

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

**TOWN BOARD MEETING
September 14, 2011**

Present: Supervisor Jon Wagner
Councilman Joseph Luna
Councilman Edward Jessup
Councilman Gary Polhemus
Councilman Gary Beck

Recording Secretary: Christine O'Reilly-Rao, Town Clerk

Others Present: Ron Blass Esq., Van De Water & Van De Water

The regular meeting of the Town Board was held on Wednesday, September 14, 2011, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes for the regular meeting of August 24, 2011.

Councilman Jessup so moved seconded by Councilman Beck. The motion carried.
Supervisor Wagner abstained due to his absence.

Supervisor Wagner asked for a motion to accept the minutes for the special meeting of September 7, 2011.

Councilman Jessup so moved seconded by Councilman Beck. The motion carried.

Supervisor Wagner asked for a motion to accept the monthly reports for August 2011.
Councilman Luna moved to do so, seconded by Councilman Beck and carried by all.

Building, Planning, Zoning & Public Works	\$15,200.00
Parks and Recreation	\$18,611.58
Highway Superintendent	\$300.00
Justice Caplicki (Inc. State Share)	\$22,530.00
Justice O'Hare (Inc. State Share)	\$17,478.00
Town Clerk	\$1,595.76

Supervisor's Report

Supervisor Wagner stated that he has been working with the Comptroller on the tentative budget and the formula for the tax cap. He asked the Board to consider two laws which would help with budgeting.

The first law would be to mandate private roads in new developments, in which case roads could only be dedicated to the Town when a homeowners association created a transportation district. This would reduce the cost of road maintenance for the Town since the transportation district would be paid for by the homeowners in that development.

A brief discussion followed.

The second law he proposed would mandate a financial report to be done by an independent firm as to the impact a project would have on town roads, schools and traffic.

He added that a moratorium on building in the flood plain should also be considered.

The Town is currently instituting an ALL HAZARDS MITIGATION PLAN through the Dutchess County Soil and Water Conservation District which will allow the Town to apply for FEMA money.

He wanted to bring to the Board's attention an issue which occurred last weekend with the Vassar Brothers Hospital Triathlon. Although the organizers had taken all of the appropriate steps, there was some disruption to a local business, Lily Pond Stables. He had contacted the owner, but suggested that for future events organizers should be required to notify neighbors of the possible impact the event would have on area traffic.

Correspondence

Time Warner and Cablevision information will be on file in the Clerk's office for one week.

Agenda Items

Mr. Wagner asked for a motion to accept the Negative Declaration for Local Law #5 "FURNACES". (SEE ADDENDUM)

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

Mr. Wagner asked for a motion to pass Local Law #5 "FURNACES".

Councilman Jessup so moved, seconded by Councilman Beck. (SEE ADDENDUM)

Mr. Wagner asked for a motion for the resolution of introduction for Local Law # 6 "ALTERNATIVE SENIOR HOUSING".

Councilman Beck so moved, seconded by Councilman Jessup. (SEE ADDENDUM)

Councilman Jessup moved to set the Public Hearing for Local Law # 6 for October 26, 2011, seconded by Councilman Polhemus. The motion was carried by all.

Mr. Wagner asked for a motion for a Stipulation settling tax certiorari proceedings brought by Frontier Communications of Sylvan Lake A/K/A Citizens Communications for 2009/2010. (SEE ADDENDUM)

Mr. Wagner offered a resolution to for a Stipulation to settle a tax certiorari brought by Page La Grange LLC. (SEE ADDENDUM)

Mr. Wagner asked for a motion to re-appoint Carl Chu for a five year term as a member of the Board of Assessment Review, expiring 9/30/16.

Councilman Luna so moved with the caveat that Mr. Chu not be re-appointed as Chairman of that Board in January. Councilman Jessup seconded the motion. The motion carried.

Ken McLaughlin, Building Inspector requests approval to attend the NYS Department of State Division of Code Enforcement training for Inspection of Concrete and Masonry Construction and Inspecting Existing Public Assemblies for September 14 – 15, 2011 in Staatsburgh, NY. There will be no cost to the Town.

Councilman Luna moved to approve attendance at the conference, seconded by Councilman Polhemus and carried by all.

Highway Superintendent Kelly requested permission to go out to bid for supplies for contract period of October 1, 2011 to September 30, 2012. (SEE ADDENDUM)

Councilman Jessup moved to approve the request, seconded by Councilman Luna. The motion carried unanimously.

The Building Inspector requests Board approval of one of two bids to repair the back stairs. The first is from Gary R. Shook, Mason Contractor, Inc. in the amount of \$4,900.00. The second bid was from Upstate Concrete, Inc in the amount of \$5,600.00.

Councilman Luna moved to accept the bid from Gary Shook, seconded by Councilman Beck. The motion carried.

Bond Agreements

The Building Inspector requests Town Board approval to release a Soil Erosion Bond for grid #08-6361-01-259539; 99 Ridgeline Drive in the amount of \$1,500.00.

Councilman Jessup moved to release the bond, seconded by Councilman Luna and carried by all.

The Administrator of Public Works requests Board approval for the release of a \$50,000 stockpile bond for Taconic Center, Route 55.

Councilman Beck moved to release the bond, seconded by Councilman Jessup and carried by all.

Committee Reports

Water and Sewer

No report

Recreation

Opening day for Pop Warner football was held last weekend. A large crowd was in attendance.

