't changed much at all from when they went through the PDD process. He said the changes that were made to an area he referred to involved some small clustered areas and once they got into the process and meeting with the Highway Superintendent and other town officials, they felt a longer loop road was going to be easier.

Ms. Olyha declared the public hearing open and asked if there was anyone in the audience who wished to speak. She said all comments have to be answered by the applicant in writing. She added a letter from James Moore in to the record.

Mr. William Robinson of 112 Simone spoke. He asked the size of the homes. His concern was for how many kids are being added to the schools. Ms. Olyha said it was mentioned in the EIS but didn't recall. Mr. Rieger answered the single family homes are not designed yet but they are contemplating 4 bedroom homes, between 2,000-3,000 sq. ft. and the town homes will be a mix of 2-3 bedrooms. Mr. Rieger said he didn't recall the number of new students and added the school district was aware.

Ms. Olyha said the EIS that was prepared with the data from the school is in the offices downstairs and invited Mr. Robinson to look at it. Mr. Robinson asked if water tying into Simone was related to fire and Ms. Olyha said it's a part of the water system in

LaGrange. He said all systems want to be looped as much as possible. Ms. Livigni said this is to benefit both Daley Farm and his subdivision.

Mr. Larry Kelly of 3 Colleen Court is a resident for 28 years. He wanted to note that some of the neighbors couldn't be there. He said his neighborhood has been talking about this with the boards for years. They have worked with the boards and developers with some changes being made to mitigate their concerns. He said in the approval process there are regulations there to protect existing property owners and some of the expectation is that the new development is compatible with adjacent neighborhoods and that there is a consistent transition between neighborhoods. Mr. Kelly said in the early plans, that was not the case. He said with some work with town officials there were some changes made that mitigate some concerns. He said some of the issues the developers might need help from the boards to have effective measures to take care of some of their concerns. He said also to be aware that changes don't adversely affect living conditions in the adjacent neighborhoods and there is no adverse impacts on public safety. He said Bray farm is a nice quiet neighborhood and that is going to change, and it's not a good change. He said there were some activities done for traffic mitigating measures and they may need some help keeping them and/or enhancing them. Mr. Kelly said another piece is the cumulative facts of all planned and near term development is addressed, that's a law and we didn't see that in this in this process. So there are elements that are safety issues because we didn't look at the cumulative impact of the safety from all of the development in LaGrange and Wappinger as detailed in the state regulations, we actually have to take a step back and look at what are we doing to the Noxon/Maloney intersection in particular. He said there has been another fatality since the last time he talked to the board. We have to take a look at what we are doing with traffic flow and traffic. Mr. Kelly said next – no adverse impacts on property values in the adjacent areas. Initially that wasn't talked to and that's one of the points that Stacy kept bringing up and they did get it in writing and the developers took some actions on it to take care of the transition which would have been a big impact and they agreed to make some changes, and we don't want to lose those changes. He said last thing is there is no substantial reason why the applicant fails to aggressively pursue alternatives. With the alternatives, one of them was to tie into Daley Road which stopped fairly early in the process because it involved the rail trail. He said Bill Steinhaus is not going to let anything cross over the rail trail. Morris Associates did help out at Hopewell Glenn where they do have a crossover going over the rail trail going to the Toll Brothers estates so it's doable but it didn't get pursued and done, and it left them feeling a little bit like a victim because it took away an alternative instead of going to Colleen Court. He said an alternative that was looked at was to go right on to Noxon Road, in the FEIS it says the DEC had issues with that and there is a wetland in the area in the barrier, existing path and the island would have to go to and it would actually go to the driveway that is going to be used for the new lot they are putting in off Noxon Road, he guessed that lot would have some of the boundary area but it won't have wetland? He said that was a question – that the new 3 acre lot wouldn't have any of the wetland, just wetland boundary area in it. The Board discussed the issue. Ms. Livigni said but the building square is not encumbered by wetland. Mr. Kelly said the FEIS got approved with this coming out on Colleen Court. He said bottom line is the developers

are going to gain from the development and make money. He said looking at this it's 426 bedrooms. He said the paper work he's seen it's going to be tax neutral for the town, tax negative for the school and tax positive for the fire district. He said the big gain on the town is the town has some long standing issues with the sewer and water districts and this will help with some of those issues and has been talked about. He said so this development is a benefit there. Mr. Kelly said in terms of the adjacent neighborhoods, it's not like this is a positive there, it's going to change and some is stressful. Mr. Kelly mentioned concerns about the 3 hillcrests in the Bray Farm Development with limited site distance issues. He referred to the one at Colleen Court, the intersection of Colleen Court and Bray Farm Road and Curtin Court going into the Bray Farm Road, which he said they provided pictures for. He said the board had a walkthrough and the limited site distance on Colleen Court, the actual process will actually take care of that and he talked about shaving and back filling. He said there are still 2 limited site distances which has nothing to do with the developer there, they are basically left there from the original development. He said the key to maintain safety here is we have to actually limit the traffic going through the Bray Farm Development. He said the actual EIS said there would be a 400% increase in traffic but when you take a look at other calcs that you can do for what's called alternate route seekers, we are probably going to have a 1,000% increase in traffic. He said they need to make sure that the traffic mitigation measures that we plan into this development are effective, right now the traffic mitigation, the actual roads coming up through road C and all are going to be 20 wide instead of the normal wider width to create a sensation that you can't drive as fast.

