

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

**TOWN BOARD MEETING
AUGUST 26, 2009**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Gary Beck
Councilman Steve O'Hare
Councilman Edward P. Jessup

Recording Secretary: Cheri Salfelder, Deputy Town Clerk

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

A regular meeting of the Town Board was held on Wednesday, August 26, 2009 at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:30 p.m. The Deputy Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to approve the minutes from August 12, 2009. Councilman Jessup moved to do so, seconded by Councilman Beck and carried unanimously.

Supervisor's Report

Supervisor Wagner asked for a motion to appoint Edward P. Jessup as the liaison to the Open Space Committee who will replace Dale Borchert. Councilman Luna made the motion seconded by Councilman Beck and carried by all.

Supervisor Wagner asked for a motion to appoint Jim Traut as a member of the Conservation Advisory Council to fill Mary Gomez's unexpired term. Councilman O'Hare made a motion seconded by Councilman Jessup and carried by all.

A motion was asked for by Supervisor Wagner to approve the Final 2008 Budget transfers and amendments that he received from the Comptroller. The transfers are not additions to the budget

but movement of money within the 2008 budget. Councilman Luna made the motion seconded by Councilman Jessup and carried by all. (SEE ADDENDEM)

An equipment list was given to the Board by Supervisor Wagner who asked for a motion to sell the surplus equipment that was listed at fare market value (SEE ADDENDUM). This equipment came from the Town saving money by switching to desk top multi fax, phone & copiers. Supervisor Wagner stated that the first item, the HP1320N printer would go to the Comptroller who needed a second one and the second item, the Brother Intel 4100 fax would be kept for emergencies. Councilman Luna stated that the Highway Department should be given the list prior to any sales. Supervisor Wagner agreed. Councilman Luna made a motion seconded by Councilman Jessup and carried by all.

Residents of Rolling Hills subdivision are requesting permission to close Gina and Rita Lane on Saturday, September 12, 2009 between the hours of 5:00pm and 10:00pm for their annual block party. Ms. Portaro will notify the Highway Superintendent, Dutchess County Sheriff's Department, Emergency Response and the LaGrange Fire District. Supervisor Wagner asked for a motion which was given by Councilman Luna and seconded by Councilman Beck and carried by all.

Correspondence

The letter of resignation of Maureen Harvey as an Alternate member of the Planning Board was read by Supervisor Wagner who asked for a motion to accept. Councilman Luna made the motion with regrets, seconded by Councilman Beck and carried by all. (SEE ADDENDUM)

A letter was received from Time Warner Cable with programming changes and will be on file in the Town Clerk's Office for one week. Supervisor Wagner stated that he wanted to point out a few things that go along with the letter. Citizens of the town have been complaining about Cablevision and how many of its analog channels are being changed to digital, which is causing citizens to have to purchase these boxes. Correspondence have been made to the FCC but in response only a generic reply has been made. The FCC wanted the public to know that when the country went over to digital TV signals that did not under any circumstances require cablevision to move analog channels to digital, they are using this as a marketing ploy to make more money. Supervisor Wagner stated that he would be registering another complaint with the Government Affairs Officers for Cablevision and Time Warner Cable who have moved channel 10 out of Albany off of analog on to digital. Also channel 6 out of Albany can only be viewed from a digital box not from a cable ready TV. Supervisor Wagner said the complaints will be made and that hopefully one day Time Warner will negotiate a contract with the Town so we could discuss these things.

As far as FIOS goes, Supervisor Wagner again stated that Verizon has made a business decision not to come to LaGrange with television service at this time.

Supervisor Wagner read a letter from Kathi Duffy a Town resident who wanted to thank the Parks & Recreation folks for keeping our parks beautiful. (SEE ADDENDUM)

Resolution

Supervisor Wagner introduced a resolution to waive the 30 day waiting period for a liquor license renewal for Fat Franco's Pizzeria located at 266 Titusville Road, Unit 5, in the Town of LaGrange. (SEE ADDENDUM)

Councilman Beck moved to do so, seconded by Councilman Jessup and carried by all.

Supervisor Wagner introduced a resolution to waive the 30 waiting period for a liquor license renewal for Tina's Pizzeria & Restaurant located at 415 Manchester Road, in the Town of LaGrange. (SEE ADDENDUM)

Councilman Beck moved to do so, seconded by Councilman Jessup and carried by all.

Supervisor Wagner asked the Board to approve a stipulation settling the tax certiorari proceedings brought by Titusville Properties, LLC against the Town. (SEE ADDENDUM)

Councilman Jessup moved to do so, seconded by Councilman Beck and carried by all.

Supervisor Wagner asked the Board to approve a stipulation settling the tax certiorari proceedings brought by Frosted Man, LLC against the Town. (SEE ADDENDUM)

Councilman O'Hare moved to do so, seconded by Councilman Jessup and carried by all.

Public Hearing

Councilman Luna seconded by Councilman Beck moved to open the Public Hearing for comments on the "Sign Ordinance" and carried by all.

Nancy Swanson stated that she has written comments in regards to the definitions in the code and how they relate to the tables. Her main concern was on table 3 about the commercial signs for multiple tenants, Ms. Swanson thought any sign with over 6 tenants would be way too much and hard to read while driving by and also look too cluttered for our commercial areas. Ms. Swanson also stated that she wished the Town Code would prohibit the monuments signs that have roofs on them and that they look ridiculous. Ms. Swanson also wanted to know what would be going on with the security alarm system signs that are commercial signs in residential areas which are not covered in the code. Ms. Swanson gave her written comments to the Board.

(SEE ADDENDUM)

Councilman Luna moved to close the Public Hearing seconded by Councilman Jessup and carried by all.

Ms. Gomez-Anderson of Van De Water & Van De Water stated that the Town Board received the comment letter from the County which have comments but do not need a super majority vote.

Councilman Beck moved to accept the Negative Declaration, seconded by Councilman Jessup and carried by all. (SEE ADDENDUM)

Supervisor Wagner asked for a motion to adopt the Sign Ordinance Law as noted after many months of hard work consultation, arguments and concessions. Councilman Jessup made the motion seconded by Councilman Luna and carried by all.

Supervisor Wagner asked for a motion to adopt the Resolution and the Legislative Memorandum together as one. (SEE ADDENDUM)

The vote went as follows:

Councilman Jessup AYE, Councilman Luna AYE, Councilman O'Hare AYE, Councilman Beck NAY.

Committee Reports

Water & Sewer

No report

Recreation

No report

Open Space

Councilman Jessup stated that he had spoken with Elliot Sleight and that he was interested in filling out necessary papers for his 112 acres for Open Space.

Supervisor Wagner said that there was a meeting tomorrow night with an individual who is interested in marketing the property for Mr. Sleight and one who is interested in developing it.

Highway

No report

Town Board Comments

No comments

Town Attorney

No report

Public Works

Ms. Livigni stated that the Town Board received last week a letter from the Planning Board Chairman requesting the Town Boards written recommendation as to whether they would recommend the second re-approval of the following subdivisions: Lakeridge, Bixby, Whispering Pines and Rolling Meadows. Ms. Livigni is respectfully requesting feed back as to how the Town Board chooses to pursue this.

Supervisor Wagner replied that this had been discussed at a Town Board Workshop session and that granting the re-approvals was appropriate.

Supervisor Wagner asked for a motion to accept the second re-approval of the 5 subdivisions. Councilman Beck made the motion seconded by Councilman Jessup and carried by all.

Environmental Consultants

No report

Supervisor Wagner stated that the Town Hall has been having difficulties with the phone system and that the problems have been tied to the generator. When the generator is run for normal testing or used to get a refund back on the electricity, it has been knocking the system out. With the help of Steve Manse a new battery backup system has been ordered for the phones. Supervisor Wagner mentioned that a complaint was called into the phone company who canceled the call because the phones weren't working and they couldn't get through.

