

A regular meeting of the Town of LaGrange Planning Board was held at the LaGrange Town Hall, 120 Stringham Road on Thursday, May 21, 2015 at 7:00 PM. Chairman Stacy Olyha, John Gunn, Robert Straub, Dennis Rosenfeld, Marc Komorsky and Joe Zeidan were present. Frank Sforza and Tony Brenner were absent. Also present was Wanda Livigni, Administrator of Public Works, Greg Bolner of CPL and Gerard Comatos of VanDeWater & VanDeWater.

Ms. Olyha stated that Mr. Komorsky would be a voting member.

Mr. Gunn made a motion to accept the minutes of April 18, 2015, seconded by Mr. Straub 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. 6361-03-058278;045301)

Ms. Olyha declared the public hearing open for Dailey Farm. There was no public comment. Ms. Livigni said they still need to go through the Town Board process for water and sewer. The public hearing was adjourned to June 18, 2015.

DURANTS TOOL CENTER SITE PLAN – Proposed site plan located on Freedom Plains Road containing 1.283 acres and 0.730 acres(Grid No 6361-03-058278; 045301)

Mr. Bill Povall from Povall Engineering appeared before the Board. Mr. Povall said Mr. Glen Lois is the applicant. He said Mr. Lois has the two rentals by Durants which is a construction type tool rental business which is on the north side of Rte. 55 where Commerce Street comes out. He said the existing parcel is in a commercial zone and it is 1.288 acres and a 2nd parcel which is off to the west which fronts on Commerce Street which is .78 acres. He said they are before the board tonight for the site plan application which would turn this .78 acre parcel into a contractor's yard by code, but really it is for storage of their construction equipment outside where they would have access to bring the equipment in and out on Commerce street and only be used for bringing the equipment to and from the property as well as an employee entrance. Mr. Povall said this is in connection with the rental business. He said right now there is some storage behind the building and this would just give the necessary additional storage needed to keep the business going. He said they are also proposing 3 display spaces for some smaller equipment in the front of the building, 2 in the corners of the existing parking lot as well as on the left side when you are looking at the building pulling in. He said these display spaces are for business hours whereas each night the equipment would have to be moved from the front into the yard. Mr. Povall said that is the extent of the site plan as proposed.

Ms. Olyha called the public hearing open for comment and asked if there was anyone who wished to speak.

Joe Pagano, adjoining property owner spoke. He asked about small equipment in the display area and asked how tall will it be. He was concerned it would block his sign. Mr. Povall said this would be a typical parking space. Mr. Povall said these display areas are just designated parking spaces for the smaller equipment, like a small backhoe. He said it's all at grade, not raised. Mr. Pagano asked about overnight parking of panel trucks and Mr. Povall said no. Ms. Livigni said the equipment will be moved every night correct? And Mr. Povall replied yes, any equipment that will be put out there in the morning for display during the day will be put away for the night and will go in the yard behind the building.

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

Ms. Livigni said the board should have 2 memos from Ken McLaughlin responding to the 2 memos she sent on behalf of the Planning Board and the town consultant. She said the first one was about it being 2 separate parcels that as long as it is for one use, it's a cohesive site plan and he didn't see an issue with it because it is a permitted use in both parcels. She said there was a discussion about the conex, the temporary storage and at this time she would like to recommend to the Planning Board that considering that the code is silent on this and that the Building & Zoning Department doesn't see the need to raise a red flag about it, although it is silent on the topic, she said would like to recommend that the Planning Board consider removing the individual identifications of it and maybe just show that area as a temporary storage location without any identification of what it is. The Board agreed. Ms. Livigni referred to the consultants' comments and Mr. Gunn said Greg Bolner spoke to the lot line and the difference on the paving. Ms. Livigni said it looks like we need approval from the town Highway Superintendent and asked if they had that yet and Mr. Povall replied no. Ms. Livigni as how does the Planning Board feel about the display. Mr. Gunn said he had no problem with the display if it goes back at night. Mr. Zeidan said he had no problem either as long as it wasn't obstructing any views from traffic.

Mr. Bolner arrived at the meeting and Ms. Livigni brought him up to speed with what the Board had been discussing. Mr. Bolner said there were just a few details in his comments that needed to be clarified and Mr. Povall said they would address them and put them in their next submission. Mr. Straub said there was a concern from the neighbor about signage blockage from his parcel. Mr. Gunn said if they are removing the items at night then the neighbor doesn't have a problem with it. Ms. Livigni said she was looking at Mr. Artus' comment letter and asked Mr. Povall if he a chance to modify the very minor things in the EAF he requested. Mr. Povall said he believed so, they did update the EAF and that was submitted to send out for Lead Agency. Ms. Livigni said Walter's comments on the SEQR were very minor, however since there was a question asked by the public, the Planning Board will want a written response and Ms. Olyha said we are still waiting on the Highway letter.

O'NEIL SPECIAL USE PERMIT – Proposed accessory apartment located on Mandalay Drive containing .47 acres (Grid No. 6361-04-675391)

Mr. Michael Berta appeared before the board. Mr. Berta said they are proposing an accessory apartment into an existing single family dwelling on Mandalay Drive. He said they are proposing a number of additions as well as the addition for the apartment. He said the property is served by public water and public sewer and is for the in-laws. He said the addition is in 100% in the back of the property so from the front you won't notice it. He said they are adding an extra garage so there will not be any additional cars parked on the property, but in the garage and added there really won't be any visual impact from Mandalay.