Mr. Kelly referred to Road C, the one cutting into Colleen Court, it has 2 – 200 foot radius turns in it and he said it was selected because that's what the town's regulations said to go to. He said that's basically set for 30 mph, basically to follow the town speed limit. He talked about the 100 foot radius turn on Maloney Road can actually handle 40mph, so effectively the 200 is the tightest bend that the town let them put in but it's not going to be a heavy speed mitigation issue. He said he was at the Town Board meeting and said it is a recurring issue that comes up. He said the Town Board's options are limited once the development is in. Mr. Kelly said fixing it in the beginning is easier for the traffic mitigating measures. He referred again to the 200 foot radius and the disadvantage being it's not a robust measure to limit the traffic volume. He talked about putting in some chicanes. He said the plan was to put them down by the stop sign by Colleen, but everybody is already stopped so it's a waste of money, gaining no benefit because everybody is already stopped. He suggested putting chicanes in on road C because it will get everyone to slow down again, more so than the S shaped curves. He said when they are added after the fact, they are more expensive. He said the town and developer were receptive to them earlier might be good to putting them in mid loop. He said stop signs were discussed at the Town Board.

Mr. Kelly referred to coming out of Bray Farms on to Maloney Road, it's a very short distance and said it's not in the development the developer is doing but it is roads that exist, you don't have a lot of site distance issues and statistically the more traffic you have there the higher the probability that you are going to have an accident. He

referred to the County Roads – Titusville into Noxon and a blind spot and talked about poor visibility. He referred to the recent fatality.

He said all we can do is to make sure we don't start routing extra traffic there and when you take a look at the other developments going in, that the county does something on that intersection. He said the Maloney Road/Smith Road crossing is a problem.

Mr. Kelly talked about the temporary road and a gate. He said there is a gate in a development in the town that has a lock box on it and the issues of snow and keeping it closed and open, and a discussion at the Town Board about making it a siren activated gate and everything was positive on that. He said Jon Wagner and the Board at one point was talking about putting in a gate between the actual development itself. He said officers from the LaGrange Fire District had the biggest issues with putting in a gate there, it was a safety issue for the emergency access. He said they don't have a problem as long as it has a siren activation. He said leaving it there with siren activation may be a long term plan.

Mr. Kelly said on the plus side, they've been working with the Planning Board and Builders and the developers and Town Board. He said they are not trying to be an adversary with them, trying to be a partner, he added everybody seems to be open to do the right thing voluntarily and we have to come out with the right ideas, work together and get it done right and safely.

Mr. Gunn said he realized that the intersection of Noxon and Maloney intersection are very dangerous but the fatality was a result of someone trying to evade the police. Mr. Kelly explained the incident.

Bill Larue of 9 Davis Road Spoke. He asked for clarification on a line going next to his driveway. Ms. Olyha said he was pointing to the property line across the street from his driveway. Mr. Larue wanted to make sure it was not a sidewalk. Mr. Larue expressed concern for the current environment and it be preserved as much as possible in this process. Mr. Larue talked about flooding and didn't want anything to exasperate the issue. Ms. Olyha said she believed the developer wants to do the same thing and the only place where they are touching the wetlands is where they are crossing it where the road crosses it. Mr. Larue asked about the shaded area and Ms. Olyha said everything from the shaded area towards Davis Road, they are not touching. Mr. Larue asked about the secondary access on Noxon Road. Ms. Olyha said it's not secondary, it's just one driveway right by the pond. Mr. Larue asked plans for the size of the home. Mr. Rieger said no specific plans at this point.

Mr. Kelly spoke again. He referred to the existing Bray Farm Development and sharing the same water pocket, he talked about his water silting up and asked for notice when the well drilling starts so they can be prepared. Ms. Livigni suggested the applicant put a note on the plans that 72 hrs. notice required before drilling wells. Mr. Kelly said that should be fine. He talked about service disruptions and asked for notification of service disruptions when they are actually cutting the road. Ms. Livigni said she didn't know if

the developer would have control of that. Central Hudson – Ms. Livigni said during construction both she and Mike Kelly will be out there and said she couldn't ensure there could be any requirement on Central Hudson, we can request it, but wasn't sure about the ability. He referred to marginal electrical service, voltage drops, etc. and Central Hudson said the services that were laid there was just what they needed to get by, he said the plans call for adding on a lot or 2 in early phases before the utilities come through the development and tack on to the end of Colleen Court and we want to make sure they don't start burning up motors, he's had 2 electrical fires. He talked about trouble with internet being tacked on to. He said they have internet disruption now and tacking on to that will make it worse. He is asking not to make things worse. Mr. Kelly referred to blasting or rock cutting and asked to be notified.

