

**STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE**

**TOWN BOARD MEETING
February 25, 2009**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Dale Borchert

Absent: Councilman Steve O'Hare
Councilman Gary Beck

Recording Secretary: Christine O'Reilly-Rao

Others Present: Wanda Livigni, Administrator of Public Works
Peter Huff, Recreation Director
Diana Campaglione, Environmental Consultants
Ron Blass, Esq., Van De Water & Van De Water

A regular meeting of the Town Board was held on February 25, 2009, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. and the Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes from February 11, 2009 and February 18, 2009.

Councilman Luna so moved seconded by Councilman Borchert and carried unanimously.

Supervisor Wagner asked for a motion to waive the 30 day waiting period for a liquor license application for Van Wyck General Store.

RESOLUTION

RE: To Waive 30 Day Notice for Liquor License for the sale of beer for off premises consumption.

Applicant: Van Wyck General Store, Inc.
423 Manchester Road
Poughkeepsie, NY 12603

Date: February 25, 2009

Supervisor Wagner introduced the following resolution. Councilman Borchert moved its' adoption seconded by Councilman Luna.

WHEREAS, Van Wyck General Store, Inc. located in the Town of LaGrange, intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an Applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive the thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of LaGrange hereby waives the thirty (30) day notice period in regard to Van Wyck General Store allowing an earlier submission of the liquor license application.

ROLL CALL VOTE:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	ABSENT
Councilman O'Hare	ABSENT
Councilman Borchert	AYE

Dated: February 25, 2009

Christine O'Reilly-Rao
Town Clerk

Correspondence and Supervisor's Report

Supervisor Wagner stated that there would be a conference on the proposed MTA tax on March 2, 2009 at 6 p.m. at the Hilton Garden Inn, 15 Crossroads Court, Newburgh. He further stated that citizens could voice opposition to this tax by logging onto the MTA website.

Mr. Wagner stated that the proposed tax would probably cost the Town of LaGrange \$10,000.00 The Town Board's opposition to the tax was registered on the website.

Mr. Wagner then asked for a motion to set a Public Hearing for March 11, 2009 for the improvement of the facilities of Manchester Water District for the Deerfield Booster Pump upgrade.

Councilman Luna so moved seconded by Councilman Borchert and carried unanimously. (SEE ADDENDUM)

Ms. Livigni stated that these improvements are required not only for the water district but also for the Rolling Meadows subdivision which has paid into the district.

A Public Hearing for a rezoning request from R-120 District to C-1 District for tax parcels 6559-03-304356 and 6559-03-328354, located on the corner of Arthursburg Road and Route 82 was next on the agenda.

Mr. John Adams, attorney for the applicant and Chris Lapine, engineer from Chazen Associates were permitted to make a presentation.

Mr. Adams stated his client owns three parcels in this area and is requesting rezoning for two of them with one small parcel remaining residential. The request was consistent with the area since the rezoning would create a uniform C-1 district i.e. there is the A&P Plaza and the former A&P Plaza nearby. Part of the property lies in East Fishkill and that is already zoned commercial. He stated that the Town's Comprehensive Plan recognizes the area as a commercial one. He further stated that the rezoning would support economic development and provide a tax base for the Town. The only viable use of this property in the area of Taconic Parkway and Route 82 intersection is commercial due to the high volume of traffic. He further stated that condition of the immediate neighborhood has already been shaped by the existing commercial uses there, i.e. the dominant character of the neighborhood is already commercial.

In addition, the parcels are relatively flat and are at a significantly lower elevation than the existing residential neighborhood and there is a dense tree line which will protect the residential area from any further commercial encroachment. He referred the Board to previously sent correspondence of December 12, 2008 which was addressed to the Supervisor and detailed these reasons and others for the rezoning request.

Councilman Luna moved to open the Public Hearing, seconded by Councilman Borchert and carried by all.

Nicholas Ward-Willis of Keane and Beane, representing Daniel Garay of 8 Apple Summit Lane, addressed the Board. He asked if the hearing would be continued at a future date.

Mr. Blass stated it would be continued at the March 25th meeting.

Mr. Ward-Willis stated that he would reserve his comments until the continuation of the hearing.