Ms. Olyha declared the public hearing open and asked if there were any comments. There were none.

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

Mr. Berta showed the Board a plan of what was being proposed, which showed adding the apartment and on the upper level on top of the new garage they are putting a family room and adding a master suite. Ms. Olyha asked if the apartment was down stairs and Mr. Berta said yes, 100% downstairs. He said and the new garage will have access to the new apartment only. Mr. Zeidan asked is it a separate entrance and Mr. Berta said yes and said right now t hey show it in t he back and they are going to change it and have it on the side. Ms. Olyha asked if there is a connection to the rest of the house and Mr. Berta said yes,

through a laundry room. Mr. Zeidan asked the square footage of the new addition and Mr. Berta replied between it all they are adding about 1,600 hundred square feet, with the apartment occupying 750 of it. Mr. Straub made a motion to grant the special use permit, seconded by Mr. Zeidan and the motion carried unanimously. SPECIAL USE PERMIT GRANTED.

KAVY /KLOSE SPECIAL USE PERMIT – Proposed accessory apartment located on Cross Road containing 3.39 acres (Grid No. 6560-04-938391)

Ms. Susan Kavy and Tory Klose appeared before the board. She said they are planning an accessory apartment in their home on South Cross Road for her mother and added it's about 650 sq. feet; a bedroom, bathroom, kitchen and living room. She said you won't be able to see it from the street. Ms. Olyha opened the public hearing and asked if there was any comment and there were none. Mr. Straub made a motion to close the public hearing, seconded by Mr. Zeidan and the motion carried unanimously. PUBLIC HEARING CLOSED.

Ms. Livigni said in the Building Inspector's memo there was a variance given for the setback that has been approved. The Board and applicants discussed the project.

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

OTHER BUSINESS:

HARVEST RIDGE SUBDIVISION RE-APPROVAL – Discussion and request for solid waste processing on site. *(Bolner) (VanDeWater)*

Mr. Ernst Martin of KC Engineering appeared before the board. Ms. Livigni gave the board some background on this application.

She said in February the re-approval was on the agenda and she said she presented to the board an email she had sent to Christian Moore from KC Engineering inquiring about some complaints about fill being brought in on site and she received a letter back from Mr. Martin in January saying it came from the Town of Poughkeepsie. She said she went out on February 18, 2015 and she saw industrial dumping, garbage, concrete and masonry debris, metal, piping, basically construction debris. She informed the board at the time there would be a violation issued on the property the next day. She said she reminded the Planning Board that the long standing policy of the town is if there is a violation on a property no further action is taken. On February 20th a stop work order was issued by Ken McLaughlin and herself as well as an Order to Remedy for some violations of the SWPPP they had on site. She said since then there has been a lot going on. Ms. Olyha asked do the violations still exist and Ms. Livigni said yes and the town, Ken McLaughlin and herself and Mr. Nesheiwat have entered into an agreement to try and get an end to these violations and get things under control on site. She said if the terms of the agreement were being met the town would allow the applicant to close up his house that has been partially under construction since November of last year so he can weather proof it. He needed to get the SWPPP violations corrected which are supposed to be done by the end of the month and they had options as to what course of action they wanted to take and they chose to come up with a plan in which they removed the waste that could not be processed on site, specifically things like fuel tanks, metal, dunkin donut signs, gas tanks, all other sorts of stuff that couldn't be processed. She said the Board received a work plan that KC Engineering prepared. Their intention is to process the remaining C & D waste from both known and unknown sites on this location. She said there is a restriction from bringing any more fill on to this site that is not approved by the Town. She said the processing would be a one time only deal to take care of what is on site. Clark Patterson and Walter Artus have reviewed the work plan and as part of

the re-approval process this is being considered a change in circumstances as a subdivision was originally approved by the Planning Board. In addition to that the stockpiles of waste have been put in locations that were designated for SDS's so a concern that come up has been that the Department of Health Approval really should be considered by the Health Department because they also need to be aware of the change of circumstances on the site and she said she thought this affected about 6 lots. Ms. Livigni said part of KC Engineering's plan is to put a submission into the Department of Health to get them to re-approve those sites and the town will be copied on that. Ms. Livigni said in front of the board tonight is the work plan for a one time only processing facility on site to handle what can be processed on site.

Mr. Zeidan recused himself.