Public Comment

Councilman Luna moved to open the meeting to Public Comment, seconded by Councilman Beck and carried by all.

Natalie Marshall a member of the LaGrange Library came to report the great success of 249 children completing the summer reading program. Ms. Marshall also stated that a promotional Campaign for library card applications will be going on in the months of September and October. There are 19 local businesses in the area who will be giving discounts when your LaGrange Library card is shown.

Nancy Swanson wanted her concerns put on the record about not having been able to look at the Legislative Memorandum which should have been a part of the "Sign Ordinance" resolution and that her written comments and concerns weren't reviewed by the board prior to the vote and passing of the "Sign Ordinance".

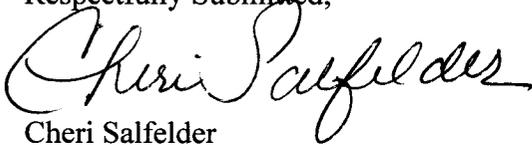
Paul Doherty wanted the Board to know on September 2, 2009 @ 6:30 p.m. there would be a Ceremony at the Park for Don Flood's son who had passed away a month ago. Mr. Flood has been an active member with American Youth and Pop Warner Football.

Mr. Doherty stated in early spring they wanted to have a 10 mile marathon on the Red Wing Nature Trail. This would have the marathoners traveling for a short distance on Skidmore Road. Supervisor Wagner stated that Mr. Doherty needed to notify Emergency Response, Dutchess County Sheriff's Department and the LaGrange Fire District should an emergency arise. Councilman Luna asked if the Trail had a road name at which time Mr. Doherty responded no. Supervisor Wagner thought it best if Mr. Doherty notifies Emergency Response and get a "Private Road Name". Supervisor Wagner mentioned if an emergency arose all emergency people would know the location.

Supervisor Wagner asked for a motion to close the Public Comment. Councilman Luna made the motion seconded by Councilman O'Hare and carried by all.

Councilman Jessup moved to adjourn the meeting, seconded by Councilman Beck and carried unanimously. The meeting adjourned at 8:05 p.m.

Respectfully Submitted,



Cheri Salfelder
Deputy Town Clerk

ADDENDUM

- **Final 2008 Budget Transfers**
- **Equipment Surplus List**
- **Resignation: Maureen Harvey**
- **Appreciation Letter: Parks & Recreation**
- **Resolution: Liquor License Waiver Fat Franco's Pizzeria**
- **Resolution: Liquor License Waiver Tina's Pizzeria & Restaurant**
- **Resolution: Tax Certiorari : Titusville Properties, LLC**
- **Resolution: Tax Certiorari: Frosted Man, LLC**
- **Letter / Comments: Nancy Swanson**
- **Affidavit of Publication: Sign Ordinance**
- **Zoning Referral**
- **Dutchess County Comments: Sign Ordinance**
- **Negative Declaration: Sign Ordinance**
- **Legislative Memorandum / Resolution: Sign Ordinance**

FINAL 2008 BUDGET TRANSFERS

<u>Amount</u>	<u>From</u>	<u>To</u>
GENERAL FUND		
3,078.82	Judicial, Contractual (1110.4)	Judicial, Personal Services (1110.1)
2,792.90	Planning Board, Personal Services (8020.1)	Supervisor, Personal Services (1220.1)
187.59	Assessor, Contractual (1355.4)	Supervisor, Contractual (1220.4)
1,361.36	Central Printing & Mailing, Cont. (1670.4)	Comptroller, Personal Services (1315.1)
2,071.68	Judgements & Claims, Cont. (1930.4)	Comptroller, Contractual (1315.4)
8,000.00	Drainage, Contractual (8540.4)	Independent Auditor, Cont. (1320.4)
0.10	Tax Collector, Contractual (1330.4)	Tax Collector, Personal Services (1330.1)
591.03	Assessor, Contractual (1355.4)	Assessor, Personal Services (1355.1)
283.09	Assessor, Contractual (1355.4)	Town Clerk, Personal Services (1410.1)
816.72	Special Items (1910.4)	Town Clerk, Contractual (1410.4)
22,911.09	Health Insurance Benefits (9060.8)	Attorney, Contractual (1420.4)
84.00	Assessor, Contractual (1355.4)	Personnel, Contractual (1430.4)
6,387.66	Misc. Home & Comm. Services (8989.4)	Buildings, Contractual (1620.4)
449.00	Tax Collector, Contractual (1330.4)	Central Data Processing (1680.4)
919.21	Misc. Home & Comm. Services (8989.4)	Dog Control, Contractual (3510.4)
1,685.40	Statutory Installment Bonds, Princ. (9720.6)	Highway Administration, Personal Services (5010.1)
7,349.00	Statutory Installment Bonds, Princ. (9720.6)	Garage, Equipment (5132.4)
833.43	Statutory Installment Bonds, Princ. (9720.6)	Street Lighting, Contractual (5182.4)
2,581.65	Misc. Home & Comm. Services (8989.4)	Programs for the Aging (6772.4)
370.00	Misc. Home & Comm. Services (8989.4)	Historian, Contractual (7510.4)
7,644.32	Social Security Benefits (9030.8)	Zoning, Personal Services (8010.1)
29,071.94	Parks, Contractual (7110.4)	Zoning, Equipment (8010.2)
5,346.06	Research, Contractual (8030.4)	Zoning, Equipment (8010.2)
107.07	Misc. Home & Comm. Services (8989.4)	Refuse, Contractual (8160.4)
65.34	Misc. Home & Comm. Services (8989.4)	Unemployment Insurance (9050.8)
HIGHWAY		
4,341.32	Machinery Repair, Contractual (5130.4)	Machinery Repair, Personal Services (5130.1)
11,498.24	Machinery Repair, Contractual (5130.4)	Snow, Personal Services (5142.1)
7,835.12	Snow, Contractual (5142.4)	Snow, Personal Services (5142.1)
1,361.50	Retirement Benefits (9010.8)	Snow, Personal Services (5142.1)
365.20	Disability Insurance (9055.8)	Snow, Personal Services (5142.1)
12,289.52	Medical Insurance (9060.8)	Snow, Personal Services (5142.1)
5,248.44	Medical Insurance (9060.8)	Social Security Benefits (9030.8)

FINAL 2008 BUDGET AMENDMENTS

HIGHWAY:				
Increase:	Interest & Earnings (2401)		7,418.40	
Increase:	Snow, Personal Services (5142.1)			5,454.02
Increase:	Unemployment Insurance (9050.8)			1,964.38
MANCHESTER WATER:				
Increase:	Metered Sales (2140)		8.40	
Increase:	Water Service Charges (2144)		2,615.00	
Increase:	Water Penalties (2148)		930.00	
Increase:	Interest & Earnings (2401)		12,658.56	
Increase:	Interest & Earnings, Reserved (2402)		2,940.23	
Increase:	Insurance Recoveries (2680)		236.32	
Increase:	Misc. Revenues (2770)		100.00	
Increase:	Appropriated Fund Balance (599)		91,664.59	
Increase:	Source of Supply, Contractual (8320.4)			111,153.10

Equipment List

Printer - HP1320N w/new ink cartridge HP49X

Fax - Brother Intell 4100 fax – (473-7079)

Fax - Brothers Intell 4100 fax (452-2289)

Print & Copy (All in One) - HP Office Jet 6210

Printer - HP Lazer Jet 4000N

Printer - HP Lazer Jet 4000N

Printer - HP Lazer Jet 4000N

Maureen Harvey
23 Todd Hill Road
Poughkeepsie, NY 12603
(845) 452-3973

Christine O'Reilly-Rao
Town Clerk
120 Stringham Road
LaGrangeville, NY 12540

August 20, 2009

Ms. O'Reilly-Rao:

I am currently an alternate member of the Town of LaGrange Planning Board. It is becoming more evident that I can not sufficiently perform my duties as a mother of two and give my position with the Town the proper time and attention that is needed to do a suitable job. Currently the Planning Board only meets 12 times a year. I am proud of my attendance record but I am afraid I would have to miss or be late to many of those meetings. Rather than do a disservice to the Town and taxpayers, I am submitting this letter as my resignation as an alternate member of the Planning Board. I will continue until the end of my term or until a replacement is found – whichever option is more desirable to the Town.

