

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, April 16, 2015. Chairman Stacy Olyha called the meeting to order at 7:00 PM. Board members John Gunn, Robert Straub, Dennis Rosenfeld, Tony Brenner, Frank Sforza and Marc Komorsky were present. Joe Zeidan was absent. Also present was Wanda Livigni, Administrator of Planning & Public Works, Walter Artus of SMC and Greg Bolner of CPL.

Mr. Komorsky was a voting member in the absence of Joe Zeidan.

Mr. Straub made a motion to accept the minutes of March 19, 2015, seconded by Mr. Rosenfeld and the motion carried unanimously. MINUTES ACCEPTED.

PUBLIC HEARING:

DALEY FARM SUBDIVISION – Proposed subdivision and site plan located between Titusville Road and Colleen Court containing 233.36 acres (Grid No. 6460-03-081270; 099220; 09310); adjournment to May 21, 2015.

Mr. Straub made a motion to adjourn the public hearing on May 21, 2015, seconded by Mr. Brenner and the motion carried unanimously. PUBLIC HEARING ADJOURNED.

OTHER BUSINESS:

FREEDOM PLAINS PRESBYTERIAN CHURCH AMENDED SITE PLAN – Proposed amended site plan and Special Use Permit located on Rte. 55 and Stringham Road (Grid No. 6460-02-650904; 710874); discussion/consideration of site plan approval.

Mr. Mark Day of M.A. Day Engineering appeared before the Board. Mr. Day said they are here to present the changes that have evolved. He said they haven't changed the site too much, just slight modifications to the building. He said they modified the elevation. He reminded the Board of the previous elevation and said this now going to be a one story with an elevated top plate and they changed the lobby, originally it had more of a classical design and a cupola which they removed. He said it cleaned it up quite a bit. He said they added a double gate which created a cleaner entrance. He showed the board the existing walkway ramp at the back which he said they would be doing an elevated walkway. He showed the back of the fellowship hall as well as the existing part of the church seen now. Mr. Day said they shifted the sidewalk and had to move the parking because they extended the lobby out a little bit and they had downsized the fellowship hall slightly and bumped out the kitchen so the square footage stays the same. It just changed the configuration of the building. He said for the most part everything else is the same as the Board has seen. He referred to the lighting plan and said they had 12 foot lights that were right next to the building and they are going to drop them down to be 10-12 feet the two next to the building, otherwise they are lighting up the roof. He said they are still battling with the Health Department. He said the biggest issue right now is the easements for the water line; they want to see the metes and bounds. He said they have approved the septic and the last hurdle is really the water line which they are really focused on that. He said there are some existing trees and they will be trimming them, if not taking a couple of them down because they noticed the Callaruso group has actually laid out this for us and realized some of those pine trees up there will be affected so that is something they would like to discuss. He said he asked the Board a while ago concerning one of the ordinances that required them to do a two story in the area he referred to and added the Board was gracious to grant that waiver. He said and obviously we need that for this as well and said they were here tonight to ask for that as well.

Ms. Livigni said you are also looking at a change to the Landscaping Plan too. Mr. Day said yes, we have reduced the landscaping. He said there are a lot of memorial plantings here. Ms. Livigni said it was her

understanding when the landscape architect did it, he didn't take into account some of the existing trees and asked Mr. Day if that was valid and Mr. Day replied yes. Mr. Day said they didn't get the landscape plan today but said he would give the final plan to the Board. Mr. Day said at this point they are waiting to get this property back from the Town and added he wasn't really sure how they do that. Ms. Livigni said she has spoken to the Town Attorney and if everything else was good to go the Town Attorney felt it was ok to put a conditional approval because we do have a legal agreement between the Town Board and the applicant to allow for that transfer to happen so it would just be conditioned on the actual transfer. She said that would become part of the record. Mr. Day said Dave MacDougall was going to give him a letter stating he had no issues with this, but he didn't get the letter. Mr. Day said he would like to ask for a conditional site plan approval from the Board. He said they don't have much more to go. He said the contractor is anxious to put this in, but obviously we are waiting.