Mr. Martin showed the board the plan. He showed the board the existing conditions and the proposed locations of where the processing will take place. He said they identified some 22-24 piles at the site and location. He also showed the numerous areas of rock, shale, masonry, brick, concrete and things of that nature. He said the idea is to get all the processed type material to one area, where the existing barns are that Karl Ehmer had for many years. He said there is only that really remains. He said this area also is a concrete path so that seems like a logical place to bring the material down for processing. Mr. Martin said plus it is also further from the road and neighbors and they would construct a berm between the existing building and over and about to this location to shield the view and tone down the noise that you might get from a crushing facility. He said most of this material is from on site although there is some that was brought in from another construction location. And the idea is to process it on site. Also in the report and has Wanda had mentioned there was numerous other material which is non processable and he said that is wood, steel, fiberglass, plastic. He said that material has all been collected and put in dumpsters and there is about 4 of them on site. Ms. Livigni said Clark Patterson has been inspecting the site. Mr. Martin said the processing would take place in this area and to be used later for driveways, patios, sidewalks around houses, that kind of thing. He said this is all clean, hard fill. Ms. Olyha asked if they were taking down the barn and Mr. Martin said no. Ms. Olyha asked if they were putting it in the barn, Mr. Martin showed her the location of the barn and said it will still be used for storage for different construction materials. He said there are a lot of pavers that were situated in different places and collected into one area. Mr. Komorsky asked what is being done with the rebar and Mr. Martin said the rebar along with the metal will be put into the dumpsters and taken off site. Ms. Olyha said she didn't think a crushing machine was listed in the DEIS. Mr. Martin said unfortunately this was before my time. Ms. Livigni said she didn't believe an EIS was done, just an EAF. Ms. Olyha asked would this have to go through SEQR again because of the impacts to the neighborhood in a residential area. Mr. Comatos said yes, you can make a determination that SEQR does apply based on the deposit of materials and activities that are proposed to be conducted on the site and the need to get the unacceptable material off site so all of these impacts are subject to further SEQR to review in the Board's disgression. Ms. Olyha asked if they would do that as an addendum or supplemental and Mr. Comatos said as a supplemental. Mr. Martin referred to the existing long form and asked if had spoke to processing materials on this site, which has been done before on this site, would there still be a need to further modify SEQR. Ms. Olyha said this is a crushing machine, this is different from just processing, you are not just moving dirt. Mr. Martin said that's not true. She said there's a crushing machine that is existing right now in an industrial zone and when they wanted to add the machine to that site, we went through a SEQR process because it is a lot of noise from a great distance and we had to limit the hours of operation, take sound readings, etc. Ms. Olyha said and now you are right against all these homes. Mr. Gunn said with no barriers. Mr. Martin said he understands that but the point is they've done crushing out there twice before and added if it is in the long form now as we speak are we going to re-open this. Ms. Olyha asked is it in the long form. Ms. Livigni said she would look into getting the original EAF and get it to the consultants for them to review to see the adequacy with regards to this. Ms. Olyha said her biggest concern was the noise. She said she didn't live near the industrial zone, quite a distance away and she can still hear the crushing machine (the one on Commerce and Industry Street) She said she would like to make sure there are enough sound

deadening barriers in the areas so the residents are not impacted by it. Ms. Olyha asked Mr. Martin if there was a reason why he picked right next to the residents and not somewhere else on the site. He replied the majority of the material was there and they also felt it was out of view. Mr. Gunn said shortest route and Mr. Martin said not necessarily, it's just where the material is. He said there is more soil and erosion controls in place there and we are not going to do it up in front by the road. Mr. Martin said to process this on site, we are talking 5 days or less. Mr. Bolner said from a standpoint of location, the 2 other areas of the property to the east and to the north, because they are up on the hill, the sound would be worse so the location they are proposing from a standpoint of being able to screen that with the natural hill that would screen it from Stringham Park. Mr. Bolner said there is a substantial hill on the north side. Mr. Rosenfeld asked the length per day of operation. Mr. Martin said he thought it was 8-4:30. Ms. Livigni said SEQR was the first thing to resolve and Ms. Olyha said so we should see what that is and make a determination if we need the supplemental or not. Ms. Livigni said due to a change in circumstance the Planning Board does have the ability to conduct a public hearing in light of the residential area there. She said the Planning Board may also want to consider that to let the people of Dutchess Farms have a voice in this. Ms. Livigni said everything that is going on at the site is being inspected and monitored and reported on by Clark Patterson, in addition to whatever KC Engineering may or may not be doing for the applicant and the applicant has agreed in that agreement also to allow that to happen and to fund it.

Ms. Livigni asked Mr. Bolner about the lots 36, 37 & 38, and the stuff that was buried and how it was handled in the work plan. Mr. Bolner said he did not specifically check that and added he knows that they talked about removing that area. There was some that looked like it had been graded in it looked like it had basically been filled. He asked was that specifically addressed. Mr. Martin responded yes and added that all the material to be processed would be brought down to that site and all the fill would be stock piled. Ms. Olyha asked do they have a plan for the erosion control for this. Ms. Livigni said Walter did an inspection and wrote a memo as to what they need out there, in addition to compliance with their existing SWPPP. Mr. Martin said we do show those controls on the plan. Ms. Olyha said we have 2 choices, we can wait with the SEQR to see what is determined with the EAF or we can go ahead and schedule a public hearing for next month. Mr. Martin said why don't we schedule the public hearing, we can always cancel it.

Mr. Martin said regarding the fill and material stored over the septic area, he said he has been in touch with the Health Department and they are going to do some additional soil testing and there will be a report to the Health Department and the board will be copied. He asked the board to ask the town's attorney to be in touch the applicant's attorney. He said there is a question as to whether this requires a permit from DEC and/or registration. He said the attorney representing the applicant is probably much more knowledgeable than anyone in this room regarding this type of operation, having been former DEC attorneys and he asked the Town Attorney be in touch with the applicant's attorney and discuss that issue. Ms. Livigni told Mr. Martin he had a comment letter from CPL, the applicant's attorney can now contact the town's attorney to address that directly. Mr. Comatos said he received a letter from him today and he said he will be in touch. Mr. Bolner said he spoke to staff at the DEC and they said it doesn't require a permit, it does require registration so that they are knowledgeable of it and it's the processing of the material that requires a registration, the actual material itself in a recognizable form is exempt as was stated in the work plan, it's the processing of the material and the pulveration of C & D material is considered processing and makes the material unrecognizable and therefore no longer exempt so once it is unrecognizable and no longer exempt that transition from those 2 states is what has to be registered. That's what the regulations say and the staff from the DEC clarified to him. Mr. Bolner said he spoke to Steve Perrezo. Ms. Livigni said the applicant doesn't believe he needs to be registered and the town consultant believes that he does so it's being tossed over to the lawyers and that too will be in your next packets, whatever the outcome is.