Open Space

No report

Highway

No report

Board Comments

No comments

Town Attorney

No comments

Environmental Consultants

No comments

Administrator of Public Works

No comment

Public Comment

Councilman Luna moved to open the meeting to Public Comment. Councilman Beck seconded the motion and it carried unanimously.

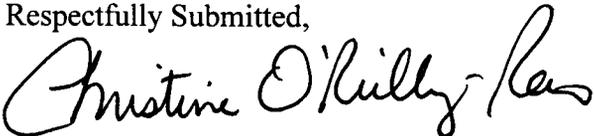
Laura Portaro addressed the Board. Ms. Portaro stated that she is a 13 year resident of LaGrange and had received some political literature which concerned her. She stated that the ongoing construction next to Dutchess Farm has been an eyesore for some time now. In addition, she feels that the construction has negatively impacted water drainage and has resulted in more flooding than she used to see. She also stated that she was putting the Town on notice about flooding due to this development. She further stated that she is pro business, but against large subdivisions and the resultant litter, traffic, congestion and tax burden. She stated that the Highway Department does a great job, but that there are roads in need of re paving, but she understands that there is no money available to do so.

Councilman Jessup moved to close the Public Comment, seconded by Councilman Luna. The motion was carried by all.

Councilman Jessup moved to adjourn, seconded by Councilman Polhemus. The motion was carried by all.

The meeting was adjourned at 7:25 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao
LaGrange Town Clerk

ADDENDUM

- Full Environmental Assessment: "FURNACES"
- Negative Declaration: Local Law #5 "FURNACES"
- Resolution of Adoption: Local Law #5
- EAF/ Lead Agency: Local Law # 6 "ALTERNATIVE SENIOR HOUSING"
- Resolution of Introduction: Local Law # 6
- Resolution: Tax Certiorari for Frontier Communications
- Resolution: Tax Certiorari for Page LaGrange LLC
- Highway Bid Request

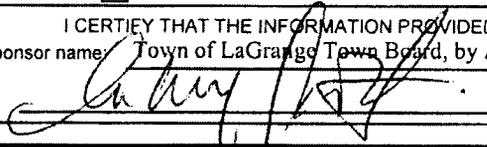
Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of LaGrange Town Board	2. PROJECT NAME Local Law # <u>5</u> of 2011 new Chapter 35 Furnaces
3. PROJECT LOCATION: Municipality <u>Town of LaGrange</u> County <u>Dutchess</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>Entirety of Town of LaGrange.</u>	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Amendment of the Town Code of the Town of LaGrange to add new Chapter 35 entitled "Furnaces" the purpose and intent of which is to regulate and require permits for exterior furnaces and furnace devices in order to provide for clean air and environmental circumstances free of smoke, odors, gases, mists or fumes and to prevent the outdoor storage of wastes, debris and combustible fuels.	
7. AMOUNT OF LAND AFFECTED: Initially _____ acres Ultimately <u>39.9 sq miles</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: This Town Code amendment provides for regulation and permitting requirements of exterior furnaces and furnace devices proposed anywhere in the Town of LaGrange. The purpose of the Town Code amendment is to supplement, rather than supersede or replace, all relevant State regulations as administered by the NYS Department of Environmental Conservation.	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <u>Town of LaGrange Town Board, by Audrey Scott Esq., Attorney</u> Date: <u>8/29/11</u> Signature: 	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 No. The action is a Town Code amendment only, with no direct physical impacts, the purpose of which is to have the beneficial environmental impact of protecting local air quality and properties from any impacts from exterior furnaces.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No. The action is a Town Code amendment the purpose of which is to protect such resources by regulating the installation and location of exterior furnaces and furnace devices in order to prevent negative air quality and property impacts.

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No. The action is a Town Code amendment only, with no direct physical impacts. The regulatory and environmentally protective purposes of the amendment will serve to protect such resources.

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No. The action is a Town Code amendment, the purposes of which is to further the community plans and goals to prevent negative impacts on air quality and properties in the Town.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No. The action is a Town Code amendment with no direct physical impacts and is not expected to result in any growth, subsequent development or related activities.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 None. No negative long term, short term, cumulative or other effects are expected from the action, the purpose of which is to have long term beneficial impacts by regulating installation and operation of exterior wood furnaces and furnace devices.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 None. The action is regulatory but is not expected to directly result in changes to use or type of energy.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of LaGrange Town Board 8/29/11

Name of Lead Agency Date

John J. Wagner Town Supervisor

Print or Type Name of Responsible Officer in Lead Agency Title of Responsible Officer

John J. Wagner *LaGrange*

Signature of Responsible Officer in Lead Agency Signature of Preparer (if different from responsible officer)

Reset

TOWN OF LAGRANGE TOWN BOARD

Local Law #5 of 2011 TO ADD A NEW CHAPTER 35
ENTITLED "FURNACES".

NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the Town of LaGrange Town Board proposes to adopt a local law known as Local Law # 5 of 2011 to amend the LaGrange Town Code to add new Chapter 35 entitled "Furnaces"; and

WHEREAS, this negative declaration is prepared in accordance with Article 8 of the Environmental Conservation Law; and

WHEREAS, the name and address of the lead agency is: Town of LaGrange Town Board, 120 Stringham Road, LaGrangeville, New York 12540; and

WHEREAS, the Town of LaGrange Town Board has determined that this action is an unlisted action pursuant to 6 NYCRR Part 617 of the NY State Environmental Quality Review Act (SEQRA), that it is the only involved agency for the purposes of SEQRA review, and that the action will therefore not be subject to coordinated review; and

WHEREAS, the Town of LaGrange Town Board has caused the preparation of a Short Environmental Assessment Form (EAF); and

WHEREAS, the Town of LaGrange Town Board has reviewed the action and all relevant supporting documentation and has compared the action with the criteria set forth in 6 NYCRR Part 617 and has determined that no significant adverse environmental impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

As demonstrated in the EAF, the act of adopting the new local law will not result in any direct or physical adverse environmental impact. Furthermore:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems. The action is a Town Code amendment the purpose of which is to provide for concurrent local regulation of outdoor furnaces and devices used to provide heat and energy to interiors with regulation by the NYS Department of Environmental Conservation, and will have the beneficial environmental impact of protecting local air quality and properties from any impacts from exterior furnaces, and is not expected to result in any negative impacts in such areas of environmental concern.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial 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. The action is a Town Code amendment the purpose of which is to protect such resources, as well as the public health, safety and welfare, by regulating the installation and location of exterior furnaces and furnace devices in order to prevent negative air quality and property impacts, and will not result in any direct physical impacts and is not expected to result in any negative impacts in such areas environmental of environmental concern.
3. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted. The action is a Town Code amendment the purpose of which is to further community plans and goals by protecting the public health, safety and welfare, and is not expected to result in any negative impacts in such areas of environmental concern. The action is entirely consistent with and supportive of the goals and objectives of the Town of LaGrange.

4. The action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character. The action is a Town Code amendment the purpose of which is to protect such resources, and is not expected to result in any negative impacts in such areas of environmental concern.
5. The action will not create a hazard to human health. The action is a Town Code amendment the purpose of which is to protect the public health, safety and welfare, by having the beneficial environmental impact of protecting local air quality and properties from any impacts from exterior furnaces. Among the purposes of the action is to provide Town residents and establishments with clear air and environmental circumstances free of emitted particulates, smoke, odors, gases, mists, and fumes which injure human, plant or animal life or property, or which unreasonably interfere with comfortable enjoyment of life or property and to provide an environment free of outdoor storage of wastes, debris and combustible fuels in close proximity. The action is expected to promote human and environmental health.
6. The action will not cause 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. The action is a Town Code amendment the purpose of which is to regulate the installation and operation of outdoor furnaces and furnace devices, and is not expected to result in any negative impacts in such areas environmental of environmental concern.
7. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences. The action is a Town Code amendment only with no physical impacts, the purpose of which is to protect air quality and properties. No negative long term, short term, cumulative or other effects are expected from the action, the purpose of which is to have long term beneficial impacts by regulating installation and operation of exterior wood furnaces and furnace devices.

8. The action does not involve 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.

NOW, THEREFORE, BE IT RESOLVED, that the Town of LaGrange Town Board has examined the impacts which may be reasonably anticipated to result from the action, and has determined that these actions will not have any significant adverse impact on the environment and that a Draft Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that the Town of LaGrange Town Board hereby issues this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of LaGrange Town Board hereby authorizes the filing of this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act as contained in its regulations at 6 NYCRR § 617.12.

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

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

This Negative Declaration is adopted this 14th day of September, 2011 and is ordered into the record of the Town of LaGrange Town Board with respect to Local Law #5 of 2011 to amend the Town Code to add new Chapter 35 "Furnaces" to provide for the regulation

of the installation and operation of exterior wood furnaces and furnace devices concurrently with NYS Department of Environmental Conservation jurisdiction over such matters.


CHRISTINE O'REILLY-RAO
TOWN CLERK

Contact Person:
Christine O'Reilly-Rao, Town Clerk
120 Stringham Road
LaGrangeville, NY 12540
845-452-1830

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Furnaces\8.29.11.Negative Declaration -Outdoor Furnaces.doc

RESOLUTION

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

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, AMENDING THE TOWN CODE TO ADD A NEW CHAPTER 35 ENTITLED "FURNACES."

WHEREAS, a public hearing in relation to said local law was held on August 24, 2011 at 7:00 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, this resolution of adoption replaces and supersedes the resolution of adoption made by the Board on August 24, 2011, in order to accommodate the intervening issuance of a SEQRA Negative Declaration for this action on September 14, 2011.

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

Section 1. The LaGrange Town Code is amended to add the following new Chapter 35 entitled "Furnaces", and reading as follows:

Chapter 35

FURNACES

ARTICLE I

**Outdoor Furnaces and Devices for Providing
Internal Heat or Energy**

§ 35-1. Purpose and scope.

A. Residents and commercial establishments situated within the Town of LaGrange are entitled to clear air and environmental circumstances free of emitted particulates, smoke, odors, gases, mists, and fumes which injure human, plant or animal life or property, or which unreasonably interfere with the comfortable enjoyment of life or property. Also, such residents and establishments are entitled to an environment free of outdoor storage of wastes, debris and combustible fuels in close proximity.

B. This article shall provide standards and limitations for the installation and use of any outdoor furnace or furnace device, the purposes of which are to convert combustible fuel into a heat or energy for distribution to interior building spaces.

C. The purpose of this article is to supplement, rather than to supersede or replace, all relevant regulations of this state, and administered by its Department of Environmental Conservation, relating to outdoor furnaces and devices used to provide heat and energy to interiors. The Town shall have concurrent jurisdiction over such matters through this article, and it is the intent that the installation, use and maintenance standards identified in 6 NYCRR Parts 200 and 247 of the Regulations of the Department of Environmental Conservation shall apply and shall not be deemed superseded by this article unless the standards of this article are stricter than the state regulatory standards, it being the intent of this article to provide for concurrent local regulation and enforcement of the subject.