If you should have any questions please feel free to call me or email to MaureenHarveyCPA@yahoo.com.

Thank you in advance for your time in this matter.

Sincerely,


Maureen Harvey



CR
8/24/09

10 Carrington Court
Poughkeepsie, New York 12603
August 25, 2009

To the Town Board of La Grange

To All:

Earlier this summer I made my remarks known to the Parks Department of La Grange. Gary Beck has asked me to address this to the Board and I do so with pleasure.

My husband, children and I moved to La Grange eighteen years ago. One of the reasons was that we were enchanted by Freedom Park. It was a lovely family area where we all could spend a quiet day.

Today it is as it was then. We enjoy the park with our two grandchildren and our friends. In an economy where everyone seems to be cutting services the Park remains a wonderful source of family entertainment. It is clean, updated and improved. We have had many lovely times there. From our sons engagement party to my husbands retirement party the Park remains a great place to create memories here in La Grange.

I judge a place on how the staff treats its elderly and its young people, La Grange out does itself. Our grandchildren love to go there. The staff is gentle and kind and make going to the Park a pleasure. I have observed the life guards helping elderly people carry things to the beach. I have never been in the rest rooms when they have not been good restaurant standard clean and never have I seen an overflowing trash bin. The grounds are meticulous.

Nice job, La Grange. Freedom Park remains one of our greatest treasures.

Sincerely,


Kathi Duffy, CEO New York Real Estate Learning Center,
Town of La Grange Business Owner and Resident

RESOLUTION

RESOLUTION: To Waive 30 Day Notice for Liquor License Renewal

Applicant: Sal Anthony's Inc.
DBA Fat Franco's Pizzeria
266 Titusville Road, Unit 5
Poughkeepsie, NY 12603

Date: August 26, 2009

Supervisor Wagner introduced the following resolution Councilman Beck moved its' adoption seconded by Councilman Jessup.

WHEREAS, Sal Anthony's Inc., d/b/a Fat Franco's Pizzeria, 266 Titusville Road, Unit 5, in the Town of LaGrange intends to file for a New York State Liquor License Renewal; 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 renewal 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 the above business, located at 266 Titusville Road, Unit 5, Poughkeepsie, NY 12603 allowing an earlier submission of the liquor license application.

ROLL CALL VOTE:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman O'Hare	AYE
Councilman Jessup	AYE

Dated: August 26, 2009


Cheri Salfelder
Deputy Town Clerk

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, David D. Hagstrom, Esq., of counsel, is authorized to enter into a Stipulation settling the tax certiorari proceedings brought by Titusville Properties, LLC against the Town of LaGrange for the 2007 and 2008 assessment rolls whereby there will be no reduction of the 2007 assessment and the 2008 assessment (2008/09 tax year) will be reduced by \$1,513,000 from \$8,013,000 to a new reduced assessment of \$6,500,000 and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Judgment with notice of entry.

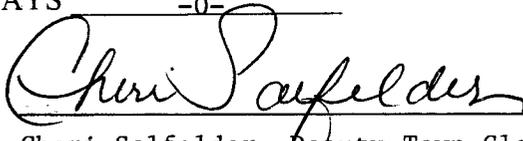
Dated: LaGrangeville, New York
August 26 __, 2009

MOVED BY Councilman Jessup

SECONDED BY Councilman Beck

AYES -5-

NAYS -0-


Cheri Salfelder, Deputy Town Clerk
Town of LaGrange

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, David D. Hagstrom, Esq., of Counsel, is authorized to enter into a Stipulation settling the 2007 and 2008 tax certiorari proceedings brought by Frosted Man, LLC against the Town of LaGrange in accordance with the following schedule:

Assessment Roll	Assessed Valuation	Reduction in Assessment	Final Assessment
2007/08	\$2,100,000	\$500,000	\$1,600,000
2008/09	\$2,100,000	\$500,000	\$1,600,000

And to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within sixty (60) days of service of a copy of the Judgment/Order with Notice of Entry.

Dated: LaGrangeville, New York
August 26 _____, 2009

Moved by Councilman O'Hare

Seconded by Councilman Jessup

Ayes -5-

Nays -0-


Cheri Salfelder, Deputy Town Clerk
Town of LaGrange

**RECEIVED
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8-25-09

Cor

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie,
Dutchess County, New York, being duly sworn, says
that at the several times hereinafter mentioned he/she
was and still is the Principle Clerk of the Poughkeepsie
Newspapers Division of Gannett Satellite Information
Network, Inc., publisher of the Poughkeepsie Journal, a
newspaper published every day in the year 2009 in the
city of Poughkeepsie, Dutchess County, New York, and
that the annexed Notice was duly published in the said
newspaper for one insertion
successively, in each week, commencing on the 16th
day of Aug. in the year of 2009 and
on the following dates thereafter, namely on:

And ending on the _____ day of _____ in
the year of 2009, both days inclusive.

Rita Lombardi
Subscribed and sworn to before me this 18th day
of August in the year of 2009.
Elizabeth D. Farkas
Notary Public

My commission expires 9/30/09

ELIZABETH A. FARKAS
NOTARY PUBLIC, State of New York
No. 01FA4844793
Qualified in Dutchess County
Commission Expires 9/30/09

NOTICE OF PUBLIC HEARING
TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on August 26, 2009, at 7:30 o'clock p.m. prevailing time, on a proposed local law of the Town of Lagrange, Dutchess County, New York, amending provisions of Chapter 240 of the Town Code related to signs.
TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York,
between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:30 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.
DATED: LaGrangeville, New York August 12, 2009
Margaret Schmitz
Deputy Town Clerk 8203

Dutchess County Department of Planning and Development	To <u>LAGRANGE</u>	Date <u>8/25</u>	# pgs <u>2</u>
	Co./Dept. <u>TOWN BOARD</u>	From <u>J. CLARKE</u>	
	Fax # <u>452 2209</u>	Phone # <u>406-3600</u>	

Zoning Referral

**RECEIVED
TOWN CLERK**

*col
8/25/09*

Please Fill Out This Entire Portion of the Form

Municipality: Town of LaGrange

Referring Agency: Town Board

Tax Parcel Number(s): _____

Project Name: LI: Signs

Applicant: Town Board

Address of Property: _____

Type of Action:

- Local Law / Text Amendment
- Rezoning
- Site Plan
- Special Permit
- Use Variance
- Area Variance
- Other: _____

Jurisdictional Determinant:

- State Road _____
- County Road _____
- State Property
- County Property
- Municipal Boundary
- Agricultural District

Date Response Requested (if less than 30 days):

If subject of a previous referral, please note County referral number(s): 09-172/243/350

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:	Comments Attached:
<input type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn	<input checked="" type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — <i>municipality must resubmit to County</i> <input type="checkbox"/> Incomplete with Comments — <i>municipality must resubmit to County</i>

Date of Submittal: <u>8/13</u>	Notes:	<input type="checkbox"/> Major Project	<input type="checkbox"/> Archive
Date Submittal Received: <u>8/14</u>		<input type="checkbox"/> Discard after 2 yrs	<input type="checkbox"/> Discard after 7 yrs
Date Report Requested: <u>8/26</u>		Referral #: <u>09-395</u>	
Date Report Required: <u>9/11</u>		Reviewer: <u>JOHN CLARKE</u>	
Date of Transmittal faxed: <u>8/25/09</u> mailed:			



August 25, 2009

To: Town Board, Town of LaGrange
Re: Referral: 09-395, Local Law for Sign Amendments

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds that the Board's decision involves a matter of some concern and offers the following comments.

Action

The Town is considering amendments to the section of Chapter 240 related to signs.