HUDSON VALLEY FEDERAL CREDIT UNION – Proposed site plan located on Rte. 55 containing 1.26 acres (Grid No. 6460-02-650904); initial presentation

Roger Keating from The Chazen Companies was present. Also present was representatives from Turner Construction, Mauri Architects and HVFCU.

Mr. Keating gave the board an overview. He said the new location will be located at the intersection of the newly constructed Round-a-bout and Stringham Road along Rte. 55. The Branch will be approx. 4,500 sq. ft. and will have access from Stringham Road. He said it is located in the TCB zoning district. He said there will be a detached drive-thru which will require a Special Use Permit according to Town Code. He said the detached drive-thru does some unique things for this site because it allows them to push the building up front towards the road and put the drive-thru in the back. He said it helps reduce pedestrian interaction with anybody using the drive-thru. He said they are looking to have public water connection and serviced by on-site septic. He said with the project site being a little over an acre in size and we need to use most of it so they will disturb more than an acre so they will need a DEC storm water permit and so they will manage storm water on their site and use a series of practices which will include sub-surface storm water infiltration, a combination of rain gardens or bio-retention areas to compliment the landscaping and also look to have a storm water planter in the front along Rte. 55. He said with respect to landscaping, they incorporated some of the stone wall work along Stringham Road which is similar to the wall over by Hannaford. He said they are required by New York State to conform with the NYS ATM Safety Act and as such they looked at some architectural style lighting, a pendant style light. They haven't pinned down the exact fixture yet but they did put one in the packet just to show the intent as to how we would get our lighting coverage there and the style light being a decorative hook.

Mr. Jay Mauri from Mauri Architects spoke. He said the building is about 4,500 sq. ft. He said they sided the building toward the front or the Rte. 55 side of the property because we wanted to give prominence to the 55 frontage and we were also sensitive that we were on the round a-bout, the traffic circle and we also have frontage on Stringham Road that we wanted to design the building so it was attractive on all sides of the building. Mr. Mauri said another challenge was being we would hope to have pedestrian traffic come in from the sidewalks on Rte. 55 and we also have our building entrance on the rear on the parking lot side so we have that dual entrance which comes into a nice center lobby on the building. He said the façade of the building was developed through meetings with Wanda and Ken McLaughlin and were helpful to suggest some architectural features or styles for the building that would be appropriate in the town center and compliment some of the other architecture in the area. He said the building is a nice mixture of masonry materials which support a very traditional gable roof structure and a feature at the top of the building is a clear story that will allow natural day lighting down into the main lobby of the branch. He described the materials to be used, including a cast masonry water table extending from ground level up to the underside of the window sills, which he showed the board a sample of. From the top of the water table to the underside of the roof cornice is a red brick veneer they have used on other buildings, The windows, champagne aluminum frame and the glass has a very slight green tint to it which is a nice feature, it compliments nicely with the other features on the building as far as the green roofing and Hudson Valley logo.

Mr. Mauri said there is a cornice that wraps around the building, helps to frame the roof and that is stucco material and the roof is an architectural shingle in a slate color and described some of the accents on top of the clear story and accent areas on the gable ends. Mr. Mauri said in designing the building they were trying to be sensitive to some of the requests and architecture in the area when they met with Ken. He said they also want to incorporate some of the features of the HVFCU buildings they have done in the past to help identify the building to the members and folks in the town.

Mr. Mauri showed the board the different views. Ms. Olyha asked did this count as a 2nd story and Ms. Livigni said Ken had determined that he felt it was sufficient. Mr. Rosenfeld said it did give the impression of a 2nd story to comply with town center and asked if it would be just for show and asked if there would be offices. Mr. Mauri said no offices, it was actually open into the bank. Ms. Livigni said her understanding from the meeting, banks don't typically like things above them and in light of that in trying to find a compromise with getting the bank in and the 2nd story, Ken thought that was a fair compromise. Ms. Olyha said that should be noted during SEQR. Mr. Gunn asked about the parallel parking on the side road. He said he would never park there. Mr. Keating said they looked at that when they were doing the site layout with Mauri. He said there is some encouraging to have some on-street parking in the code so they were trying to make an attempt to be in line with the code and that is how that concept came to light. Ms. Olyha said the issue is how close it is to the circle. Ms. Olyha asked do you need those? Mr. Keating said right now they have 39 parking spaces on the site. He said they need for the Zoning Code and felt he was confident they could get 1 more in there so that was something he could discuss with the Credit Union. Ms. Livigni said this hasn't gone to the consultants yet so she was certain Greg would be looking at the site distances. Ms. Olyha said the main thing is they are supposed to be a certain distance from the circle.