§ 35-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EXTERIOR FURNACE – Any device, contrivance or apparatus, or any part thereof, which is installed, affixed or situated out-of-doors for the primary purpose of the combustion of fuel from which heat or energy is derived and intended to be directed by conduit or other mechanism into any interior building space for the supply of heat or energy.

FURNACE DEVICE, EXTERIOR – Any contrivance, apparatus or part thereof, including a boiler, fire box, exchanger, grate, fuel gun, fuel nozzle, chimney, smoke pipe, exhaust conduit or similar or like devices used in connection with an exterior furnace for the burning of combustible fuels for the creation of heat or energy, and the distribution of heat and energy into an interior building space.

COMMERCIAL SIZE OUTDOOR WOOD BOILER – A new outdoor wood boiler with a thermal output rating greater than 250,000 British thermal units per hour (Btu/h).

§ 35-3. Installation standards; fuel limitations.

A. Standards for the installation of any exterior furnace or furnace device, exterior, in addition to meeting any and all manufacturer's recommended installation requirements, and the installation, use and maintenance standards established by state regulation, shall also comply with the following:

(1) Permanent installation upon a nominal six-inch thick permanent, reinforced cement pad in such dimensions so as to allow a minimum width of six inches of uncovered and exposed surface area extending inward from the perimeter of all sides of the pad.

(2) All exterior furnaces and furnace devices, including but not limited to smoke stacks, must comply with the 100 foot setback standards promulgated for outdoor wood boilers at 6 NYCRR 247.5(b) of the regulations of the Department of Environmental Conservation. Smoke Stack height shall meet the standards of 18 feet above ground level established in 6 NYCRR 247.5(c) of the regulations of the Department of Environmental Conservation.

(a) An exterior furnace or furnace device must comply with all standards and restrictions set forth within 6 NYCRR Parts 200 and 247 of the regulations of the Department of Environmental Conservation.

(3) Installation of any electrical or plumbing apparatus or device used in connection with the operation of an exterior furnace or furnace device shall conform to all applicable electrical and plumbing codes or, in the absence of such relevant code provision, then in conformity with the manufacturer's installation specifications.

(4) The installation and use of a commercial size outdoor wood boiler for a residence or dwelling is prohibited.

B. Fuels permitted for combustion in an exterior furnace or furnace device shall be limited those fuels which are identified within 6 NYCRR Section 247.4 of the regulations of the Department of Environmental Conservation.

C. Fuel substances prohibited for combustion in an exterior furnace installation shall include all fuels or substances prohibited within 6 NYCRR Section 247.3 of the regulations of the Department of Environmental Conservation, and including but not limited to industrial waste, rubber, plastic, used motor oil, toxic chemicals, contaminated waste, yard waste, household garbage, cardboard and wastepaper, animal waste

D. No exterior furnace or furnace device shall be utilized in any manner as a waste incinerator.

E. No exterior furnace or furnace device shall be operated between May 1st and November 1st for any purpose.

F. Any resident wishing to install and use an exterior furnace or furnace device must secure a permit from the Building Inspector of the Town of LaGrange. The permit, if issued will allow the permit holder to install and use an exterior furnace or furnace device in accordance with the requirements set forth in this article. The permit fees may be established from time to time by resolution by the Town Board, which fee shall not be less than \$250.00 per unit. No permit shall be issued unless all owners of the subject parcel provide the Town with a recordable covenant to allow the Town's Building Inspector, or other town code enforcement officer, to enter upon the parcel to inspect the installation, repair, operation or maintenance of an exterior furnace or furnace device in compliance with the standards identified in this article.

§ 35-4. Requirements of installation and maintenance.

The installation, maintenance and use of any exterior furnace or furnace device shall comply with any and all applicable standards established by federal, state or local laws or regulations, and shall be in conformance with the manufacturer's specifications.

§ 35-5. Nonapplicability to interior systems.

This article shall not apply to installation, operation or use of exterior chimneys, stove pipes or similar devices constituting any part of an interior furnace or stove system, or any system that provides for the exhaust of heat, smoke or similar substances from interior spaces exclusively.

§ 35-6. Penalties for offenses.

A. Any resident who has secured a permit to install and operate a device or apparatus regulated by this article, in doing so will also be agreeing to allow the Town Code Enforcement Officer or any other person designated by the Town to inspect the outdoor furnace if a complaint is filed in writing relative to a violation of this article.

(1) Any person who has secured a permit to install and operate a device or apparatus regulated by this article, and who is observed by the town code enforcement officer to operate said device or apparatus in violation of this article, shall be subject to the issuance of a stop order directing suspension of both the permit and the use pending disposition of violations which are issued by the enforcement officer.

B. Any person or entity installing, repairing, maintaining or operating an external furnace of furnace device in violation of any standard identified in this article, or violating a stop order issued under subsection A of this section, shall have committed an offense punishable by a fine not to exceed \$500.00, or imposition of a sentence of imprisonment not to exceed fifteen days, or both. Each day's continuing violation shall constitute a separate offense.

C. Violations of this article shall, in addition to any fine or imprisonment imposed, be enforceable by actions brought by the Town for injunctive relief, and any person or entity

violating the provisions of this article shall be responsible to the Town for any costs of any civil proceedings that may be brought for injunctive relief, including actual disbursements and reasonable attorneys fees incurred by the Town.