Supervisor Wagner stated that there had been comment from the County which referenced a prior request to rezone these parcels in 2005. The County recommended that the Board rely on their own consideration of the facts with due consideration of the County comments. The County listed numerous comments on the style of development that should be in these parcels. The County's recommendations will be on file for the public record. (SEE ADDENDUM)

Mr. Wagner asked for a motion to adjourn the Public Hearing until March 25, 2009. Councilman Borchert so moved, seconded by Councilman Luna and carried unanimously.

Committee Reports

Water and Sewer

No report.

Open Space

Mr. Borchert stated that the Chairman of the committee, Joe Salfelder had dropped off a draft of the application package for the Board to review in a workshop session.

There were no other committee reports.

Ms. Livigni requested the Board's approval on a proposal from Clark Patterson Lee to provide an independent evaluation of the operation of the Titusville Wastewater Treatment Plant which will be billed hourly and will not exceed \$12,000. The plant is experiencing problems with the aerators.

Councilman Luna asked if that figure was certain as the maximum amount.

Ms. Livigni replied in the affirmative.

Councilman Borchert asked if there were funds available and Ms. Livigni replied that there were.

Councilman Luna moved to approve the proposal, seconded by Councilman Borchert and carried unanimously.

Ms. Livigni went on to ask the Board to consider whether or not the plant should be built in the next stage with a capacity of 750, 000 or 1 million gallon per day. She had previously sent out questionnaires to determine the potential district which could support a 1 million gallon per day plant. Unfortunately, the response was not as good as she had hoped, which she feels was due to the economic climate and time of year. Many respondents were concerned about the potential cost.

She presented a map with potential areas of service. She hoped the plant would serve existing commercial properties, e.g. Fireman's Way, Patrick Lane, H.O.Penn and Sora Enterprises in addition to Harts Farm and H&K development off of Vail Road which already have a collection system in place. She had come up with approximately 230,000 gallon per day waste water need which would bring the amount to 930,000 gallon per day.

Supervisor Wagner felt it would be more cost effective and beneficial to the Town to build to 1 million capacity and Councilman Luna agreed.

Councilman Borchert asked about the cost change per homeowner in an existing district.

Ms. Livigni stated there wouldn't be one.

Ms. Livigni added that she and Clark Patterson had met with the DEC and the DEC had reviewed the 750, 000 capacity proposal and unofficially, they were not in favour of that. The plant was conceptually approved by the DEC for the full build out.

Councilman Borchert was concerned about connectivity.
A discussion followed

Ms. Livigni wanted to work with Clark Patterson to get more accurate figures and Van De Water & Van De Water to negotiate with developers.
The Board informally agreed that this was a good direction to take.

Recreation Director, Mr. Huff spoke about the "Trees for Tribs" program which is a grant program from the DEC to plant trees along the Fishkill Creek Watershed. He has gotten a commitment from the Arlington Environmental Club to do the tree planting. The town should hear about the grant in about a month.

Councilman Borchert moved to open the meeting to public comment. Councilman Luna seconded the motion and it was carried by all.

Joanne Pinello Kaley addressed the Board. She read a congratulatory message from the Mid Hudson Library System Bulletin which covers five counties. Director, Lisa Karim and the LaGrange Board of Trustees were congratulated on being the first to score 100% on the MHLS Essential Documents Inventory. This inventory outlines the basics each library should have in place to meet NYS Minimum Standards for Public Libraries, including a long range plan, report to the community and a full complement of both internal and external policies.

There were no other comments.

Councilman Luna moved to adjourn the meeting, seconded by Councilman Borchert and carried by all.

The meeting was adjourned at 7:58 p.m.

Respectfully Submitted,

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- **Bond Resolution: Improvement of Facilities of Manchester Water District (Deerfield Booster Pump) Authorizing Issuance of \$10,000 in Serial Bonds for the Map, Plan & Report**
- **Affidavit of Publication: Estoppel Notice for Bond Resolution for the Issuance of \$10,000 in Serial Bonds Deerfield Booster Pump)**
- **Dutchess County Comments for rezoning request for parcels 6559-03-304356 and 6559-03-328354 (Mousa Enterprises, Inc.)**
- **Affidavit of Publication: Zoning Changes for Mousa Enterprises, Inc.**