Mr. Zeidan asked about the addition on top, is that still considered 2 story. Ms. Olyha said that was discussed and Ken made that determination and add it to the SEQR process. Mr. Bolner said that is going to have to be reviewed and documented. Mr. Bolner said he wouldn't give it a definitive yes/no at this point, it will have to be laid out. Mr. Gunn said they would make the argument that as it is a bank you would not a 2nd story above that. Ms. Olyha asked about the drive-thru and asked if detached was ok and Ms. Livigni said yes. Ms. Livigni said when the Town Board amended the Town Center Zoning to allow drive thru's for this use, you can see they are implementing a lot of those things like the landscaping and to keep it hidden from the public. Mr. Komorsky asked if there would be a 24 hour ATM and Mr. Keating said yes, with 2 teller lines and asked about ample lighting. Mr. Keating said they have additional lighting in that area and they have to do that per the ATM safety act.

Mr. Zeidan asked about the off-street parking and asked if it would block the views if making a left out of the parking lot. Ms. Olyha said that will have to be looked at. Ms. Olyha asked about the stone wall and why they didn't continue it to the other side. Mr. Keating said they had more landscaping down on that end with the bio retention area so they were doing more landscaping in that corner. Ms. Olyha said she was wondering if it would be more consistent with the other part of Stringham Road where we had the wall the entire length. Ms. Olyha said the Town Center is several patents that came together and that's why the stone walls are significant. She said she viewed it as the stone wall just plopped there, it's not something that continues and goes on and makes it a part of the town. Mr. Keating said they will work with the credit union in looking at that landscaping for that area. Ms. Livigni said this was originally a part of the church's property and the DOT came in and took it. Mr. Rosenfeld asked if the black dots represented lights. Mr. Keating said they were all internal parking lot lights. Mr. Rosenfeld said just about where Stringham Road and Rte. 55 meet there are a couple of lights there already that the town has installed and asked if these lights would be similar and blend in? Mr. Keating said they have a style they are looking at. Mr. Rosenfeld said the existing lights with the rotary are pretty unique. Mr. Keating showed the board a picture and said it is a pendant style light and it's not exactly like the ones that are out there. He said with the lights that are out there, to get the coverage for the ATM safety act it's a little harder to do so we need to have something that's a little more of a down light. He said they can still accomplish that with a pendant style light. He said they are not finalized on the exact fixture but that is the style they are looking for. Ms. Livigni said Mr. Rosenfeld brings up a very good point, along Route 55 and along those sidewalks they do have to match but internally they have to be of the same flavor which is what I think Dennis is getting at.

Mr. Keating said they did take into consideration what is out there. Ms. Olyha brought up that Arlington High School has an environmental group that does research with the Blandings Turtles so they are a good resource if you are looking for a resource for our area. Ms. Livigni said this is an initial presentation and if the Planning Board is in favor, which it looks like you are, she recommended opening up an escrow and it will be given to the consultants. The Board decided on \$1,000 to open the escrow. Mr. Keating asked to talk about the process after the escrow. Ms. Livigni said an initial presentation which means the zoning Department sees it first. After the escrow is received it will be circulated to Walter Artus and Greg Bolner and they will provide comment letters which will be sent to Roger Keating and respond with a submission. Ms. Livigni said the consultants give us a proposal for the submission and the cost to provide a comment letter. She said with each following submission, it will go to the consultants and they will again provide a proposal for the work and send it to you to let you know where we are in the process. She said every proposal, every review is in and of itself its own process. She said she tries to be as flexible as she can with deadlines after the initial presentation because sometimes comments can be minor in nature and we can get you on quicker. Ms. Olyha said once you get your comment letters then the board starts the SEQR process. She said when the board is happy that it is a proposal that others can view we start that SEQR process where we circulate for Lead Agency to interested and involved agencies and the consultants also determine what type of action it is. She said during that process environmental and other issues are looked at, mitigated and then after a SEQR determination you start into the home stretch. She said so we do it concurrently so that you are not stuck in one step. Mr. Keating asked when can they circulate to County Planning and Ms. Livigni said if their packet has everything that the County is going to want to see, we should be able at the next meeting circulate and potentially set the public hearing for July.

FEEDS PLUS AMENDED SITE PLAN – Proposed amended site plan located on Red Oaks Mill Road containing 1.418 acres.

Mr. Michael Berta appeared before the Board. Mr. Berta said he adjusted the site slightly and they have a little bit of a different layout going on. He said they re-located the building slightly, relocated the sidewalk and adjusted the entrance and parking so they are a little closer on their parking count. He referred to the entrance that was now a right turn only and showed the board the two-2 way entrance and the right way. Ms. Olyha and Mr. Berta and the board continued to discuss the entrance and egress of the site. Mr. Berta said the building is proposed to have a store on the first floor and 4 apartments on the 2nd. He said they are taking down just about every structure that is on the site now. Ms. Olyha asked about the refuse area and Mr. Berta said no matter where he puts it, it's going to be on residential and said his thought putting it near the 2-way entrance so the refuse company could come in and out. He said they can screen it so it is not seen. Ms. Olyha said she thought the main thing was smell. The type of refuse they would have was also discussed. Mr. Berta said household garbage and the garbage generated from the store is mostly cardboard and any pet food that expires that he won't sell. Mr. Berta discussed the fuel for the building and he said they would be buried tanks. He said they haven't decided whether they are going with LP or oil. Mr. Berta said there will be a partial basement under the building for mechanical equipment but most of the building is going to be on slab. Mr. Gunn asked about the oil tank and Mr. Berta said there is a lot of bells and whistles to go through to bury that and he said if they go with oil they will put the tanks in the basement and added propane would definitely be buried. Mr. Berta said they need 31 spaces for the retail business and for the apartments they need a total of 7 and they are providing 30 on site. He said they are one short for the retail and they are looking for the overlap for the apartments. He said he could get the one extra space in there. Mr. Berta said his current building he barely has 4 spaces and it's never really too much of an issue, even with employees. Mr. Gunn asked if it was the applicant's choice to put the apartments on top and Ms. Olyha said it is a hamlet requirement and the applicant wants it anyway. Ms. Livigni said but he is also going to be more visible so he may get more customers. Ms. Olyha asked about signage and Mr. Berta showed the board where the sign would be on the front. He showed the board where there would also be a smaller one. And he added the main