Mr. Straub made a motion to close the public hearing, seconded by Mr. Gunn. Mr. Blass said Mr. Artus had a comment concerning closing the public hearing. Mr. Artus said we were waiting for comments to come back from County Planning and Ms. Olyha said we would need to adjourn. Mr. Blass said this is one of those odd situations, or not typical ones where there has been a full EIS review by the Board and the SEQR process is closed and now since it is closed we have to keep our eye on the statutory 62 day time clock for rendering decisions on subdivision applications and this is in part a subdivision application. He said we want to keep monitoring this and getting extensions if possible from the applicant so that we don't run into a default approval situation under the statute. Mr. Blass said that's another good reason for keeping the public hearing open.

Ms. Olyha said we are changing closing it to adjourning the public hearing in the motion and carried unanimously. PUBLIC HEARING ADJOURNED.

Ms. Olyha said all those questions need to be answered in writing.

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

Mr. Brian Stokosa appeared before the board. Mr. Stokosa said there's been a number of iterations on this, had preliminary approval for a 12-lot subdivision in 2006 and Steve Page is the new applicant. Based on the economy and expense they looked at shortening the road back 2 years ago and reduced it to 10 lots with an 1,100 foot road and storm water management pond. He said they took another look and tried to create a different clientele, they now are going with a common driveway 5-lot configuration, larger estate lots with the ability to support horses on each parcel with a common riding area surrounding it. It's 55 acres with 5 proposed homes. He said the problem with this is frontage, only have 100 feet on Rte. 55 and so they talked to Ken and proceeded with an open development plan which gives them relief on the road frontage requirement so they have 5 lots that gain access off of a separate piece which will be contained under a homeowner's association and will be a common riding area also within a homeowner's association, that all 5 lots will share a piece of. He said this has been discussed with the Town Board. All 5 lots will have individual wells and septs, they are lessening

impervious, lessening disturbance. They are trying to create a different kind of marketable subdivision. The Board discussed the issue of lot 5 and after discussing the meeting with Ken and the applicant, they came up with this.

Ms. Olyha declared the public hearing open and asked if anybody had any comments.

Ms. Olyha introduced letters from the CAC and DEC. Mr. Stokosa said they are updating the Army Corps Wetlands flagging and it will be verified and Ms. Livigni said she had that in writing and the CAC was informed.

Mr. Straub made a motion to close the public hearing seconded by Mr. Gunn and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Olyha asked about dividing it into 5 pieces, she said it looks just like a regular lot that's not buildable so what happens if any one of those 5 people default on the homeowner's association. She said there has been other properties within the town that have been used as drainage and they default on it and it goes to the county and the county puts it up for auction and somebody buys it thinking it's a building lot and it's not. So what gets in place so that this will always say this is not a building lot and cannot be built on, it is for the homeowners association for the driveway only.

Mr. Lyons, conflict attorney for the Town spoke. He said the final plat should have a note that that lot is not buildable what makes it clear what the purpose is. And it is not to be developed for residential purposes. Also when the board issues preliminary approval and set for conditions, the board may want to require that the deed for that lot also contain a restriction, that it not be used for residential purposes and the applicant provide a copy of the deed prior to granting final approval so he can look at it. Ms. Olyha asked if the individual lots deeds tied into that 1/5th in the other deed, is there a referral in that. Mr. Lyons said he met with Ken to talk about what their suggestion would be to the applicant, he hasn't seen the map that's being presented tonight. Mr. Stokosa said there would be one for the road and common driveway and storm water and the 2nd piece be the common riding area everybody shares. Mr. Brenner asked what are they calling that lot and Ms. Olyha said the homeowners association lot is what they just called it. Mr. Lyons said they are HOA lots, so it's going to be 2 lots. One for the riding and one for the driveway. Ms. Olyha said we all received Ken's letter as part of an email and in it, it set up a red flag for her because it said that he wanted a private road and we don't do private roads except in open conservation subdivisions, so this is actually a driveway, it is not a private road, it is a shared driveway. Ms. Livigni said a common driveway, as per our code. Ms. Livigni said Ken just put down the wrong term. Ms. Olyha said she wanted to make sure everybody was on the same page. Mr. Gunn said common driveway, so it won't be signed blue or green, what will it say, and Ms. Olyha said they can put up a blue sign. Mr. Gunn asked who is maintaining this and Ms. Olyha said the Homeowners Association. Ms. Livigni asked Mr. Lyons to explain to the board the benefit of going with the Homeowner's Association. Mr. Lyons said the HOA is actually the alternative which is most beneficial for the town because it provides the greatest degree of confidence that the maintenance obligations that are going to run

with the common properties are going to be fulfilled. With a common driveway maintenance agreement you have everybody who buys a lot in the subdivision sort of voluntarily when they buy the lot buys into this. He said they appoint a person as a manager and try to impose a structure so things can work smoothly. He said there are few little rules set up in those agreements and its up to people to work together and their record in terms of working smoothly isn't spectacular so the New York State Department of Law of the Attorney General's office actually encourages Homeowners Associations whenever you have common infrastructure, it provides a formal structure to take care of billing out the people who own the lots, and there's an entity the town and the homeowners can go to, a legal entity to go to to make sure the obligations are fulfilled and everything works smoothly. It's not a guarantee, there have been problems with HOAs also but the applicant will have to file an offering plan and the homeowner's association will have to be approved by the NYS Attorney General's office and there is certain criteria that have to be fulfilled with that. He said they have a lot of experience in making sure you have everything built into it that gives you the greatest chance of it working smoothly. He said from LaGrange's standpoint, it's a very nice way to handle the situation that's been presented on this lot.