Section 2. This local law shall take effect upon filing with the Secretary of State.

RESOLVED that the 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	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York
September 14, 2011


CHRISTINE O'REILLY-RAO, Town Clerk

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: Part 1 Part 2 Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared.**
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared.**

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Local Law No. __ of the Year 2011 Entitled A Local Law Of The Town Of Lagrange, Dutchess County, New York To Amend Chapter 240 "Zoning" Of The Town Code Of The Town Of Lagrange To Create A New Section 240-36-A Entitled "Alternative Senior Citizen Housing Districts.

Name of Action

TOWN OF LAGRANGE TOWN BOARD

Name of Lead Agency

JON J. WAGNER

SUPERVISOR

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

Sept. 14, 2011

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Local Law No. ___ of the Year 2011 Entitled A Local Law Of The Town Of Lagrange, Dutchess County, New York To Amend Chapter 240 "Zoning" Of The Town Code Of The Town Of Lagrange To Create A New Section 240-36-A Entitled "Alternative Senior Citizen Housing Districts."		
Location of Action (include Street Address, Municipality and County) TOWN OF LAGRANGE, DUTCHESS COUNTY		
Name of Applicant/Sponsor TOWN OF LAGRANGE TOWN BOARD	Business Telephone (845) 452-1830	
Address 120 STRINGHAM ROAD		
City/PO LAGRANGE	State NY	Zip Code 12540
Name of Owner (if different) AS ABOVE	Business Telephone ()	
Address		
City/PO	State	Zip Code
Description of Action Proposed Local Law to create the opportunity for future zoning map amendments to establish Alternative Senior Citizen Housing Districts for purposes of accommodating any future site specific proposals for detached dwelling projects for senior housing.		

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use: Urban Industrial Commercial Residential(suburban) Rural(non-farm)
Forest Agriculture Other – All of the Above.

2. Total acreage of project area: **24,902** acres. **TOTAL ACRES, TOWN OF LAGRANGE**

APPROXIMATE ACREAGE NOT APPLICABLE ("N/A")	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	N/A acres	N/A acres
Forested	N/A acres	N/A acres
Agricultural (Includes orchards, cropland, pasture, etc.)	N/A acres	N/A acres
Wetland(Freshwater or tidal as per Articles 24,25 of ECL)	N/A acres	N/A acres
Water Surface Area	N/A acres	N/A acres
Unvegetated (Rock, earth or fill)	N/A acres	N/A acres
Roads, buildings and other paved surfaces	N/A acres	N/A acres
Other (Indicate type)	N/A acres	N/A acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage: Well drained **25 +/-** % of site Moderately well drained **50+/-** % of site
 Poorly drained **25+/-** % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? **9.05+/-** acres (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? Yes No

a. What is depth to bedrock? **varies** (in feet)

5. Approximate percentage of proposed project site with slopes: 0-10% 75+/- % 10-15% 15+/-%
 15% or greater 15+/- %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places? Yes No **VARIOUS THROUGHOUT TOWN**
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? Yes No
8. What is the depth of the water table? **varies** (in feet)
9. Is site located over a primary, principal, or sole source aquifer? Yes No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? Yes No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?
 Yes No According to **VARIOUS SITE SPECIFIC REVIEWS CONDUCTED OVER TIME; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NATURAL HERITAGE PROGRAM**
 Identify each species **Various throughout Town.**
12. Are there any unique or unusual land forms on the project site?(i.e., cliffs, dunes, other geological formations)
 Yes No Describe **CLIFFS**
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?
 Yes No If yes, explain **Various portions of the Town are used as open space and/or recreation areas.**
14. Does the present site include scenic views known to be important to the community?
 Yes No **Various scenic views exist in the Town.**
15. Streams within or contiguous to project area: **VARIOUS THROUGHOUT THE TOWN**
Name of Stream and name of River to which it is tributary : Numerous tributaries and sub-tributaries of the Hudson River, including the Wappinger Creek.
16. Lakes, ponds, wetland areas within or contiguous to project area: **Yes.**
 a. Name **VARIOUS THROUGHOUT THE TOWN** b. Size (In acres) **Total estimated wetland acreage within the Town is +/- 1,583 acres.**
17. Is the site served by existing public utilities? Yes No
 a) If Yes, does sufficient capacity exist to allow connection? Yes No **N/A**
 b) If Yes, will improvements be necessary to allow connection? Yes No **N/A**
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? Yes No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and NYCRR 617? Yes No
20. Has the site ever been used for the disposal of solid or hazardous wastes? Yes No **N/A**

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor **24,902 +/- acres. TOTAL TOWN OF LAGRANGE**
- b. Project acreage to be developed: **N/A** acres initially; **N/A** acres ultimately.
- c. Project acreage to remain undeveloped **N/A** acres.
- d. Length of project, in miles: **N/A** (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed **N/A** %.
- f. Number of off-street parking spaces existing **N/A** ; proposed .
- g. Maximum vehicular trips generated per hour **N/A** (upon completion of project).
- h. If residential, Number and type of housing units: **N/A**
- | | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially | N/A | N/A | N/A | N/A |
| Ultimately | N/A | N/A | N/A | N/A |
- i. Dimensions (in feet) of largest proposed structure **N/A** height; **N/A** width; **N/A** length.