sign would be top lit. The Board set an escrow for \$1,000. Ms. Livigni referred to Mr. McLaughlin's letter and Mr. Berta showed the board the floodplain and Ms. Livigni said it has to be on the map.

Ms. Livigni said this is an initial presentation and has not been reviewed by the consultants and once the escrow is received they will commence. Mr. Berta said they haven't done a lot of the engineering and he wanted to make sure the board was comfortable with the site so he said they have to get the septic on. Ms. Olyha asked the board if they were happy with the location and the idea of the parking area. Mr. Gunn said yes, the biggest concern was traffic flow.

CETK, INC. – Pre-application discussion located on Commerce Street containing 2.678 acres (Grid No. 6361-03-063373)

Mr. Ed Loedy appeared before the board. He said this a building he believes has been around for over 50 years, approximately 25 years ago an addition was proposed to be built. He said Wanda found those drawings and that addition had gone through a Planning Board review but never materialized so nothing ever happened. He said the drawing was helpful in enabling him to at least make this presentation. Mr. Loedy said it is about 25,000 sq. ft. of space and has been used as manufacturing by CTEK Corp. and as many businesses have experience a drop off, and the corporation only now uses 25% of the space. He said IBM was the biggest customer and economics, rules, regulations, whatever made for manufacturing access, IBM went to other places so CTEK corp. is trying to stay financially stable and they want to make use of the other 75% of the space. He said they are looking to most likely lease some of the space either in increments or in totality to someone else. He said they are not proposing anything other than what is permitted by the code. Mr. Loedy said that is why he is here. He said they show a total of 30 cars on the conceptual plan and they follow the code and rent all of the space out, 400 sq ft is required for every car so they would need 50 cars. The corporation is not going to have more than 10 cars there. He showed the board an item this corporation made. Mr. Loedy said according to the code the uses they are proposing to rent would be permitted but asked the board are they permitted to do this. He said they only thing they would have to do is put a couple of overhead doors on one side of the building and rent this out. Ms. Olyha asked if the applicant was planning the piece in the back as a whole or break it up for multiple people. Mr. Loedy said that would be a function of who shows up, his preference is to rent it to one party, one tenant. Ms. Olyha asked if it had a septic system and town water and Mr. Loedy said yes. Ms. Livigni said when she discussed this with Mr. Loedy, she said he is trying to make that rental space quickly available to a tenant to come in and to not have a tenant to have to wait to go through the Planning Board process so in light of that, she recommended to Mr. Loedy that he look at the permitted uses, and it is an industrial zoned area, and come up with the worst case scenario and list those uses on there and address them on a site plan so that if someone came in within those parameters they would be able to just move in without having to come to the Planning Board. Ms. Olyha asked about retail and Ms. Livigni said she didn't think retail was permitted in industrial in and of itself. She said it might be associated with something on site. She said the goal is to get the site plan approved to the point that the building department and zoning can handle the change in use as the rental properties come in. Ms. Olyha asked if the parking areas existed now. Mr. Loedy answered the question about some that existed and some that weren't marked. Mr. Loedy said they are proposing a nicer entry to attract business. Mr. Gunn said so we would be _____ this site for a variety of uses within the confines of the rules and then as people came in we wouldn't be six months/8 months out determining their little portion of that building. Mr. Loedy said he was hoping the board would say as long as we are doing something that is permitted, you can go and do it. Ms. Olyha said so the biggest question is parking, he has to give us the worst case scenario for parking and she sees it right now, the worse case is if he had to he could put a line down the middle and put a bunch of paved spaces in the middle if he's planning on paving that whole section anyway and so that would be something he would want to show on the plan now but never put in unless he has too. Ms. Livigni said correct. Mr. Loedy said if his client gets a tenant and the board deems it important that he has 40 spaces he'll put them there. Ms. Livigni said this is just a pre-