Mr. Brenner said he agreed that it worked good. Mr. Lyons said sometimes there is resistance to it on the part of applicants because there is a cost associated with setting it up and getting it done but it is the cleanest and most reliable method of handling this situation.

Mr. Brenner asked could you opt out if you weren't into the horses. Mr. Lyons said you have to be a part of all of it.

OTHER BUSINESS:

FREEDOM PLAINS PRESBYTERIAN CHURCH – Proposed amended site plan and special use permit located on Rte. 55 and Stringham road (Grid No. 6460-02-650904;710874

Mr. Day said they are here to hopefully request the board set a public hearing. Mr. Artus said this is ready. The Board set the public hearing for April 17, 2014.

WRIGHT FARM SPECIAL USE PERMIT FOR LOT 8 – Proposed special use permit located on Noxon Road containing 115.71 acres (Grid No. 6560-04-969085); initial presentation.

Ms. Livigni reminded the board of Wright Farm Subdivision on the corner of Rte. 82 and Rte. 55. She said the large lot on the plan, the filed map calls for individual Ridgeline Permits and SWPPS. He said they are actively in front of the county discussing road access from this lot and are before the board for this reason.

Ms. Olyha said this is the same as Pittman, and suggested the paperwork say the same thing, Ms. Livigni said we can add and have it however the Board likes it. So it would be Wright Farm Lot 8:Pittman.

Mr. Willms, engineer from D .F. Wheeler for the project said this is a 115 acres on County Rte. 21, and said the site can be classified as a meadow and there are no DEC wetlands located in our area of disturbance of the site. He said this is lot 8 from the Wright Farm Subdivision. He showed the board a map of the entire subdivision. He showed the house location, existing access road in. Mr. Willms said this is for a special use permit for building in the Ridgeline Overlay Protection Zone and to also show the board that adequate storm water protection measures are taken so no runoff will take place on to County Rte. 21.

Mr. Willms, showed the area of disturbance on top of the hill, and showed the total area of disturbance to be approximately 1.79 acres. He showed the board elevation shots of the house, 1 story, flat roofed, 1 level, 2 bedroom, approx. 2,000 sq. ft. He talked about accentuating the curve in the road to cut the slope approaching Rte. 21 to make it more shallow. He showed the driveway with topography in place, showed the area to be cut back, the original path of the driveway. He said they are changing the path of the driveway and cutting back the slope. Mr. Willms showed a cut through, they currently have a 2:1 slope to the road and going to maintain it but push it back 15-20 feet. Proposing a swale at the base to carry water to a drainage area. Showed the driveway profile. He showed the stopping site distance parameters in determining the slope needed to be cut back. He said the planned driveway is a residential single family driveway entry 12 feet wide, pave 25 feet back with a 15' radius, with a 3% slope down to the road, 15" culvert pipe. He showed drainage. He said the water currently drains down the hillside and now they are creating a swale on the uphill edge of the driveway that will capture the water draining and storm water runoff and into a drainage basin, where the water currently goes. They are trying to minimize the amount of water that will make it to Rte. 21.

He showed a graphical representation of the hydrologic analysis. Mr. Willms gave the board pre construction and post construction figures. He talked about seeding and mulching the hillside to avoid runoff. He said this is a very safe and conservative plan with dealing with storm water. Their area of disturbance at the house is .918 acres, and the additional work on the driveway, increasing the round-a-bout- making it a longer run, and swaling on the side of the driveway with the cut back slope which will be approximately .285 acres and the driveway will be .587 acres disturbed for a total area of disturbance of approximately 1.7 acres and that was the requirement for the SWPPP being over 1 acre.

Ms. Olyha referred to page 1 and asked if he had the line that was in the Ridgeline, Mr. Willms showed her and the house location page, and compared the line to the house. He said the house is in a saddle, it is not a house on top of a hill. Ms. Olyha asked if the original subdivision plan showed the house to be located there and Mr. Willms said this is the original location.

The Board and Mr. Willms continued to discuss the house, the elevation, the visibility of the house. Ms. Livigni said there may be potential from South Cross Road for people to see this. She said there was permitted blasting activity that went on on this site and it prompted someone from South Cross to ask about it, she added you probably cannot see it from Rte. 82. He said they are not clearing trees. Ms. Livigni said they are actively in front of the Dutchess County DPW going over the driveway access issue.