Ms. Olyha asked is the landscaping plan the only thing outstanding? Ms. Livigni said you have the architectural change and the landscaping plan. Ms. Livigni said the architectural plan has changed since the last submittal. Ms. Olyha asked is this the new one? And Ms. Livigni said this is the new one. Mr. Gunn said it is less impactful than the last one. Ms. Livigni said the landscaping plan doesn't take into account existing trees that were not previously considered. The Board brought up the lighting and Mr. Day said it didn't change, he just lowered the 2 that were next to the building because they were way up above the eave line. He said they are going to do down lighting in the soffit so it's a softer light, not the one that spreads out. Ms. Livigni asked about the SPEDES permit issue where it was written to the wrong church and asked was that for the septic. Mr. Day said they actually issued them a permit but we need to get a sanitary permit that they took care of too. He said the DEC issued the permit at the end of May. He said he told Dave MacDougall that he needs to get him approved. Ms. Livigni said so you do have DEC approval on the SPEDES on the septic and on the water main. She can assure the Planning Board from her perspective, her office and Greg Tolner's office are on board with the water main that is out there and that has been expressed to the Department of Health and added they have not added any issues she is aware of since then which had to be over a month ago. Mr. Day said the Department of Health hasn't raised an issue in over a month. Ms. Livigni said so that is the current status from her perspective.

Ms. Olyha said went back to the main plan and brought up the landscape/architecture changes are along the parking lot where they may take the pine trees down and asked anything else. Mr. Day said when he did that work he didn't realize there were a clump of pine trees. He said everything else will stand. Ms. Olyha brought up trees that were thought to be on the DOT's plan for that parking lot. Mr. Day said we are adding some trees there but there were some existing. He said but the DOT trees continued on and said we just didn't have their plan to know where they were going. Ms. Olyha said so now the architect is planning to put more trees when the S concrete sidewalks are and Mr. Day replied yes. Ms. Livigni said she spoke with Greg and Walter and said we don't have an issue. In light of the fact what's gone on with the Department of Health and our involvement in that, and what appears to be no problem from the Planning Board on the architectural changes, landscaping would be just taking into account that some existing trees that weren't counted before and some shifting of that, which they will submit, said she didn't have a problem recommending a conditional approval contingent on the letter from the Department of Health. Mr. Brenner made a motion to grant conditional site plan approval contingent on Board of Health approval, Ms. Olyha said and the landscaping plan. Ms. Olyha asked Ms. Livigni if she could check it when it comes in to make sure the trees are in front of that parking lot on Rte. 55 and whatever is being removed over there is appropriate. Ms. Livigni replied yes. Mr. Rosenfeld seconded Mr. Brenner's motion. Mr. Artus said he would draft a resolution with the conditions. The motion carried unanimously. **CONDITIONAL AMENDED SITE PLAN APPROVAL GRANTED.** Ms. Olyha asked about the waiver on the 2nd floor and if it needed to be on the plan and Mr. Artus said he would add that to the resolution. Ms. Olyha said ok and the main reason for it is it is symmetrical and it goes with what is out there now and matched what we originally wanted for the building because it is a main point in the Town Center.

Mr. Bolner said he would agree especially since that is something that the Planning Board mentioned but he also said he believed they did confirm that they are exempt so it's not necessarily a deviation from the standard or anything such as that but it is a deviation from what this Planning Board previously had, so put it in there just as an acknowledgement.