application discussion. Ms. Olyha said if we can get the spaces occupied in the Town of LaGrange she felt it was the best thing for the town because it already exists and Mr. Straub said it would create more jobs. Ms. Olyha said since he is not changing anything does he really have to be here. Ms. Livigni said it's up to the Building Inspector whether he has to come before the Planning Board. She said Mr. Loedy spoke to Ken as well so this was a tag team response to the request by the applicant that the most efficient way to get this done was to get it before the board so that there was already a list of permitted uses so that each call wouldn't have to be made and delayed. Mr. Zeidan asked if there has been any interest in renting this. Mr. Loedy said he didn't know. They are working with a realtor. Ms. Livigni said at this point it's up to the applicant if he wants to pursue this and it's up to them. Mr. Loedy said his client will be happy to hear the board is for this. Ms. Livigni said the challenge will be with the more impervious surface you put down, there could potentially be drainage. Ms. Livigni told Mr. Loedy that we could not locate an actual approved site plan for the site. Mr. Loedy said it was done before the SEQR law came into effect. So this will be an actual site plan, not an amended. Mr. Loedy said but we aren't doing anything. Ms. Livigni said she didn't think this would be a problem, going through the SEQR process; you are surrounded by other industrial uses. Mr. Loedy asked so we are going to have to go through the SEQR process for this? Ms. Livigni said the question was whether it is an amended site plan or an actual site and since there is no site plan, we can't have an amended one. Ms. Olyha said the SEQR process is not bad. Mr. Loedy said he understood and that it can take some time. Ms. Olyha said this is not going to be a big blown out SEQR process, it's going to be a couple sheets of paper. Ms. Livigni said she saw it being a very abbreviated SEQR process. Mr. Loedy asked what he should do next. Ms. Livigni said if your client wants to pursue this, you come in for a site plan application, submit a plan with all the uses that could be put in there, you develop the site to accommodate those uses and list the parking spaces with the worst case scenario. She said there should be an existing site plan and what you want to do there, existing conditions should be the 1st plan and 2nd plan should be potential full build out. Ms. Olyha said you would put your uses and what it needs. The Board continued to discuss advising Mr. Loedy what to put in the plans.

LAGRANGE CREAMERY SITE PLAN & SPECIAL USE PERMIT – Proposed site plan and Special Use Permit located

Mr. Brian Stokosa appeared before the Board. Ms. Livigni said the Department of Health approval letter came in for the site. She said based on the fact that the Creamery has a season coming up they are trying to get to for this year and in light of the fact that the Planning Board gave him the permission to proceed at their own risk once they got the SPEDES permit coverage, which they still don't have yet, she reviewed the last comment letters from both Walter Artus and Greg Bolner and at this point she would recommend a conditional site plan approval conditioned on getting the SPEDES coverage, and that no work can commence until the SPEDES coverage is obtained. She said there is some minor things in Greg's & Walter's comment letters that need to be addressed on the plan so when the mylar comes in we make sure both of them review it. She said and fees. Mr. Bolner said his only comment on the plan that he talked to Brian about is the location of the well in proximity to the water quality basins. The new building is going to be town water and the old building is being kept on the well. His suggestion is to allow him to maintain the well for irrigation only and put the existing building on town water. Mr. Stokosa said yes, he can't make it work otherwise. Ms. Olyha said so you are going to leave the well for irrigation purposes only and put both buildings on town water. Mr. Stokosa said he will run a new water service to the new building and it will have an RPZ and a meter there and they will branch off to the existing building with the apartment. Ms. Olyha asked and when we can do that even though they are 2 separate parcels. It's only one parcel was said. Mr. Bolner said to get 2 meters it would require the Town Board to allow that. Mr. Bolner said that has been done in other parcels. Ms. Livigni listed conditions for the conditional approval. She said the SPEDES coverage for storm water, the mylar reflects the modifications as required by CPL and SMC, the plans reflect the change in the connection to the town water system with the branching off and the normal payment of fees and escrow.

The motion was made and seconded and carried.

BOLLEN WETLANDS PERMIT – Proposed Wetlands Permit located on Daley Road containing 3.05 acres (Grid No. 6260-04-933061); initial presentation

Ms. Michelle Bollen appeared and said she was applying for a Wetlands Permit for a 27 foot above ground pool and a 30x30 foot deck and an approx 30x40 storage shed. Ms. Livigni briefed the board. The applicant came in for a permit for a pool and deck and in the future a storage shed and she said she recommended that they include that now. She said it's in the buffer, town wetland. When they purchased the parcel the surveyor had labeled it as wet area, not a town wetland and therefore the town buffer was not identified. It's pretty well encumbered by this buffer and wetland and they do have a lot of site constraints. The Board went through the map discussing the shed, wetlands, buffer. Ms. Livigni said she didn't know what the designation of the floodplain was. Mr. Straub asked if the soil was substantial for a pool because he has seen them collapse. Ms. Livigni said there has been some clearing already done which is how they bought it. Ms. Livigni said she thought it was probably sufficient out there for the pool and deck. Ms. Livigni said the shed could be an issue but Stacy is pointing out that the actual floodplain that was located here.....Ms. Olyha said that's not the floodplain itself, and noticed a red line thinking that was it. Ms. Livigni said that's historic and Ms. Olyha said now it's moved here. Ms. Livigni said so there's an approximate 100 year floodplain, but that's the historic one but he is referring to a map that doesn't comply with the new FEMA maps. Ms. Livigni said so that's a good thing. Ms. Livigni said the flood issue is not necessarily a problem with the storage shed. She said the developer had already clear cut this and put grass in. Mr. Straub asked if it was good substantial soil. Ms. Olyha said their property line is 75 feet from either a DEC wetland or the _____.

The Board continued to examine the map and discuss the issue. Ms. Olyha said you technically you can have structures in a town wetland law as long as it doesn't include a garage where you have your oils and it doesn't have to have like a regular floodplain _____ where you have to check elevations. The Board looked at where the 3 structures would be going on the plan. She set a public hearing for June 18, 2015. Ms. Livigni said she would get a copy of the FEMA map to show it has changed and have that for the public hearing. The board set an escrow for \$250.00.