Ms. Livigni said this has not gone to the consultants and requested the board start an escrow and the Board set the escrow at \$300.00. Mr. Artus said this is a Type I Action and the Board needs to declare their intent to be Lead Agency and circulate for Lead Agency. Ms. Olyha asked if the current map should be the map posted on the wall and the answer was yes. Ms. Olyha set the public hearing for April 17, tentatively set, depending on Mr. Artus' review. The Board also voted to circulate for Lead Agency.

Ms. Livigni advised Mr. Willms the sooner the escrow was paid, the quicker the consultant could review the map so we could keep the ball rolling.

Ms. Olyha said if Mr. Artus doesn't feel this is ready for the Public hearing, we will push it out to May.

DAY SPECIAL USE PERMIT – Proposed special use permit located on Gidley Road (Grid No. 6562-02-739555); set public hearing.

Sharon Randazzo was present representing her daughter Kelly and Larry Day. They want to put a shed on their property and it will be within 200' of the sprout creek. She said they went to the ZBA for the setback, she said they are in a floodplain and there is no where else to put it. She said there has been a shed there but it is small and they want to remove it and put a bigger shed in. Ms. Livigni said this came in from zoning. Ms. Livigni said there is an application, short EAF and a copy of a portion of a site plan showing the location. Ms. Olyha said this is in the Sprout Creek Overlay zone so it is a Type I Action? Mr. Artus said in the code it is not, in the Ridgeline Protection Overlay Zone it is a Type I action but not in the Stream Corridor Protection Overlay Zone, that is not a Type I. The issue of the Stream Corridor Overlay Zone being a Type I Action was discussed. Ms. Olyha said the attorney said this was and quoted the code section Section 240-89 B. After researching the code section it was determined that this was in the Stream Corridor Overlay Zone which was a Type I Action. Mr. Bolner read the portion of the code that stated this would be considered a Type I Action.

Ms. Olyha said we have to declare our intent to be Lead Agency and circulate. Mrs. Randazzo talked about the special use permit her daughter was given for the house and Ms. Olyha said separate structure and Mrs. Randazzo said they are not going any closer to the creek than with the original house. Ms. Livigni said this is the way we have to proceed, part of the code we have to follow, added Ms. Olyha.

The Board voted to circulate for Lead Agency and to set the public hearing for April 17, 2014. The Board set an escrow for \$250.00

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

Mr. John Andrews of Royde Soyka & Andrews appeared before the Board. Mr. Patrick Reilly was also present.

Mr. Andrews said we have frontage on Overlook Road, we have frontage on Old Overlook Road, bounded by one side by power lines and the other side by wetlands. He said they run through the property and split the property into 2 halves. There are 2 lots on one side of the wetlands and a larger parcel on the other. The proposal is for 9 lots varying in size from about 2.6 acres to about 20 acres. Proposing 2 individual driveways and 2 shared driveways. One shared driveway to service 5 lots and the other to service 2 lots. The individual driveways, the largest parcel, direct access to Overlook Road, it does have to cross floodplain and it does have to cross a portion of a wetland buffer, it's a town regulated wetland. He said the other individual driveway is off of this stub on Old Overlook Road, they kind of changed the direction of it at the end, NY tell has a communications box there and the driveway would be in that general vicinity. The shared driveways, if you are familiar with the old tree farm, they are proposing to actually use the driveway to the old tree farm. He said that will service 5 lots and the other driveway will be on the other side, this is the Millett Farm House, and kind of be bracketed by the power lines and that's 2 lots. He said they have enough frontage for individual driveways but because of the wetland buffer and they want to stay out of the wetland buffer, we combined them into a common driveway. Mr. Andrews said this started out as 40 lots, had central water and central sewer, then came in with a cluster concept and realistically in looking at the parcel and coming back they are now down to 9 lots individual wells and septic tanks and done away with the town road and propose a common driveway. He said all the lots would derive their access from the common driveway. Several of the lots do not meet the minimum road frontage for a county highway. He said the code calls for 200 feet and we are proposing 75, the minimum town, and we will need variances. Mr. Andrews said a couple of the lots don't meet the distances of width at any point on the lot and they will need variances there.

Mr. Andrews said most of the lots are going to be sitting up near the top of the ridgeline and the road will be up at the top and the lots would cascade down from there, there's a couple large ones in the back, storm water management will be handled on the individual lots. He said the road does run toward the back toward the wetlands so we have enough opportunities to maintain it on our site. He said there is a pond, and propose to maintain it and divert some of the storm water to use that pond. He said the challenging lot is at a high point in the middle of the floodplain and wetlands and it is the largest of the lots and it will require a county highway work permit for 1 driveway. He said that's where the road was going to come in, so they were ok with a road there at one point in time, he said they were assuming if a road was good enough, a single

driveway would be good enough. Mr. Andrews said that is where they are and they are just starting the process.