Comments

We are pleased to see that the definition of Externally Illuminated Signs will not be changed to remove the requirement for a downward light source and that wall signs in the C-1, C-2, and I districts will only be increased to a maximum of 50 square feet.

We suggest that the monument sign heights be limited to a maximum of six or seven feet to encourage ground-based signs that are closer to driver eye-level, are visible under street tree foliage, and can be integrated with surrounding landscaping and architecture.

Projecting signs are proposed to be significantly larger, but the maximum distance from the building will stay at 24 inches, appearing to mandate tall, thin signs. We suggest that projecting signs be allowed at seven-foot clearances and up to four feet from the building.

The proposed law appears to allow two freestanding signs for all corner lots, even on very small lots at minor side roads. We suggest that the Board consider ways to limit two freestanding signs to larger-scale corner lots at major commercial intersections.

Recommendation

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Roger P. Akeley, Commissioner
Dutchess County Department of Planning & Development
By

John Clarke
Development and Design Coordinator

**Dutchess County
Department of
Planning and
Development**

William R. Steinhilber
County Executive

Roger P. Akeley
Commissioner

Kealy Salomon
Assistant Commissioner

27 High Street
Poughkeepsie
New York
12601
(845) 486-3600
Fax (845) 486-3610



Reasons Supporting this Determination:

The Town Board has reviewed this action and all relevant supporting documentation and has compared the action with the criteria set forth in 6 NYCRR 617.7(c) and determined that no significant adverse impacts associated with the proposed action have been identified.

The Town Board offers the following information supporting and substantiating this Determination:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources.
3. The action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part.
4. The action is consistent with the Town's current plans or goals as officially approved or adopted. Since the adoption of the amendments to the Town's sign law in 2005, the Town has heard consistently from businesses that the size allowed for certain signs is too small and that provisions for temporary signs are needed. Although there will be some potential secondary impacts on the visual landscape in the Town due to (1) changes in the maximum allowable ground and monument and façade and wall signs in the C-1, C-2 and I zoning Districts, (2) the allowance for smaller setbacks in areas of Town where setback provisions cannot be met in certain circumstances, (3) the allowance for joint signs for two businesses, (4) the increase in allowed height of certain signs with no sign having a maximum of more than 9 feet high, and (5) the addition of new signs types (e.g., civic building signs, seasonal agricultural sign and business temporary signs), the law still provides for parameters regarding the usage and placement of signs that the Town Board believes are consistent with and will not change the Town's community character. The EAF stated that the size of façade and wall signs in the C-1, C-2 and I zoning Districts is being reduced by this legislation; more accurately the size is being increased, but the final maximum square footage agreed upon by the Town Board it is half that that was considered during various drafts of this legislation that were introduced by the Town Board and made available for review by the public. (The maximum is now

set at fifty square feet, where as an increase to 100 square feet was considered.) The Town Board is of the position that the final maximum square footage for these signs and the other provisions in the proposed law have the beneficial impact of more evenly balancing the aesthetic needs of the Town's residents with the economic needs of the Town's businesses than the Town's current legislation relating to signs.

5. Any revisions to the Town's sign law have the potential to have a secondary effect on the Town's historical, archeological, architectural, or aesthetic resources by changing the visual landscape. Although the visual landscape may change, that change will not necessarily be a negative one, and the law provides parameters guiding the size of signs that are meant to protect the Town's visual aesthetic resources. The adoption of the law itself will result in no physical changes to the environment, and each permit application will be looked at individually. Furthermore, as noted above, these changes are meant to positively affect the Town's community character by balancing the aesthetic need of the community with the economic needs of its businesses. Therefore, the Town Board has determined that the changes to the sign law will not have a significant negative adverse impact on the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character requiring the preparation of an Environmental Impact Statement.
6. The action will not result in a major change in the use of either the quantity or type of energy.
7. The action will not result in the creation of a hazard to human health.
8. The action will not result in a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The action will not result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action.
10. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences.
11. The action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment
12. The action will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on

the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

For Further Information:

Contact Person: Jon Wagner, Town Supervisor

Address: Town of LaGrange Town Hall
120 Stringham Road
LaGrangeville, NY 12540

Telephone: (845) 452-1830

A Copy of this Notice Filed With:

Town of LaGrange Town Board (Lead Agency)
120 Stringham Road
LaGrangeville, NY 12540

Involved and Interested Agencies:

None

**TOWN OF LAGRANGE
LEGISLATIVE MEMORANDUM**

**TOWN OF LAGRANGE LOCAL LAW NO. 3 OF THE YEAR 2009,
A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS
COUNTY, NEW YORK, AMENDING PROVISIONS OF CHAPTER
240 OF THE TOWN CODE RELATED TO SIGNS.**

The Town of LaGrange Town Board has introduced a local law entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING PROVISIONS OF CHAPTER 240 OF THE TOWN CODE RELATED TO SIGNS. Under the proposed amendments, certain signs are being treated differently than other signs in the same class or category of signs, some of them based in part on their content. This memorandum provides the Town Board's rationale for the specific treatment of certain signs governed by the proposed amendments explaining the Town's interest in these regulations and how the proposed regulations advance these interests.

LEGISLATIVE PURPOSE

Part of the stated purpose of section §240-43 of the Town Code when adopted was to preserve the scenic and natural beauty of designated areas; to safeguard and enhance property values in residential, commercial and industrial areas; to protect public investment in and the character of public thoroughfares; to reduce hazards and distractions to motorists and pedestrians traveling on the

Nancy Swanson
8/26/09

Comments on proposed local law amending provisions of Chapter 240 of the Town Code related to signss. For submission at August 26, 2009 public hearing. I have reviewed the proposed changes from the viewpoint of a member of the Zoning Board of Appeals who has had to use the sign code when reviewing varianace applications. My comments will relate to the text of the proposed changes first and then the Tables.

Section 1. "Internally Illuminated Signs" is one of the definitions to be deleted from section 240-43B. To be completely accurate the definition to be eliminated is begin referred to is "Illuminated Sign" without the word "Internally".

Section 2. Proposed revision of "obstructive sign" definition talks about not obstructing clear vision of an intersection. I think it should also apply to clear vision of the roadway not just an intersection, e.g. when trying to enter the roadway from a driveway, whether residential or commercial.

Section 3. This section prohibits banner signs except for business temporary signs. It seems only fair that if it is to be allowed for businesses it should be allowed for the seasonal agricultural sign or a private sale or event sign. Since they're temporary, I think I would be fair to our citizens to allow them for whatever event they're having.

The definition of "occupant" is hidden within the definition of "site." "Occupant" is an important word in Table 3 because the size of most of the signs is dependent upon number of "occupants." I think "occupant" should be given a separate listing so that a user of the Code can find it easily.

Section 11. D (1) (c) The exception to the prohibition of banner signs should be added.

Table 1

What is the purpose of the "Non commercial" category? It appears to be a catch-all category for any non commercial sign not listed elsewhere. Allowing that as a sign category for which no permit is required seems to negate the purpose of the sign code, which has carefully delineated categories of signs that are allowed and not allowed with size, location and time restrictions. To further complicate the matter "non commercial" sign is also listed under the "Pemit required" heading with nothing to indicate to the user of the code which noncommercial sign requires a permit and which doesn't. That fact alone leads me to believe that at one time "Non commercial" sign was a heading used in Table 1. With various changes in the table over the years, the need for that as a heading has been lost but it remains in the Table.

An example of the problem with this category follows. The footnote attached to the "non commercial" category states that the regulations shall be the same as the least restrictive

regulations for any permanent sign not requiring a permit in the same zoning district. The least restrictive regulation is the farm/farmstand sign with a 6 sq. ft. area allowed. Since these signs are allowed in all districts, including commercial, I could envision a business putting up a permanent sign that says "Be Happy" 6 sq. ft., up to 9 feet high, setback 10 feet which the business could argue was a legal sign and didn't need a permit since it was not promotint a commercial purpose. If every business did that, our roadways would be a mess.