- j. Linear feet of frontage along a public thoroughfare project will occupy is? **N/A** ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? **N/A** tons/cubic yards.
3. Will disturbed areas be reclaimed? Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed? **N/A**
- b. Will topsoil be stockpiled for reclamation? Yes No **N/A**
- c. Will upper subsoil be stockpiled for reclamation? Yes No **N/A**
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? **N/A** acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?
Yes No
6. If single phase project: Anticipated period of construction _____ months, (including demolition). **N/A**
7. If multi-phased: **N/A**
- a. Total number of phases anticipated **N/A** (number).
- b. Anticipated date of commencement phase 1 _____ month _____ year, (including demolition). **N/A**
- c. Approximate completion date of final phase _____ month _____ year. **N/A**
- d. Is phase 1 functionally dependent on subsequent phases? Yes No **N/A**
8. Will blasting occur during construction? Yes No **N/A**
9. Number of jobs generated: during construction? **N/A** ; after project is complete? _____
10. Number of jobs eliminated by this project? **N/A**
11. Will project require relocation of any projects or facilities? Yes No If yes, explain _____
12. Is surface liquid waste disposal involved? Yes No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount _____
- b. Name of water body into which effluent will be discharged _____
13. Is subsurface liquid waste disposal involved? Yes No Type _____
14. Will surface area of an existing water body increase or decrease by proposal? Yes No
Explain _____
15. Is project, or any portion of project, located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
- a. If yes, what is the amount per month? _____ tons.
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name _____ location _____
- d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? Yes No
- e. If Yes, explain _____
17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? _____ tons/month.
- b. If yes, what is the anticipated site life? _____ years.
18. Will project use herbicides or pesticides? Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No
If yes, indicate type(s) _____
22. If water supply is from wells, indicate pumping capacity **N/A** gallons/minute.
23. Total anticipated water usage per day **N/A** gallons/day.
24. Does project involve Local, State or Federal funding? Yes No
If yes, explain _____

25. Approvals Required:

		Type	Submittal Date
City, Town, Village of LaGrange Town Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	LEGISLATIVE	September 14, 2011
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

C. ZONING and PLANNING INFORMATION

1. Does proposed action involve a planning or zoning decision? Yes No
 If Yes, indicate decision required:
zoning amendment zoning variance special use permit subdivision site plan
new/revision of master plan resource management plan other
2. What is the zoning classification(s) of the site **This action will apply to the entire Town – all zoning districts are included.**
3. What is the maximum potential development of the site if developed as permitted by the present zoning? **N/A**
4. What is the proposed zoning of the site? **N/A**
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? **N/A**
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?
APPLIES TOWN WIDE IN ALL ZONING DISTRICTS
8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
9. If the proposed action is the subdivision of land, how many lots are proposed? **N/A**
 a. What is the minimum lot size proposed?
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification PREPARED BY RONALD C. BLASS, JR. – ATTORNEY TO THE TOWN OF LAGRANGE IN THIS MATTER

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name **TOWN OF LAGRANGE TOWN BOARD**

Date **9/14/2011**

Signature _____

Title **ATTORNEY TO TOWN**

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

Part 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?

Yes No

Examples that would apply to column 2

- Any construction on slopes of 15% or greater,(15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil)per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts:

2. Will there be an effect to any unique or unusual land forms found on the site?(i.e., cliffs, dunes, geological formations, etc.) Yes No

- Specific land forms:

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

Yes No

Examples that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts:

4. Will proposed action affect any non-protected existing or new body of water?

Yes No

Examples that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts:

5. Will Proposed Action affect surface or groundwater quality or quantity?

Yes No

Examples that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities

6. Will proposed action alter drainage flow or patterns, or surface water runoff?

Yes No

Examples that would apply to column 2

- Proposed Action would change flood water flows.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<p style="text-align: right;"><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p>Examples that would apply to column 2</p> <ul style="list-style-type: none"> • Developable area of site contains a protected water body. • Dredging more than 100 cubic yards of material from channel of a protected stream. • Extension of utility distribution facilities through a protected water body. • Construction in a designated freshwater or tidal wetland. • Other impacts: 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p style="text-align: right;"><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p>Examples that would apply to column 2</p> <ul style="list-style-type: none"> • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. • Construction of a body of water that exceeds 10 acres of surface area. • Other impacts: 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p style="text-align: right;"><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p style="text-align: right;"><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p style="text-align: right;"><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p>Examples that would apply to column 2</p> <ul style="list-style-type: none"> • Proposed Action will require a discharge permit. • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. • Construction or operation causing any contamination of a water supply system. • Proposed Action will adversely affect groundwater. • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. • Proposed Action would use water in excess of 20,000 gallons per day. • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. • Proposed Action will allow residential uses in areas without water and/or sewer services. • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities 	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p style="text-align: right;"><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p> <p>Examples that would apply to column 2</p> <ul style="list-style-type: none"> • Proposed Action would change flood water flows. 	<input type="checkbox"/>	<input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes <input type="checkbox"/>No</p>

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
IMPACT ON CRITICAL ENVIRONMENTAL AREAS			
14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
List the environmental characteristics that caused the designation of the CEA. <hr/> <hr/> <hr/> <hr/>			
Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON TRANSPORTATION			
15. Will there be an effect to existing transportation systems? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Examples that would apply to column 2			
• Alteration of present patterns of movement of people and/or goods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in major traffic problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON ENERGY			
16. Will proposed action affect the community's sources of fuel or energy supply? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Examples that would apply to column 2			
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?
Examples that would apply to column 2 Yes No
- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
 - Odors will occur routinely (more than one hour per day).
 - Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
 - Proposed Action will remove natural barriers that would act as a noise screen.
 - Other impacts:

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?
Examples that would apply to column 2 Yes No
- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
 - Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).
 - Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
 - Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
 - Other impacts:

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?
Examples that would apply to column 2 Yes No
- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
 - The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
 - Proposed Action will conflict with officially adopted plans or goals.
 - Proposed Action will cause a change in the density of land use.
 - Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
 - Development will create a demand for additional community services (e.g. schools, police and fire, etc.).
 - Proposed Action will set an important precedent for future projects.
 - Proposed Action will create or eliminate employment.
 - Other impacts:

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts? Yes No

If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

SEE ATTACHED "DISCUSSION OF ACTION."