Mr. Gunn asked if that road was in the dip and Mr. Andrews replied no, it's almost directly across from Rombout. He said there is plenty of line of site in both directions. Ms. Olyha how long is it from the common driveway with 5 lots on it from the road to the last house. She said the one way over, the 2nd to the last with the very long driveway. Mr. Gunn asked is it less than 1,250. Mr. Andrews said the driveway for lot 5 meets it at about 1000 + 50 and the lot 5 driveway is down to the house another 400 feet. Mr. Andrews said we have to meander down the slope. Ms. Olyha said that lot 5 does look steep and Ms. Olyha asked if lot 4 was at the top of the hill and Mr. Andrews said 3 & 4 were at the top of the hill and they are rolled off the backside. Mr. Andrews said the 2 highest lots would be the ones on the other side. This is in the Ridgeline Overlay Protection Zone so that is an element of the approval that needs to be done. Mr. Straub asked about clearing of trees. He said their intent is not to clear very much at all. He said the common driveway generally runs along where the old driveway used to run, there used to be a trailer that sat at the top of the hill, that's where our road is, so there is no clearing for the road. He said most of the house sites, there were openings in those trees and made an effort to put the houses in those trees. He said their intent it to save as many trees as possible. Mr. Andrews said the intent of his client to keep as many trees because it adds to the privacy of the lot. He said he can't say they will keep them all but they will try. Ms. Olyha referred to the single lot at the bottom and Mr. Andrews said that was the existing Millett. Ms. Olyha asked about the property they purchased land off of. Mr. Andrews said yes, it was subdivided and sold and it was 2 separate lots and went through the process to subdivide and sold this a couple of years ago and referred to the one piece on the side of the power lines. The power lines are not an easement, they are actually owned by the power company so it serves as a nice dividing line and they've tried to stay away from them.

Ms. Olyha asked if they were crossing the wetland or the buffer in the area she pointed to and Mr. Andrews said they are crossing just the buffer. The dark line is the boundary and Mr. Andrews replied yes. Mr. Andrews said the floodplains just were updated and that area was one of the hazy areas on the old floodplain. He said they tried to faithfully reproduce it as much as possible, there are elevations there and they are pretty well defined and if you look at the profile, it's a 355-353 most of our road is up around 357 so we are going right across the top so we will need some fill. It's only the buffer. Mr. Andrews said we need the board to circulate for Lead Agency and get to the consultants and escrow and we will need to start the process. The board set an escrow for \$1,000 and if the old escrow was open, they could make up the difference.

Mr. Andrews said they are going to simultaneously pursue the variances with the ZBA and he did start the process with Susan and they were asked to defer until this Board received the letter from Mr. McLaughlin. Mr. Andrews said unless the Board has an objection, they will pursue both boards simultaneously so that we all end up at the same spot at the same time.

The Board declared their intent to be Lead Agency and voted to circulate for Lead Agency.

Mr. Andrews talked about Wright Farm Subdivision.

SHIR CHADASH SITE PLAN – Proposed site plan located on Freedom Road containing 4.81 acres (Grid No. 6260-04-803168); discussion

Christopher Lapine with the Chazen Companies appeared. Also present was Kyle Ahearn of Chazen. He said this is a project the Planning Board is familiar with and had some legs in the early course of 2013 and hit an obstacle during the spring regarding the drainage on the eastern side of the property adjacent to the Dean family residence. He said the drainage associated with this project flows from a west east across the site and makes its way onto the Dean property. It flows around the northern section of the site onto an existing catch basin in the vicinity of a garage/apt. and it's piped across to the sprout Creek. The other portion of the drainage from the County Road and the adjacent residence flows across the property into a depression located in the northern corner of our site and during significant rain fall events, it overflows on to the Dean property. The concerns raised by the Dean family during the spring of 2013 was to address the drainage which is currently flowing from an upper grade to a lower grade which is across their property. He said in order to move this project forward we are trying to get some kind of assurance from the Board that we are moving in the right direction. During May, 2013 we met with the Dean family to discuss the drainage scenario. Members of the town were present, Wanda, Greg, Walter, the Dean family, members of Shir Chadash and himself. He said they walked the entire property and got a feel for the topography as well. He said the people present observed the fact they have some undulating topography on their property, a number of localized depressions. They also have a pipe which is a perforated pipe that was installed some time ago, by the senior, Mrs. Dean's father that comes across their property, not at a consistent slope but kind of ups and downs along the way and then discharges out to the creek. They also have a ground water issue on their property. So during significant events they get some surcharging in this catch basin and in addition they get some ponding. The fact that ponding occurs on their property is related to the existing topography of their site. He said they met with them and listened to their issues, he said they recognize portions of their property flows around and into this existing catch basin and we also recognize that our localized depression overflows over significant storms and drains on to your property, it's always been the existing water shed in the area. Mr. Lapine said he offered to put in a pipe which would discharge our pond location which is located where he pointed to, to the west and in doing so they would install a couple of catch basins so that we can drain the low points on their property. He said they offered to tie into their existing 12" perforated pipe, which he showed the location, and increase the size of it and replace all the way toward discharged at the creek. He said we thought it was a solution that addressed some of their drainage issues, obviously we couldn't address all of their drainage issues on site, they have some that aren't related to our project area. He said they offered that solution to them and to incur the cost of that solution. He said during the later part of the summer the Dean family replied back