LAGRANGE CREAMERY AMENDED SITE PLAN AND SPECIAL USE PERMIT – Proposed amended site plan and Special Use Permit located on Rte. 55 (Grid No. 6460-02-715925)

Mr. Brian Stokosa of M. Gillespie & Associates appeared before the Board. Mr. Stokosa said since the last time he was here, site plan wise, nothing has changed as far as was discussed and the improvements that were made. He said the biggest thing is they re-submitted to the Health Department. He said now that they have their SEQR he said he was promised the review by Mr. MacDougal and a letter to the Board and that did not happen. He said Mr. MacDougal actually issued an approval letter back in January and since his involvement and in running numbers to keep costs down for the applicant from a development standpoint and also from a site circulation standpoint he said they shifted the septic back slightly toward the west which basically forces into a single pump chamber. He said the soil tests remain the same, locations remain the same, there's just a slight shift up toward the west so basically all they did was add a pump chamber and Mr. Stokosa added it's been sitting on his desk. He said as for storm water goes, Greg had a comment letter and he said they addressed those comments and said there were a few items that needed their P's dotted and T's crossed with regard to storm water but obviously the applicant would like to take this to the next level understanding that those are 2 items that are hanging out there that the Board typically looks for with approval. Mr. Stokosa said he is looking to the Board to see where they can take this to the next step and would like to take it to approval. He said worse case, the applicant would like permission to proceed at their own risk and have the ability as he works toward securing their Board of Health that he can at least cut some trees down, put some silt fence up and by the time they would come in before the board again, they would have some approvals in hand. He repeated from a Board of Health standpoint it was just adding a pump chamber. He said we are not talking a major re-design of the system, flow rates of that kind of thing. Ms. Olyha asked Mr. Bolner about his comment concerning not complying to Town Center standards for landscaping. Mr. Bolner apologized and said they realized that last time and he did not go back and change that. He said that is now in compliance.

Ms. Olyha said it concerned the trees and also the planting around the parking lot and then the trees along the front. Right now they are showing and asked the separation in them, the very front along Rte. 55. Mr. Stokosa said they are supposed to have them every 40 feet so they are probably 80 foot on center. Ms. Olyha said Walter made a comment about a propane tank buried in the bio-retention area. Mr. Artus said that was from Greg's office and it is still one of the outstanding on the SWPPP and asked Mr. Stokosa where is it. Mr. Stokosa said he originally had it in an area he showed the board and added it's actually going to be over another area he pointed to and added it will not be buried; it will be above ground mounted. He said that was his typo mistake. Mr. Stokosa said it will be above ground and it won't be in a bio-retention area and added it may not even be there at the end of the day because the applicant is reaching out to Central Hudson and there is supposed to be natural gas in that corridor and they have the ability to at least run a stub up to the building and connect to it so it may be a moot point altogether. Ms. Olyha asked Mr. Artus about the SWPPP because there's 1 or 2 outstanding comments from Greg's office and he said he thought that could be turned around very quickly and he would communicate with Greg and get an MS4 Acceptance form to Wanda and then Brian could get it into the DEC for his coverage. Mr. Artus said he would need that coverage prior to proceeding with anything. He said that could be done very quickly. Ms. Olyha asked him what is his recommendation. Mr. Artus said he could proceed at their own risk as soon as they have the SPEDES permit coverage. And he said they would also need to put up that storm water bond. Ms. Livigni said that was approved by the Town Board already. Ms. Olyha asked so are we looking at a conditional approval? Mr. Artus said he thought not but they could proceed at their own risk once they have the SPEDES permit coverage which could potentially be in 2 weeks and

have them back on the agenda next month to get their approval. Ms. Olyha asked if any action was needed from the Board. Mr. Gunn said we should just state it for the record. Ms. Olyha said the Board is aware that they are proceeding at their own risk and they need to come in next month with everything to tie up loose ends and Mr. Artus said they can't start until they have their SPEDES permit. Mr. Stokosa replied he understood.

DURANTS TOOL CENTER SITE PLAN – Proposed site plan located on Freedom Plains Road containing 1.238 acres and 0.730 acres (Grid No. 6361-03-058278; 045301)

Ms. Livigni said in discussions with Greg & Walter and their review process they came up with some things they needed clarified with the Zoning Administrator so she said she spoke to him on Monday and sent him a memo on Tuesday. She said we have not received a reply but she wanted to make sure the Board knew about it. Mr. Povall asked if that was regarding the containers in the back and Ms. Livigni replied yes. Ms. Olyha said there was another comment about the displays. Ms. Olyha said the clarification was for the temporary storage, is it a permitted use as a permanent use on the site and proposing display areas in front of the property and we need to know what is permitted by code. Ms. Olyha said in the past it was temporary in the front.