Furthermore I do not see why the footnotes to Table 1 include the phrase "in the same zoning district." Since Table 1 applies to signs that are allowed in ALL districts, I believe that that language is confusingly redundant.

Under "Permanent signs, No permit required" the category "government" is listed but with no further information. For clarity, I think it would be helpful to have a footnote which indicates there are no regulations applying to government signs if that is in fact the case. But there could be some ambiguity because one of the types of "government" as defined is a sign "mandated by a governmental unit." A handicapped parking sign would be a sign mandated by a governmental unit and certainly there are placement and size restrictions on those, but I could not find those regulations stated anywhere in the Code.

The handicapped parking space sign is defined in the current code and is listed in the "informational sign" definition as one of the six types. In Table 1 of the current code it is listed as one of the informational signs. However, it is omitted in the proposed code, while the other five informational sign types remain listed. The question becomes what category does it fall under for regulation purposes—a government sign with no size or location restriction or a non-commercial sign with some regulation. I think the regulations for handicapped parking space signs should be specified.

Because the headings and the actual sign categories are confusing in Table 1, I think it would be clearer to include "Personal signs" and "Nameplates" on the same line in the no permit required section and "Personal signs" and "home occupation sign" on the same line in the permit required section.

Regarding "home occupation sign" in the current code (not proposed for reevision) states that such a sign contains only the name and occupation of the permitted home occupation. Many of such signs that I've seen in LaGrange also contain the phone number. Has the Town determined that the phone numbers are not desirable on such signs? Will those signs be violated or should the code be amended to include phone number?

Regarding farm/farmstnd sign, the definition in the current code says the sign identifies "the presence of a customary farming operation, accessory farm stand or a community facility use." It's unclear to me what a community facility use would be.. My guess is that it refers to the Sprout Creek Farm camp use for children. But would it cover a horse farm and riding stable. Because of this ambiguity, it would seem that the community facility use sign should at least be required to get a permit. If the goal is to encourage agriculture by not requiring a costly permit, then the fee schedule could be amended to waive the fees for a permit for farm uses.

Again for the sake of clarity in Table 1 the memorial signs footnote says that the least restrictive regulation for any sign requiring a permit. The least restrictive sign appears to be the civic sign with 40 sq. ft. area allowed. That would be an overwhelming memorial sign, which is allowed in all zoning districts, including residential. It is a significant change from the current code which allows a memorial sign of only 4 sq ft. I think regulations specific to memorial signs should be spelled out in Table 1 and not left to a footnote, and I think the allowable area should be much smaller. I can't think of any reason to increase it from the 4 sq. ft.

Current Code Table 1 footnote 1 says all signs must be located on the same lot as the use they are accessory to. However, this contradicts the definition of "Instructional sign" which says that it is "An off-premises sign that provides direction or instruction to guide persons to facilities...." This contradiction is not corrected in the proposed code.

Proposed Table 1 footnote 8 applies to election signs. It provides that the regulations for an election yard sign shall be the same as the least restrictive regulation for any temporary sign not requiring a permit. The least restrictive sign is the seasonal agricultural sign at 32 sq. ft with one per road frontage. I think the one per road frontage limit is too restrictive. Many people have one sign each for several candidates, and since the signs are temporary, I think the limit doesn't have to be so restrictive. I would recommend adopting regulations specific to election signs.

Proposed footnote 9 to Table 1 provides that noncommercial temporary signs shall be the same as the least restrictive regulations. Again that would be the seasonal agricultural sign at 32 sq ft. these signs may be displayed in all zoning districts. So that means each business along route 55 could put up a 32 sq ft "Season's Greeting" sign to be removed by 7 days after the "Season" is over. This is another example of the problem with the noncommercial sign category.

Regarding the proposed seasonal agricultural sign, was the intention of the proposed provision to allow a farmer's market sign to stay up for the whole market season? With the requirement that it be removed 7 days after the event, it means that when it must be taken down after each week's market, it is to go up again. I have no particular objection to its being up all season long.

"Business temporary sign": it bothers me that the business sign which is not allowed in residential districts is in a Table that is entitled "signs allowed in all districts." I suggest a footnote to the title to indicate that there is an exception for the business temporary sign even though the exception is spelled out in the text in the table.

My reading of the restriction is that the only sign type allowed would be a ground sign or banner sign and it must be anchored to the building. Given that requirement, do the minimum setbacks apply to the sign? Or is the point of the setbacks to disallow such signs if the building does not meet those setback requirements?

The definition of "business temporary sign" allows such a sign to advertise a special sale or event on the premises where it is located. It would seem that the Mobil convenience store would be allowed to display a 24 sq ft sign that says "Special sale Gal milk 99cents" for 60 days and it could hold this special sale annually, e.g., in July and August to attract the summer travelers or

maybe in January and February to get customers to come in who might also need to be reminded to wash their car. Every business in LaGrange could come up with a special sale for 60 days every year, which would be a visual abomination. I think business temporary signs should be reserved only for businesses awaiting their permanent sign. Businesses can advertise special sales or events in the newspaper, internet, on radio and TV.

“Marquee signs” are permitted in the current code. I see no reference to them in the proposed code except that “marquee” continues in the definition section. Perhaps it should be added to the list of prohibited signs for clarity.

The proposed code adds the definition of “halo lights,” but again I see no reference to halo lights anywhere in the proposed code so I think it is confusing to include its definition if it will not be an allowable or prohibited sign.

Table 3

Regarding the ground sign or monument sign, I think signs for more than 6 occupants should not be permitted. A large number is visually unappealing and really unsafe because people cannot read multi-occupant signs while driving past. Many people in LaGrange desire to keep the town’s rural character as much as possible. Large multi-occupant signs are the antithesis of rural character and are akin to the visual congestion of route 9. I understand that route 55 is the most traveled commercial road in Dutchess County but that doesn’t mean that route 55 or route 82 for that matter has to emulate route 9. Footnote 5 which states that area of the sign is measured by area per occupant if it’s a multi-occupant lot would allow huge facade or wall signs or projecting signs. On a facade sign the maximum square area is 50 square feet. I read footnote 5 to say that if there were 10 occupants of the building that would be 500 square feet of a facade or wall sign, which would be outrageous.

Regarding window signs. The current code and the proposed code allow window signs to cover 20% of window surface. I think window signs are sloppy looking and should be discouraged. If they must be allowed at all, reduce the coverage to 10%.

Footnote 3: I don’t like the reduction of setback in order not to have to remove parking lot pavement to place a sign. Signs that close to the road are unattractive and dangerous for sight distance. It would improve commercial areas visually and environmentally, if there were more green space for sign placement and aquifer recharge.

I wish lighting of signs had been addressed more fully, with perhaps a phasing out of some internally illuminated signs and more emphasis on external downward facing lighting. I think the latter lighting is more in keeping with what LaGrange residents are looking for in their town.

Also I wonder after reading the sign code if the “lost dog” posters that people put up would be allowed. It seems as if they would be prohibited based on the definition of “poster or handbill.”

I also wonder about the legality of the security company signs by residential driveways. These are essentially commercial signs as they are advertising a particular company. I suppose it could be argued that it is a "security and warning sign" for burglars that there is a good chance they will be arrested if they attempt to burgle the house. The town might want to consider allowing those signs but without the name of the company alarming the house to avoid the commercial nature of the sign.

Gary H. Swanson
8/26/09

public way and thereby to promote the public health, safety and welfare and ease of travel. This is also the purpose of these proposed amendments to §240-43 as is safeguarding and promoting aesthetics in the Town of LaGrange and promoting the Town's economy.

NON-COMMERCIAL SIGNS

This law has two provisions which are meant to protect non-commercial signs and ensure that they are treated at least as well as their commercial counterparts in all respects. Election yard signs and non-commercial signs are both exempted from permit requirements per Table 1, and the regulations for area, height, setback and maximum number allowed are the same as the least restrictive regulations for any temporary sign not requiring a permit in the same zoning district, commercial or noncommercial.