STARZYK SOLAR PROJECT SPECIAL USE PERMIT – Proposed Special Use Permit located on Townsend Farm Road containing 3.74 acres (Grid No. 6560-03-405300); initial presentation, set public hearing.

Rich _____ with Sole Provider appeared before the board. He said this project is for a ground mounted solar array, 2 separate arrays located behind the barn set back off the rear of the property by 40 feet. He said this will be completely hidden from the road from Townsend Farm Road and it will not extend beyond the width of the garage or the barn. The Board looked at the plans and discussed the project. The board recognized the fact that it was behind the barn but was concerned about the view from the neighbor's property. Ms. Livigni said these people are being very cognizant to take this out of their view and they are putting into someone elses and added she is just pointing that out. She said who will be stuck looking at this and it's not fair to take it out of their view and put it in someone elses. Mr. _____ said there is another reason why they are putting it there and that's because of the sun. He said he tried to convince him to put it on his roof but he doesn't want it. Ms. Livigni asked if there was any consideration to putting it anywhere else on the site and Mr. _____ said no, that's where he the homeowner wanted it. Mr. Straub said whether it's on the roof or the ground the visual aspect doesn't really matter other than public comments. Ms Livigni said there's not as much of a visual impact if you put it on a roof as when you have a structure in the back yard and the property owner is clearly trying to make it that he doesn't have to see it and putting it right in front of someone else's view shed. Mr. _____ said that is the best location for the property. Mr. Gunn said he agreed but he also agreed that

his neighbor has to stare at it and the applicant doesn't have to. Mr. Straub said we will listen to the public comment and if the neighbors don't complain then so be it. Ms. Livigni said what is unfortunate that the property owner that abuts this will be going for surgery and it would be unfortunate if he didn't get a chance to speak. She said she thought this was significant in that it could affect the property value of his house. Ms. Livigni said you can set the public hearing and hopefully he will be able to attend. Mr. Straub said he can write a letter and Ms. Livigni said he may be unable to write a letter. She said it's really important that this board consider the location of this and important that the person whose property will be impacted has a right to have a say on this and if they are in the hospital in NYC, they may not be able to write a letter or attend. Mr. Zeidan suggested that Mr. _____ go back to the applicant and suggest maybe putting this on the barn. Ms. Livigni said the board not only has to represent the applicant by the people surrounding it and this board has an obligation to consider this. Mr. Komorsky asked Ms. Olyha if the board could delay the public hearing until July. Mr. _____ said they can talk to the neighbor or Mr. Starzyk can talk to him and see if he will have any issues we can bring that back to the board. Ms. Livigni said you are not going to be the one bringing his words here. Ms. Livigni said you could set the public hearing for June and if he is able to attend or respond, that's fine and if not you could always adjourn it for the following month. She said she was hoping he would be here and this isn't an issue. Ms. Olyha said we will set the public hearing for June 18th and then we will assess the issue at that time.

REQUEST FOR 90-DAY EXTENSIONS:

LAKE RIDGE SUBDIVISION – requesting a 90-day extension, effective June 18, 2015 and due to expire on September 18, 2015.

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

ROLLING MEADOWS SUBDIVISION – requesting a 90-day extension, effective June 18, 2015 and due to expire on September 18, 2015.

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

REQUEST FOR RE-APPROVAL

HIDDEN POND SUBDIVISION – was granted final subdivision approval on June 19, 2014 and was granted 2 90-day extensions. This approval is due to expire on June 19, 2015 and the applicant is requesting the Planning Board grant a re-approval.

Ms. Olyha said the Planning Board has to send a memo to the Town Board requesting a recommendation. She asked the board if they wanted the applicant to come to the board. Ms. Livigni said one of the developers came in and stated that the subdivision was too expensive to build and will probably be coming back in to turn it into a 4 or 5 lot subdivision. She said she told him they would keep it in the process so it wouldn't fall behind so he may very well be back next month with a different submission. Ms. Olyha said as long as they keep their re-approvals up to date they can look at downsizing. Ms. Livigni Whispering Pines is similar to this so they will have to make a new submission with no application fee however they have to pay the current fees, not parks and rec fees and they start the process all over. She said SEQR is generally briefer. Mr. Komorsky asked if it would make sense to have the developer come in. Ms. Livigni said there is a consultant meeting set up to go over it. She said they probably will be at the next meeting. Ms. Olyha asked the board if they wanted the applicant to come in

and touch base with them before they did a re-approval and the board said yes. Mr. Komorsky made a motion to send this to the Town Board seconded by Mr. Gunn and the motion carried unanimously.

FRANK FARM SUBDIVISION RESOLUTION FOR REAPPROVAL

Only change from April's resolution is the date for Ridgeline completion (page 2 item 3)

Ms. Livigni said this is for the road completion, it was in the previous re-approvals that there would be a deadline for a ridgeline drive, that road that goes through, to be completed. She said it is also tied to the performance bond, so right now the town's attorney and the applicant's attorney agreed on the date and that's the only change.

Mr. Gunn made a motion to accept the amended resolution, seconded by Mr. Straub and the motion carried unanimously.

Mr. Straub made a motion to adjourn the meeting at 9:15 pm, seconded by Mr. Gunn and the motion carried unanimously. MEETING ADJOURNED.

Respectfully submitted,

A handwritten signature in cursive script that reads "Eileen Mang". The signature is written in black ink and is positioned above the printed name and title.

Eileen Mang
Planning Board Secretary