Mr. Povall from Povall Engineering spoke. He said they made a couple of minor changes with this submission following the discussion at the last Planning Board meeting. He said they went back, as suggested, to the March 2010 minutes regarding a site plan review on the display spaces and it appeared the board approved the display parking in the front with the condition that all the vehicles and construction equipment would have to be removed and put back in the storage area behind the building at the end of the business day. They couldn't keep it out there overnight. Mr. Povall said what they have done is put a note on the plan indicating that because that was with the current tenant. He said they shortened up, brought the storage parking storage area on the parcel further to the right, making it smaller to comply with the coverage – 60% maximum coverage – now that complies with the bulk zoning.

Mr. Gunn asked if they moved the fence line in off of Commerce Street and Mr. Povall said yes, we extended the driveway further in. He said it will be a grass, landscaped area. Mr. Povall said in the end you end up with a smaller area to store the equipment. Ms. Olyha asked about what kind of fence it would be. Mr. Povall said they are proposing a chain link fence and Mr. Gunn asked with the slats? Mr. Povall said they were going to continue with the regular fence given what is going on in that area with the other businesses. Ms. Olyha said that would be another question for the Zoning Administrator. She asked does that fence fall under the same type of fence as it does for an auto body where you have vehicles in storage and they have to have the slats in them. Ms. Livigni said her thoughts is the difference between what they are storing and the concern with auto repair is there could be junk vehicles and she said their stuff she thought would all be in good condition as opposed to crashed up cars. Ms. Olyha asked Mr. Povall if they still wanted the 3 displays because the prior site plan had only one display or did it have three and asked what was the original in the 2010 one. Mr. Povall said he actually didn't know how many they had but they are proposing 3. Mr. Gunn said there were 2, one on each side. Ms. Olyha asked how many pieces of apparatus would you put in each location and Mr. Povall replied 1. Ms. Olyha said so a total of 3 out front and Mr. Povall said yes. Mr. Straub asked Mr. Povall if he intended on displaying anything on Commerce Street. Mr. Povall said no that it was strictly for storage and access to store the equipment for deliveries. Mr. Gunn said you are not going to see it anyway. Mr. Gunn said and that building blocking would probably mitigate any kind of a slat fence too. Mr. Povall said that lot is pretty well hidden, except for the frontage on Commerce Street. Ms. Olyha said Mr. Komorsky brought up at the last meeting the environmental issues of parking on the gravel with oil. Mr. Povall said this equipment will be maintained. Mr. Gunn said it is not going to be a maintenance yard, and not where they will be dropping oil and anti-freeze because it is already maintained inside the facility.