In addition, pursuant to newly added §240-43D(9), any sign authorized pursuant to Chapter 240 of the Town of LaGrange Code may contain a non-commercial message in lieu of other copy; thus any permitted sign can contain non-commercial copy including a sign permitted on a business establishment.

SEASONAL AGRICULTURAL SIGNS

A "seasonal agricultural sign" is defined as "a temporary sign identifying a seasonal farmers' market". Unlike most commercial enterprises, seasonal farmers' markets are allowed a sign without obtaining a permit and unlike most temporary signs not requiring a permit, they are allowed a sign with a maximum area of 32 square feet.

Permit Exemption

The Town of LaGrange has an interest in supporting and promoting its historic agricultural economy. Seasonal farmers' markets base their sales on the growing season and the availability of products changes throughout the year. In addition, the seasonal farmers' markets do not have the benefit of a permanent location. Allowing an exemption from the permitting requirements will support the agriculture economy by giving seasonal farmers' markets a break from permitting fees and by allowing agricultural operations the flexibility to have signs which are relevant to the growing season and which can be moved from one location to another to direct customers to seasonal farmers' markets without having to go back to the Town for a permit each time the location changes.

Size Requirements

Allowing these signs to be a maximum of 32 square foot - which is larger than some commercial signs requiring a permit and all commercial signs not requiring a permit - will promote visibility of these businesses which are different in nature than other commercial enterprises. Unlike other commercial enterprises, seasonal farmers' markets change locations. Accordingly, motorists and passersby may not be expecting to see them in any given location on any given day. Allowing a larger sign will give motorists and passersby the opportunity to see such signs from a greater distance giving them time recognize the presence of the seasonal farmers' market and to slow down and enter it more safely, thus promoting the Town's agricultural economy and protecting public safety.

Supporting agricultural operations in this way will not only help to boost the local economy of the Town of LaGrange, it will also help to offset development pressures in the rural areas of town by making it easier to keep land in active agricultural use by providing a local market at which to sell local agricultural products.

BUSINESS TEMPORARY SIGNS

A "business temporary sign" is "a temporary sign whose purpose is to identify a business prior to its permanent sign being erected or to advertise a special sale

or event on the premises where it is located." Thus, there are two types of business temporary signs, and they are treated somewhat differently under the proposed amendments to §240-43.

Business temporary signs are treated differently from other commercial temporary signs such as private sale or event signs, constructions signs, and real estate signs in that, unlike the those signs, they require a permit and a refundable deposit must be posted. They are treated differently than permanent signs for businesses in that they have durational requirements. In addition, the size limitations on these signs are different from other temporary commercial signs and from some permanent commercial signs.

Under the Town's existing sign regulations, no business temporary signs are permitted. This has made it difficult for local businesses and establishments to communicate information to the public prior to a permanent sign being erected or to advertise a special sale or event on the premises where it is located. In an effort to support local businesses and boost the local economy, the Town has expanded the sign regulations to include "business temporary signs" as defined above via a temporary sign permit.

Business Temporary Signs that Advertise a Special Sale or

Event

Permit Requirement

The reason for requiring a permit for a business temporary sign that advertises a special sale or event on the premises where it is located, unlike the temporary signs in Table 1 that are exempt from the permit requirement, is that these signs are allowed for a business on its premises in addition to the signs already allowed identifying the business and the allowable size of these signs is significantly larger than most of the temporary signs in Table 1 that are exempt from the permit requirement, thus having a potentially greater effect on aesthetics and public safety.

Requiring a permit along with a refundable deposit meant to guarantee removal upon expiration of the permit or the period permitted for display of the sign creates a mechanism for the Town to monitor and enforce the associated regulations and to control where and how these business temporary signs are displayed on property which will enable the Town to monitor the effect of such signs on aesthetics and public safety. Because any business or establishment located in the Town's non-residential

districts (TC-B, H, C-1, C-2 and I) can utilize this section of the sign regulations to communicate to the public and post signage in addition to its primary sign, there is a potential for overuse and misuse. The Town wants to allow such communication while making sure that it can properly monitor and enforce the sign regulations and ensure removal at the end of the permitted time period in order to avoid unnecessary and unwarranted sign proliferation and sign clutter throughout town.

Size Requirements

Signs that advertise a special sale or event are permitted at a size (maximum area of 24 square feet) that the Town determined would allow establishments to properly and safely communicate their message to the public without creating a proliferation of overly large temporary advertising signs throughout town. Most commercial signs allowed without a permit (private sale or event signs, construction signs, and real estate signs) are used most widely in residential zoning districts thus the limitation on their size is aimed at minimizing their effect on surrounding residential properties. Business temporary signs that advertise a special sale or event will only be located in non-residential districts, and except in circumstances where residential districts border commercial

districts, will not have an aesthetic effect on residential districts.

Furthermore, the large size will allow them to be seen by motorists and passersby from a distance and to draw in customers, allowing potential customers time to safely enter the premises of the business. This will promote the local economy and public safety. The purpose of limiting these signs to a size smaller than permanent signs allowed for businesses is to prevent visual clutter in light of the fact that these signs are being allowed in addition to the permanent signage already allowed for a business.

Durational Limitations

The durational limit for business temporary signs that advertise a special sale or event reflects the purpose of the sign. The signs allow business to choose one time per year to advertise a special sale or event and allow the signs to remain in place for a sixty day period.

Placing no time limit on such signs and allowing than more than one time per year would likely create a proliferation of temporary advertising signs in the Town, adding to visual clutter, and reduce the effectiveness of such signs because rather than being temporary, they would essentially be permanent. Allowing a sixty day time frame for such signs provides businesses with an opportunity to

advertise for a lengthy period of time to bring substantial coverage to a single sale or event each year, thereby balancing aesthetics with promotion of local businesses.

**Business Temporary Signs that Identify a
Business Prior to Its Permanent Sign Being Erected**

Permit Requirement

The reason for requiring a permit for a business temporary sign that identifies a business prior to its permanent sign being erected, unlike the temporary signs in Table 1 that are exempt from the permit requirement, is that the allowable size of these signs is significantly larger than most of the temporary signs in Table 1 that are exempt from the permit requirement, thus having a potentially greater effect on aesthetics and public safety. Requiring a permit along with a refundable deposit meant to guarantee removal upon expiration of the permit or the period permitted for display of the sign creates a mechanism for the Town to monitor and enforce the associated regulations and to control where and how business temporary signs are displayed on property which will enable the Town to monitor the effect of such signs on aesthetics and public safety and to ensure their removal at the end of the permitted time period.

Size Requirements

Signs that identify a business prior to its permanent sign being erected are permitted at a size (maximum area of 24 square feet) that the Town determined would allow establishments to properly and safely communicate their message. As noted above, most commercial signs allowed without a permit (private sale or event signs, construction signs, and real estate signs) are used most widely in residential zoning districts thus their size is aimed at minimizing their effect on surrounding residential properties. Business temporary signs that identify a business prior to its permanent sign being erected will only be located in non-residential districts, and except in circumstances where residential districts border commercial districts, will not have an aesthetic effect on residential districts.

Furthermore, the large size will alert potential customers to the existence of a new business within the Town and allow them to be seen by motorists and passersby in time to safely enter a business premises. In addition to protecting public safety, this will support fledgling local businesses in the hope that they can create a strong foothold in the community and become long-term contributors to the Town of LaGrange economy.

These signs are allowed at a size that is the same as the smallest size of most freestanding business signs (with the exception of post and arm signs which are of a smaller size due to the sign type) thus providing the same communication as the permanent sign. In the case of businesses that are allowed a larger sign for their permanent sign, limiting the size to 24 square feet encourages the business owner to erect its permanent sign, which most likely will be more visually appealing and of better construction, more quickly, thereby promoting aesthetics.