RESOLUTION

Councilman Beck, introduced the following proposed local law, which was seconded by Councilman Jessup, to be known as Local Law No. 6 of 2011, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND CHAPTER 240 "ZONING" OF THE TOWN CODE OF THE TOWN OF LAGRANGE TO CREATE A NEW SECTION 240-36-A ENTITLED "ALTERNATIVE SENIOR CITIZEN HOUSING DISTRICTS."

BE IT ENACTED by the Town Board of the Town of LaGrange that the Town Code is amended to read as follows:

Section 1. A new Section 240-36-A is added to Chapter 240 "ZONING" of the Town Code as follows:

§240-36-A. Alternate Senior Citizen Housing Districts

A. Statement of intent. The Alternative Senior Citizen Housing District (ASCHD) is established as an alternative to both §240-36 for Senior Citizen Housing Districts and §240-33 for Planned Development District. It is established to allow potential amendment of the Zoning Map to provide additional housing opportunities and options for senior citizens in the Town of LaGrange. It is the intent of this section:

- (1) To make possible, as deemed suitable by the Town Board in the exercise of its legislative discretion, the development on a single site of senior citizen detached individual housing facilities including supporting recreational and social services located on the same site;
- (2) To insure that such developments include services and facilities to accommodate senior citizen resident needs;
- (3) To provide for recreational and social services which may include, but are not limited to, on-site health care counseling and education, on-site community

center/club house, transportation services to health care facilities, accessory retail shopping, and social service facilities that will contribute to the independent living and welfare of senior citizens;

- (4) To limit such detached individual housing facilities to placement on one lot with privately owned and maintained internal passageways for vehicular and pedestrian circulation and parking; and
- (5) To minimize detrimental effects on other properties.

B. Objectives. The specific objectives of this section are:

- (1) To consider housing options on appropriate sites for senior citizens in order to give such residents the opportunity to remain in the community in detached dwellings which are close to family and friends;
- (2) To consider development of such housing that includes supporting social service facilities on the same site;
- (3) To consider appropriate additional recreational and other facilities on the same site that will contribute to the independence and meaningful activity of senior citizens;
- (4) To promote the safety, convenience and sense of independence of senior citizens through site design and housing unit design entailing detached dwellings;
- (5) To create flexible regulation of site layout, design, nature and density of senior housing developments.

C. General provisions.

- (1) An Alternative Senior Citizen Housing District (ASCHD) is a floating zone created by amendment of the Town's Official Zoning Map through exercise by the Town Board of the procedures set forth in this section. Such floating zone may be located in the R40-60-80 zone.
- (2) In an Alternative Senior Citizen Housing District, no building, structure, premises or part thereof shall be used or occupied and no building or structure, or part thereof shall be erected, enlarged, converted or altered unless consistent with this section.

D. Permitted uses.

(1) Principal Uses. The following uses are permitted in an Alternative Senior Citizen Housing District subject to project development plan approval from the Planning Board:

- (a) Senior Citizen Housing Residences consisting of detached single family dwellings, excluding mobile homes, located on one lot; and
- (b) Supporting social service and recreational services on the same site as the Senior Citizen Housing Residences.

(2) Accessory Uses. The following accessory uses are permitted in an Alternative Senior Citizen Housing District subject to site plan approval by the Planning Board:

- (a) Accessory uses including buildings and facilities that are reasonably necessary to meet the proper maintenance, administration, security, off-street parking, storage, fencing and utility system needs of the development;
- (b) The following accessory uses are mandatory and shall constitute facilities for use by residents of the development and their guests, and which may also be used for other residents in the community:

[1] A community center/club house including, meeting rooms, multipurpose rooms, lounges, lobby areas, lounge areas, public bathrooms, and similar common spaces such as exercise rooms, libraries or other similar indoor recreation or leisure facilities;

[2] Outdoor sitting areas, walking trails, or other similar passive outdoor recreation or leisure facilities.

- (c) The following accessory uses are permitted in nonresidential buildings provided that such facilities are managed as part of the building or

complex of buildings for use by residents of the building or building complex and their guests, and further provided that there are no external advertising signs for such facilities:

- [1] A common kitchen and dining room;
- [2] A beauty shop and/or barber shop;
- [3] A self-service laundry;
- [4] A convenience shop for daily needs such as food items, prescription and nonprescription drugs, newspapers and small household items and similar items;
- [5] A coin-operated vending machine room;
- [6] Office space for a facility manager, programs coordinator, medical infirmary or clinic or delivery of social services.