Mr. Bolner asked if this plan was submitted to the Town? Mr. Povall said yes. Mr. Povall said they brought the fence line further into the property which made the access driveway a little longer and we balanced it out. Ms. Olyha said his initial plan you didn't see that. Mr. Bolner said he didn't see that one so that's why he wasn't clear on the comparison. Mr. Bolner said on the existing chain link fence in the back on the property that fronts on to Rte. 55 and then the section of fence between the 2 parcels being removed, it wasn't quite clear to him exactly because of the property line and the fence line being on top of each other, he was having a hard time following exactly what the ultimate fence line will be. Mr. Povall said the ultimate fence line will be on all 4 sides of the storage area. Ms. Olyha said so what you are doing is you are taking out the little piece that's on the rte 55 parcel and you are going to put a new fence or gate? Mr. Povall said he misspoke he said that's going to be connected to the other fence. Ms. Olyha asked about the fence that is connected to hash marks he was taking out. The Board and Mr. Povall continued to discuss the fences on the property and Mr. Povall showed the Board the fences along Rte. 55 and Ms. Olyha said so you are going to have 2 fences along Rte. 55 and he said yes because the other one is on the neighboring property. Ms. Olyha said that's not on the neighbor's, it's on yours. Mr. _____ said they have never really known who's that was so they don't go near it. He said he assumed it was the bus depot. Mr. Gunn referred to the zoning code concerning fences and walls which read "chain link fences are discouraged" and Mr. Gunn said in light of that he thought it would make the point about slats moot because you are not going to see it and we state in our code, it is discouraged. Ms. Olyha said what it says next is "the height of a fence shall be considered in relation to the use or activity that it is intended to screen, however the height shall not extend above 6 feet" she said that gets into that gray area. Mr. Gunn said you can put a chain link fence up and it wouldn't need the slats. Ms. Olyha said then we could have put the wooden fence on top of the hill. Ms. Livigni said we can ask for an interpretation and said she didn't have a problem with it. She said she pulled it out because she was curious if she could rectify the issue whether it was auto repair or just storage. Ms. Olyha said the fence that went all around it was chain link so the one at the bus garage is chain link and asked Mr. Povall if he knew how high it was and Mr. Povall said he didn't know. Ms. Olyha referred to the existing chain link fence around the property and asked how high that was and Mr. Povall replied 5 feet. Ms. Olyha asked Mr. Povall if he was proposing 5 feet and Mr. Povall replied correct. Ms. Olyha said it makes sense to keep it consistent.

Mr. Brenner made motion to go on site plan 000001 and Ms. Olyha said we are not there yet. Mr. Artus said we have not reviewed but we haven't made a SEQR determination or whether to hold the public hearing yet. He said Mr. and Mrs. share a common question and would like a determination from the Zoning Administrator re: the storage units and if they are permitted or subject to the bulk area requirements setbacks. He said there needs to be a determination from the Zoning Administrator. Ms. Olyha asked if we might be able to get that determination by the May meeting. Ms. Livigni said she would definitely think so and she said she would share the determination with the applicant. It may have been there for a while but it is a valid question in light of the fact that it didn't appear on the previous site plans. She said so you could be potentially accepting something on a site plan that would be setting a precedent so that's why you want the Zoning Administrator to weigh in. She said she had a lengthy discussion with Ken about it. Ms. Livigni said she saw no issue with that being ready for the next meeting. Mr. Artus said she agreed with Wanda. Mr. Artus said the Board can set a public hearing. Mr. Artus said it fronts on a state road so it has to go to County Planning. The Board set the public hearing for May 21, 2015. Ms. Olyha asked the Board for any further comments concerning the fencing or storage areas. The Board had no comment. Ms. Olyha asked what is the distance of the front property line where the storage will be. Mr. Povall said the property line is right on the curb line and Ms. Olyha asked how wide is it. Mr. Povall said close to 180 feet with 3 areas of storage. Mr. Gunn said 2 in the front and one in the back. Ms. Olyha said the original site plan said they could put something out there each day and at night they have to put it away in the back and Mr. Povall said that they are going to be doing the same thing. Ms. Olyha said he is going from asking for 2 items to be displayed to having 3

items displayed, that's the question. Mr. Gunn said the way he sees it is 2 are really in front and one is halfway in the back.

Mr. Bolner said he would like Ken, as the Zoning Administrator to weigh in on is the Town of LaGrange does not have as a permitted principal use of a commercial or industrial parcel of parking or storage of vehicles. It's an accessory use and that is the question he has for Ken. Ms. Olyha said so you mean that little parcel in the back is considered it's own parcel so it would be outdoor storage. Ms. Olyha said so the question would be whether he has to combine the lots and have one big lot with storage on that particular section of the lot. Mr. Artus said that would be 2 different zoning districts. Ms. Livigni said we have other parcels that are split by zoning districts. Mr. Bolner said it was just a question. He said he wasn't clear on that. Ms. Olyha said we will pose that question also so we can determine whether we can do that lot just for storage or whether you have to combine the 2 lots and then use that portion for storage.