Durational Limitations

The durational limit for business temporary signs that identify a business prior to its permanent sign being erected - sixty days or until the permanent sign is erected, whichever is shorter - allows a new business the opportunity to advertise immediately prior to or upon opening even if its permanent sign has not yet been erected. Limiting a business to a time period constrained by the erection of its permanent sign prevents visual clutter by limiting the number of signs identifying the business to the permanent signage available under the Town Code. Putting an outside sixty day limit on this type of temporary business sign promotes aesthetics within the Town by encouraging the businesses to erect its permanent sign as quickly as possible which is beneficial because permanent signs are likely to be of sturdier construction and more visually appealing than temporary signs.

TEMPORARY RESIDENTIAL DEVELOPMENT SIGNS

A "temporary residential development sign" is defined as "a sign located at the entrance of a residential subdivision or multiple-dwelling residential project identifying the name of the subdivision or project and

identifying the lots for sale or the units for sale or rent."

Temporary residential signs are treated differently from other commercial temporary signs such as private sale or event signs, constructions signs, and real estate signs in that, unlike the those signs, temporary residential signs require a permit and a refundable deposit, and unlike permanent signs for businesses, temporary residential signs have durational requirements. In addition, the size limitations on these signs are different from other temporary commercial signs and from some permanent commercial signs.

Permit Requirements

Temporary residential development signs are substantially larger than the temporary signs in Table 1 that are exempt from the permit requirement with the exception of seasonal agricultural signs. Because these signs are larger and located in residential districts, they have the potential to have a larger visual impact on neighboring properties and more potential to interfere with public safety if not properly located. Furthermore, these signs, which are intended for new subdivisions and new multiple-dwelling projects, are similar to primary signs

advertising businesses even though they can be located in residential districts. Because the durational requirements allow them to remain in place until 75% of the lots are sold or 75% of the units are rented, they can potentially remain after the permanent residential development sign is erected, and thus provide additional signage for the subdivision or multiple-dwelling project over the permanent signage allowed.

Because such signs are often owned by an individual or entity not residing on the premises where the sign is located, requiring a permit and a refundable deposit will give the Town more information regarding ownership of the sign and enable it to monitor and enforce the sign regulations and to require removal at the appropriate time and avoid unnecessary and unwarranted sign proliferation and sign clutter throughout town. These requirements will protect the Town's interest in aesthetics as well as allow the Town to have some control over the location of such signs thus protecting public safety.

Size Requirements

Temporary residential subdivision signs are allowed at a larger size than most other temporary commercial signs (maximum area of 24 square feet versus 6 square feet with limited exceptions) and than permanent

residential development signs (maximum area of 12 square feet). These signs are permitted at a larger size so that they can safely attract motorists and passersby who might not otherwise know that vacant lots or units are available at the site and thus promote the Town's housing market. In addition, these signs sometimes contain more information than the permanent residential development signs, for example when they show a map of the available lots, and thus need to be larger so that they can be legible.

The purpose of these signs is to support the housing market in the Town of LaGrange and to protect property values by encouraging the sale or rental of vacant units. Vacant lots and units tend to cause problems with compliance with the New York State Property Code which the Town is charged with enforcing. This is a problem the Town has already encountered with respect to properties that are unoccupied after being the subject of foreclosure. Enabling subdivisions and multiple-dwelling projects to advertise on site will hopefully encourage quicker sales or rentals and reduce the number of vacant lots or units, thereby alleviating potential health and safety problems that can be associated with vacant lots or units.

Durational Limitations

The durational limit on temporary residential development signs - allowed until 75% of the lots are sold or 75% of the units are rented - goes directly to the purpose of such signs which is to support the housing market in the Town of LaGrange and to protect property values by encouraging the sale or rental of vacant units. As noted above, certain problems can arise when lots and units remain vacant. The durational requirement is set at a number at which a substantial number of lots are sold or units are occupied. The Town has determined that at the time such a point is reached, the aesthetic protection of those who have purchased lots or units outweighs any remaining benefit to the economy and the public health, safety and welfare related to remaining vacant lots or units, particularly because real estate signs are still available as a means of advertising. This durational requirement balances promoting the Town's housing market and protecting public health, safety and welfare with protecting aesthetics.

In addition, putting the durational limit in terms of units sold or rented versus a time limit after a subdivision or new multiple-dwelling project is approved, builds flexibility into the law for times when there are economic down turns in the housing market and it takes a

longer period of time to sell lots or rent units than it might in a better market. This avoids an owner either being closed out from continuing to advertise or having to come back to the Town for an extension of time.

RESOLUTION

Supervisor Wagner offered the following resolution which was seconded by Councilman Jessup, who moved its adoption:

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING PROVISIONS OF CHAPTER 240 OF THE TOWN CODE RELATED TO SIGNS; and

WHEREAS, a public hearing in relation to said local law was held on August 26 at 7:30 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of LaGrange for at least seven (7) days, exclusive of Sunday;

WHEREAS, the Town Board has determined that it is necessary to include in the legislative record its rationale for the specific treatment of certain signs governed by the amendments to be adopted in this local law and to explain the Town's interest in these regulations and how the regulations advance these interests;

NOW, THEREFORE, BE IT RESOLVED that the Town

Board of the Town of LaGrange hereby adopts the Legislative Memorandum attached hereto which was drafted while the amendments contained in this local law were pending; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that the following local law is hereby enacted:

TOWN OF LAGRANGE LOCAL LAW NO.3 OF THE YEAR 2009

Section 1. The following definitions in §240-43B of the Town of LaGrange Town Code shall be deleted in their entirety:

BOX SIGN

GROUND SIGN/MONUMENT SIGN

INTERNALLY ILLUMINATED SIGN

MONUMENT SIGN

OBSTRUCTIVE SIGN

POST-AND-ARM SIGN

PROJECTING OR SHINGLE SIGN

RESIDENTIAL DEVELOPMENT SIGN

SHINGLE SIGN

Section 2. The following new definitions are added in alphabetical order to §240-43B of the Town of LaGrange Town Code:

BLADE SIGN – See "projecting or shingle or blade sign".

BOX SIGN – A sign enclosed by a case with internal illumination and plastic facing. The plastic facing shall

utilize a solid dark-colored non-illuminated background with illuminated light-colored lettering only. Box signs are permitted subject to the provisions of § 240-43D(2).

BUSINESS TEMPORARY SIGN – A temporary sign whose purpose is to identify a business prior to its permanent sign being erected or to advertise a special sale or event on the premises where it is located.

CIVIC SIGN – A sign whose purpose is to identify a civic building such as a school, place of worship, government office, or fraternal lodge.

GROUND SIGN – A sign mounted on short supports or posts and which is independent of any other structure. (See Figure 3, Sign Types.) A ground sign is a freestanding sign.

HALO LIGHTS – Back lit letters with face of letter opaque, mounted away from wall to allow for light disbursement.

INTERNALLY ILLUMINATED SIGN – Any sign where the source of the illumination is inside the sign and light emanates through the message of the sign, including glowing neon or gas-filled tubes. Internally illuminated signs, except for box signs and channel signs as defined herein, are prohibited. All internally illuminated signs shall be prohibited in residential districts and in the TC-B, TC-R, H, and PO Districts and are subject to §240-43D(2).

MONUMENT SIGN – A sign in which the entire bottom is in contact with the ground, standing on a foundation which exists below grade. (See Figure 3, Sign Types.)

OBSTRUCTIVE SIGN – A sign erected or maintained at any road intersection or in a roadway in a manner as to obstruct free and clear vision of the intersection. Obstructive signs are prohibited.

POST-AND-ARM SIGN – A sign that has a vertical post of narrow width to which a perpendicular arm is attached and from which a sign hangs. A post-and-arm sign is a freestanding sign.