that they were not interested in running a pipe across their property to convey the flow and also drain some of their low points on their property. Mr. Lapine said they went back to the drawing board with how to proceed with this project and address the drainage issues before we continue with the rest of the engineering. Mr. Lapine said they not only focused where the DEC requires you to manage the discharge rates associated with runoff, but we took it a step further in developing a conceptual plan for this site, one that would also manage the volume of runoff. He said they developed a revised plan for this parcel which incorporates kind of a retention basin so that following each storm event, whatever is actually flowing off the site in terms of the volume under the existing conditions is mimicked in the post development conditions. He said they are here to present this solution to the Board. He said the drainage has been a cause of concern which stopped the project along the way and the Congregation wishes to proceed and have looked at the feasibility of what Chazen is contemplating and we not only looked at the quantitative of how we blend in the qualitative management to work in conjunction with our new quantitative , we've incorporated the bio retention areas that are going to be required as well, we've got some drainage swales that is circulating the off site runoff away from our onsite pond so we minimize what actually flows over land onto their property, We also managed to make sure that the volume of runoff going toward their existing catch basin is less under its existing conditions. Mr. Lapine said we recognize that this project requires additional engineering to move forward, we need to work out our entryway with location with the DPW, we need a public hearing, we need to finalize the grading on the site, develop an erosion sediment control, work with the BOH locating the well and designing the septic and also locating it. Mr. Lapine said they cannot start locating their septic until we have some sort of endorsement as to the drainage concept.

Ms. Livigni said she was at the site and she did feel the applicant made a very fair offer to the Deans. Greg and Walter were there as well and she said she doesn't know if there was anything the applicant could have done that the Deans would have accepted, that was her gut feeling leaving that day. She said they are talking about containing as much as they can on their property and really just allowing the historic runoff that exists currently to remain the same, Ms. Livigni said the volume as well.

Ms. Olyha said the pond in the northern/east, that's not what we are used to typically seeing where it's a point discharge, w here you have a pipe, she said that one actually works like a weir so it acts like a dam, as the water gets up it just spills over like a wier so that it's not a pinpoint. Ms. Olyha said it's a depression that fills up and spills over so it's going to be the same thing, only larger. Ms. Olyha said they are adding another pond that doesn't have an outlet and Mr. Lapine said no, these are bio retention areas and all the runoff in excess of the water or runoff reduction volume, we are re-directing towards the larger retention basin they are creating. Ms. Olyha said so it will soak in and whatever doesn't will move toward the wier. Ms. Olyha said so that takes it to the backs of the property, closer to the creek away from all the development on the southern end of the property. She said they have also moved the entrance further to the north, which gives it a little bit better site distance than before and also gives them a stacking for the cars too. Ms. Olyha said they want to move forward and asked the

board if we are acceptable to how much they've done in trying to work with the neighbor and re-designing it to best meet the needs of what will happen to the neighbor since they did not want the improvements.

Mr. Lapine said we provided calculations to the town's consultants summarizing the engineering that was done on this and he also showed the board a copy of the correspondence from Cindy Dean rejecting their offer. He said they haven't approached the Dean family with the new alternative, but they do have a gravel driveway and in it's current conditions they do have an overflow of runoff on a sheet flow conditions and we are not sure what degree of maintenance is associated with their gravel driveway and we are willing to pave that one section where we have this overflow so they don't experience any erosion. The applicant is willing to do that as well.

Mr. Straub asked has our consultants responded in terms of numbers relative to that site now, how much better with the overflow and retention and are these numbers based on the next 10 year volume with the rain fall because we are going to see more excessive rain falls. Mr. Lapine said we looked at storms up to the 100 year storm and we significantly increased the size of this retention basin so when you see your 100 year storms, which is an 8" rainfall event over 24 hours, which we seem to have every 2 years, we are able to mimic the volume that is discharged our site as well as the rate and we provided that in our calculations. Mr. Bolner said his office did give comments to him late this afternoon and for the most part they are minor, and was assured it works. Ms. Olyha said when you say up to the 100 year, you did 2, 5, 10, 25 and 100? Mr. Lapine said he wasn't sure they did the 50 but they did the 10, 25 and 100. Ms. Olyha asked did you do the low ones, and he said he did the 1 year but the lower ones aren't going to be as much of an issue. Ms. Olyha said when you have a pipe you are more likely to look at the 2's because if you make the pipe too big the 2 will just go right out. Ms. Olyha asked the Board's opinion on the drainage design so they can continue with the planning of the site. Mr. Straub said if our advisors give us the proper approval, he was in agreement. Mr. Gunn asked if CPL and SMC have already looked at this and the answer was yes. Ms. Olyha asked the board if they wanted a copy of the Dean's letter and the Board didn't seem to think they needed it. Mr. Brenner said he thought it was a complex engineering war going back and forth but if the consultants approve this he felt it is the board's responsibility to protect our residents too and he agreed with the Deans and said he wouldn't want the water dumped on his land either or curtain drain across his property so he agreed with the Deans and repeated it is our job to protect their interests also. He said with all this impervious and this drainage and it seems pretty complex as long as the consultants agree, because we are not engineers so it's on you to make sure it is the right thing to do.