STARZYK SOLAR PROJECT SPECIAL USE PERMIT – Proposed Special Use Permit located on Townsend Farm Road containing 3.74 acres (Grid No. 6560-03/05300); initial presentation

This applicant did not show up to the meeting.

ZBA HAS CIRCULATED TO THE PLANNING BOARD FOR LEAD AGENCY CONCERNING DUTCHESS PROVISIONS USE VARIANCE

This is the former Lehigh property on Daley Road. They are no longer using that site according to Lehigh which is in question right now. They are in for the Variance and have Dutchess Provisionals in there. They distribute Boar's Head products. They are circulating to the Planning Board as part of the Lead Agency and looking for comments or issues from the Planning Board concerning the ZBA being Lead Agency for the Use Variance. She said she thought it would be valid for the Planning Board to take a look at the site plan. Mr. Kunkel asked if they would be storing vehicles and Ms. Livigni said yes, she believed 7 work vehicles that would be parked on the existing commercial site. Ms. Livigni said she believes they plan on using the office space. She said Lehigh and this use cannot both exist on this property if the use variance is given. Ms. Livigni asked the Planning Board if they had any issue with the Planning Board being Lead Agency. The Board had no issues. She said she thought it was worthwhile for the Board to come up with questions for the applicant to consider in their deliberations. The Board came up with the following comments/questions:

Ms. Olyha asked for clarification as to whether it was 6 or 7 vehicles and said that needed to be addressed.

- Is there retail or wholesale on site or is there just administration
 - How many vehicles will be parked on site (5, 6, or 7); types and sizes and will they be running their engines all night or what times
 - Will the chain and fence in front have slats
 - The landscaping, stockpiles and sheds should be removed?
 - There should not be multi-uses on the site
 - What are the hours of operations of administration building and/or of the site
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- Will there be a designated loading area
 - Will there be any curing of meat, storing of meat, packaging of meat, or cutting of meat? Or of other products distributed by this company

Mr. Komorsky made a motion stating that the Planning Board had no objection to the Zoning Board of Appeals being Lead Agency for this project. The motion was seconded by Mr. Straub and carried unanimously.

REQUEST FOR RE-APPROVAL:

FRANK FARM SUBDIVISION PHASES 4, 5, & 6 – The entire subdivision phases 1-6 was granted final subdivision approval on June 21, 2004. Seeking approval for the three remaining phases 4, 5, & 6 of the Frank Farm Subdivision which is due to expire on April 17, 2015

Mr. Kevin Page was present. The Board had no questions for him. Ms. Olyha asked what was left on these phases and Mr. Page replied 57 lots. She asked about the drainage and Mr. Page said it is being done by phase. Ms. Livigni said last month Walter & Greg issued comment letters and everything was good to go from a technical aspect of the engineer's report as well as the Town Board's recommendation to reapprove it so it is just a question as to whether or not the Planning Board wants to reapprove it. Ms. Olyha said it's been a while and asked Mr. Page for an update. Mr. Gunn said nothing has changed, the market hasn't gotten better. Ms. Olyha asked the location of 4, 5, & 6 and Ms. Livigni said across from Keith Drive off of Vail.

Ms. Olyha said the Town Board did recommend re-approval and asked for a motion. Mr. Gunn made a motion to grant Frank Farm Subdivision phases 4, 5, & 6 re-approval from final subdivision approval, seconded by Mr. Brenner and the motion carried unanimously. **REAPPROVAL GRANTED.**

Mr. Artus said and with that approval will go the Wetland Permit and the Special Use Permit.

HIDDEN POND ESTATES SUBDIVISION – Requesting 90-day extension from final subdivision Approval previously granted on June 19, 2014. This extension is due to expire on June 19, 2015. (last one)

Mr. Stokosa said he would be back next month with recommendation to go to the Town Board for a re-approval.

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

Mr. Straub made a motion to adjourn the meeting at 8:15, seconded by Mr. Gunn and the motion carried unanimously. **MEETING ADJOURNED.**

Respectfully submitted,

Eileen Mang
Planning Board Secretary