PROJECTING OR SHINGLE OR BLADE SIGN – A sign which is supported by an exterior wall of a building or other structure and which is constructed and displayed perpendicular to the face of the building or other structure so that both sides of the sign are visible. (See Figure 3, Sign Types). A projecting or shingle or blade sign is a nonfreestanding sign.

RESIDENTIAL DEVELOPMENT SIGN, PERMANENT – A sign located at the entrance of a residential subdivision or multiple-dwelling residential project identifying the name of the subdivision or project.

RESIDENTIAL DEVELOPMENT SIGN, TEMPORARY – A sign located at the entrance of a residential subdivision or multiple-dwelling residential project identifying the name

of the subdivision or project and identifying the lots for sale or the units for sale or rent.

SEASONAL AGRICULTURAL SIGN – A temporary sign identifying a seasonal farmers' market.

SHINGLE SIGN – See "projecting or shingle or blade sign". only. (See Figure 3, Sign Types.)

SITE – A lot or series of lots designed as a single site for project development plan purposes and containing one or more businesses, professional offices and/or other enterprises, each business, professional office or other enterprise being an "occupant" for the purposes of this section 240-43.

Section 3. The definition of "Banner Sign" in §240-43B of the Town of LaGrange Town Code is amended to add the following phrase after the word "prohibited":

except business temporary signs meeting the requirements in Table 1.

Section 4. The definition of "Off-Premises Sign" in §240-43B of the Town of LaGrange Town Code is amended to add the following phrase after the word "prohibited":

except as provided in §240-43D(6)

Section 5. In subsection 240-43C of the Town of LaGrange Town Code the phrase "the Zoning Administrator", wherever it appears, shall be deleted and replaced with the phrase "a Code Enforcement Officer".

Section 6. Subsection 240-43C(1) of the Town of LaGrange Town Code is amended to add the following sentence at the end:

Authorization. No sign, except for signs regulated by § 240-43D(4) and Table 1 which are exempt from permit requirements, shall be erected or displayed without a current valid permit having first been issued by a Code Enforcement Officer of the Town of LaGrange. Applicants for project development plan, special use permit or subdivision approval who intend to erect signs as part of the proposed project shall submit a separate application for a sign permit to obtain approval for any proposed signs. No approval for said signs shall be given by the Planning Board unless the procedures of this section, 240-43, are followed, and no sign requiring a permit shall be erected until a permit has been issued by a Code Enforcement Officer.

Section 7. Subsection 240-43C(2)(b) of the Town of LaGrange Town Code is deleted and replaced with the following:

(b) Filing fee and deposit. A nonrefundable filing and administration fee shall accompany all sign permit applications as specified in the Town's fee schedule. A refundable deposit shall accompany all sign permit applications for temporary signs requiring a permit as

specified in the Town's fee schedule. Said deposit shall be to guarantee removal upon expiration of the permit or the period permitted for display of the sign. If the sign is removed on or before the date required for removal, the deposit shall be returned. If the sign is not removed on or before the date required for removal, the deposit shall be forfeited and used toward the cost of gaining compliance.

Section 8. Subsection 240-43C(2)(d) of the Town of LaGrange Town Code is amended to delete the words "If the proposed sign is in compliance with all the requirements of this chapter and is not related to a proposal otherwise undergoing review by the Planning Board" and replace them with the following:

If the proposed sign (i) is in compliance with all the requirements of this chapter and (ii) is not related to a proposal otherwise undergoing review by the Planning Board or is a business temporary sign

Section 9. In subsections 240-43C(5)(a), (b), and (c) of the Town of LaGrange Town Code the phrase "30 days", wherever it appears, shall be deleted and replaced with the phrase "15 days".

Section 10. Subsection 240-43C(5)(e) of the Town of LaGrange Town Code is deleted and replaced with the following:

(e) Signs in streets. Unless otherwise permitted under New York State Law, no signs are permitted within the right-of-way lines of any state highway, county road or Town road. Notwithstanding any other provisions of this chapter, the Code Enforcement Officer is authorized to remove any sign erected within the right-of-way lines of any state highway, county road or Town road without notice unless a permit therefor has been issued pursuant to New York State Highway Law §52. The costs of such removal may be charged by the Town pursuant to §240-43C(f).

Section 11. Subsection 240-43D(1)(j) of the Town of LaGrange Town Code is amended to read as follows,

Off-premises signs except as provided in §240-43D(6).

Section 12. Subsection 240-43D(1)(l) of the Town of LaGrange Town Code is amended to read as follows,

Portable signs, except sandwich board signs as permitted in the TC-B and H Districts under the restrictions outlined in Table 2.

Section 13. Section 240-43D(2) shall be amended to read as follows:

Internally illuminated signs. Internally illuminated

signs are not permitted in residential districts or in the TC-B, TC-R, H, or PO Districts. In all other districts, internally illuminated box signs and channel signs are permitted. Internally illuminated box signs must have a dark background color. Ivory, white and yellow backgrounds are prohibited on internally illuminated box signs.

Section 14. Subsections 240-43D(3), 240-43D(4), 240-43D(5), and 240-43D(6) of the Town of LaGrange Town Code shall be renumbered to 240-43D(4), 240-43D(5), 240-43D(7), and 240-43D(8), respectively.

Section 15. A new subsection 240-43D(3) is added as follows:

Externally illuminated signs shall be illuminated by a downward source from above.

Section 16. Former subsection 240-43(D)(4)(c), renumbered by Section 14, above to 240-43(D)(5)(c) is amended to read as follows:

Signs in the Town Center - Business District (TC-B), Hamlet District (H) and Planned Office District (PO): See Table 2.

Section 17. A new subsection 240-43D(6) shall be added to the Town of LaGrange Town Code as follows:

Property or business owners occupying two adjoining sites in the TC-B, H, PO, C-1, C-2, or I zoning districts may apply for a joint permit to share a single freestanding

sign for all businesses on both sites. The single sign shall be a ground sign or monument sign. The maximum area for such sign in the TC-B, H and PO Districts shall be the same as the maximum area allowed for a ground or monument sign in such districts. For the purposes of calculating the maximum area of such sign in the C-1, C-2 or I Districts, the two sites shall be treated as one site and the maximum sign area shall be determined by aggregating all of the occupants on both sites and then using the chart in Table 3 for ground and monument signs. For example, in the C-1 District, one site containing three businesses sharing a sign with a another site containing six businesses shall be considered as if it were a single site with nine occupants. Such signs shall comply with all other provisions of this chapter. The applicants must submit a shared sign maintenance agreement binding on themselves and their successors in recordable form acceptable to the Planning Board attorney. The applicants shall be responsible for the Planning Board attorneys' fees pursuant to §240-88 of this chapter and for the recording fees for the instrument. Before a permit may be issued, the shared maintenance agreement must be recorded in the same manner as a deed in the Dutchess County Clerk's Office.

Section 18. A new subsection 240-43D(9) shall be

added to the Town of LaGrange Town Code as follows:

Substitution Clause. Any sign authorized pursuant to this Chapter may contain a noncommercial message in lieu of other copy.

Section 19. The following definition is added in §240-112 of the Town of LaGrange Town Code:

CODE ENFORCEMENT OFFICER – A member of the Code Enforcement Personnel appointed pursuant to Chapter 83 of the Code of the Town of LaGrange.

Section 20. Figure 3 - Sign Types at the end of Chapter 240 of the Town of LaGrange Town Code is deleted and replaced with a new Figure 3, a copy of which is attached hereto.

Section 21. Table 1, Table 2 and Table 3 at the end of Chapter 240 of the Town of LaGrange Town Code are deleted and replaced with new Table 1, Table 2 and Table 3, copies of which are attached hereto.

Section 22. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

RESOLVED that the Deputy Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the

attorney for the Town of LaGrange that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

The foregoing resolution was voted upon with all councilmen voting as follows:

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	NAY
Councilman O'Hare	AYE
Councilman Jessup	AYE

DATED: LaGrangeville, New York
August 26, 2009


Cheri Salfelder,
Deputy Town Clerk