Ms. Livigni said Cindy does say they don't want any spill on to their property, and added this is historical flow, they are entitled to historic flows and Mr. Lapine added we can't defy gravity. Ms. Olyha said so if it is already spilling, they can't do anymore than what is already spilling. Mr. Gunn said so Mrs. Dean should have used the word additional. Mr. Brenner asked how can you guarantee that doing all that construction won't change the way the water is naturally flowing now. Mr. Lapine said they are going to continue to

allow it to naturally flow as it is right now. Ms. Olyha said so it will naturally flow from the west side to the east side but right now there is a small depression there now that's existing and that is what it does now, everything goes to that depression, fills up and spills over so they are trying to mimic the same thing that happens in nature for when their project is finished. Mr. Lapine said they also have a portion of the site that flows into a pipe into a catch basin and Ms. Olyha said they are trying to catch that so it does lessen the amount that goes down to their driveway. Ms. Livigni said they already have their drainage system so what the applicant was offering them was improving it and the condition of the pipe out there was not in good shape. She said it's not like it was pristine land that had no pipes, it's already got pipes all throughout there that are collapsing and probably squashed in some areas. Mr. Lapine said following the development of this project without the benefit of allowing them to install some catch basins on their property, they are still going to experience the ponding they currently do, and Ms. Olyha added just because that's the way water is. Mr. Lapine said yes, and they have undulating topography so they have some localized depressions on their property. He said they offered to insert some catch basins at those localized depressions, drain them so that they don't have the ponding.

Ms. Livigni said this is important because when the public hearing is held for this, they are going to come out and before the applicant invests more money into engineering. Ms. Livigni said she understood what Mr. Brenner was saying. Our consultants have to check the calcs and she offered that she respected his opinion on the neighbors and Ms. Livigni added the applicant really did try to work out, she thought, a fair deal. Mr. Gunn said Mr. Brenner's concern is valid in that hypothetical engineering sometimes fails in the practical application. Mr. Bolner said the same person that will complain about flooding before an event will occur will complain that it never flooded like this after the event occurs. He said he has been in plenty of situations where somebody will complain about flooding, the town will do something to try and correct it and then 2 years later they will complain that it never flooded like that before they did the work. Engineering will never prevent someone's opinion that it's flooded worse than it's ever flooded before in their life. Ms. Livigni said what might want to be considered is since this is a private storm water system; we could more stringent requirements on inspections on the facilities if the applicant would be receptive. As time goes on, 20 years from now, somebody fills it in and that can create a problem and offered that might be something to consider. Mr. Lapine said the applicant finds that acceptable. Ms. Olyha asked the board if they are ok with the plan that's been worked out so that they continue with their engineering. Mr. Straub said good notes on the drawing should suffice with what they are trying to do. Ms. Olyha said well not really, because once the drawings are filed, who has them? Mr. Straub said the Town, the County and Ms. Olyha said and who looks after it? Mr. Straub said well if there is a problem then the legal people have to get involved. Ms. Olyha said but how do you know there is a problem, and Mr. Gunn said after it happens and Mr. Straub said when somebody complains.

Mr. Artus said we already have in place a pretty extensive storm water management facilities maintenance and inspection agreement and easement, 2 separate documents.

Ms. Livigni said her only concern with the current agreement, what she would say here is instead maybe making it....or we ask for the inspections, maybe it's a requirement. Mr. Lapine said currently it's a 5 year requirement as part of an MS4 to submit an inspection of your facility, and added he was certain the applicant would be willing to condense that time frame. Ms. Livigni said that's what she was thinking.

Ms. Olyha polled the Board and asked can the applicant continue??? And the consensus is that the board is ok with this plan and that the applicant may proceed with the design and engineering portion. Mr. Lapine said, so just for process in going forward we would submit to you a more advanced set of drawings and accompanied by the associated details and a full storm water pollution prevention plan if the board believes it is acceptable not only to them but to the consultants, then we can proceed to a public hearing. Ms. Lapine talked about escrow and said the applicant forwarded additional monies and they were asking to proceed with the work. Ms. Livigni said this applicant is trying to give a positive balance to keep the project going. Mr. Lapine said they are trying to pick up the ground they lost and stay ahead.

Ms. Olyha said when Walter tells us it is ready for a public hearing, they will be placed on the agenda. Mr. Lapine said on behalf of the applicant, we thank the board for their time this evening.

REQUEST FOR TIME EXTENSION:

VAIL ROAD SUBDIVISION. – Proposed 3-lot subdivision located on Vail Road containing 68-85 acres (Grid No. 63610-03-343169); requesting 90-day extension of final subdivision approval previously granted on September 19, 2013. (1st one)

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

Mr. Straub made a motion to adjourn the meeting at 9:25 PM, seconded by Mr. Gunn and the motion carried unanimously. MEETING ADJOURNED.

Respectfully submitted,



Eileen Mang
Planning Board Secretary