E. Occupancy restrictions.

- (1) Occupancy of dwellings within an Alternative Senior Citizen Housing District shall be for residential purposes only. Occupancy restrictions shall be the subject of restrictive covenants of record that are enforceable by the Town. Occupancy shall be limited to senior citizen families and individuals as set forth below:
 - (a) A single person 55 years of age or older;
 - (b) Two or more persons all of whom are 55 years of age or older;
 - (c) A married couple or other couple in a committed life-partner relationship, in which one of the persons in the relationship is 55 years of age or older;
 - (d) Children residing with a parent who is 55 years of age or older provided that any such child is over the age of 18;
 - (e) The surviving spouse or partner of a person 55

years of age or older provided that the surviving spouse or partner was a resident at the time of the death of the spouse or partner;

- (f) One adult 18 years of age or older residing with a person who is 55 years of age or older provided that the younger adult is essential to, and actually serves, the long term care of the senior citizen.

(2) Temporary Occupancy:

- (a) The surviving child of a person 55 years of age or older may continue to reside in the development for a period of six months following the death of the person 55 years of age or older provided that such child was residing in the development at the time of the older person's death.
- (b) Temporary occupancy by guests shall be permitted provided that such occupancy does not exceed a total of thirty (30) days in any calendar year.

- (3) Exceptions: One unit in an Alternative Senior Citizen Housing District Development may be occupied by a building superintendent or project manager or person with a similar title and his or her family.

F. Lot and bulk requirements. The following specific lot and bulk requirements shall apply to the development projects within an Alternative Senior Citizen Housing District:

- (1) The minimum project area shall be thirty-five (35) acres.
- (2) Open space. At least forty (40) percent of the entire tract must be restricted by conservation easement as permanent open space; provided, however, that such percentage may be reduced by the Town Board to a lower percentage upon findings made by the Town Board that:
 - (a) an adequate offer of contribution to the Town of land for open space in an acceptable location and size and in close proximity to the proposed project;

- (b) if land contribution pursuant to a above is not available, an adequate offer of monetary contribution to the Town by the project sponsor has been made to be utilized for the alternative acquisition of open space at another location in the Town deemed suitable by the Town Board; or
- (c) a combination of land and monetary contributions pursuant to "a" and "b" above.

The discretionary reduction of on-site open space, in favor of contribution of other open space land, or monetary contribution to acquire other open space land, shall take into consideration, in addition to such other factors as the Town Board finds relevant and important to any particular proposal, (i) the extent to which either alternative form of contribution furthers any official open space policy or plan of the Town which identifies desirable areas for open space protection, (ii) the proximity to the subject site of existing municipal recreational lands or private lands encumbered by covenants tending to preserve open space, (iii) whether the subject site enjoys existing, but unexercised, land use development approvals and the extent of open space preservation forming a part of those existing land use approvals, and (iv) whether the subject site includes significant bodies of water, or similar features, which contribute to a sense of open space although not constituting physical land which is capable of development rather than serving as open space.

- (3) Maximum Residential Density. The maximum number of dwelling units (density) shall be four (4) dwelling units per acre. Total acreage, without subtracting for wetlands, flood areas or steep slopes or other constrained conditions shall be used for purposes of computing maximum permissible density. Dwelling units may include up to but not to exceed three (3) bedrooms per dwelling unit.
- (4) The Planning Board shall have full flexibility and authority to approve a project development plan subject only to such specific lot and bulk requirements as are set forth in this section. All other lot and bulk requirements for such project development plan shall be as determined by the

Planning Board to be appropriate for the design of an attractive and safe development consistent with the purposes of this section.

- (5) In addition to the density limitation of not more than four (4) dwelling units per acre, there shall be a minimum of 6,000 square feet of leased land area per dwelling unit. The front of each dwelling unit and accessory building shall have a minimum separation from the lease lines of any other portion of the property on which a dwelling unit is located of twenty (20) feet. The rear of each dwelling unit and accessory building shall have a minimum separation from the lease lines of any other portion of the property on which a dwelling unit is located of twenty (20) feet. The sides of each dwelling unit and accessory building shall be a minimum of seven and one-half (7.5) feet from the lease lines of any portion of the property on which a dwelling unit is located. Measurements shall be from the foundation line. The project shall have maximum building coverage of twenty-five (25) percent and a maximum impervious land cover of forty (40) percent. Such percentages shall be computed based on the entire parcel referred to as the parent parcel.

G. Procedure for establishment.

- (1) Petitions for the establishment of an Alternative Senior Citizen Housing District by amendment of this chapter shall be made in writing to the Town Board. Applications shall be made by the owner or owners of the land proposed to be included in such district or by a person or persons possessing written contract or option rights to purchase such lands. In the event that an application is made by a person or persons holding contract or option rights to purchase the lands, the application shall be accompanied by a statement signed by the owner or owners granting authority on the part of such applicant to make the application. Upon submission of a complete application, the Town Board shall refer the application to the Planning Board for recommendation.
- (2) Application Materials. The applicant shall submit a conceptual development plan of sufficient detail as shall be determined by the Town Board. The conceptual

development plan shall consist, at a minimum, of the following:

- (a) A metes and bounds description of the proposed district;
- (b) A survey of the land prepared and certified by a licensed land surveyor;
- (c) A map drawn to scale showing existing conditions of the parcel, including:
 - [1] The name and address of the owner of record and, if the applicant is not the owner, then also the applicant;
 - [2] The name of the person or firm preparing the plan;
 - [3] The date, north arrow and scale of the plan;
 - [4] The names, addresses and tax map parcels of owners of all parcels within 500 feet of the subject property. The applicant shall include mailing labels for all property owners of parcels within 500 feet of the subject parcel;
 - [5] The acreage of the parcel and the tax number or numbers;
 - [6] The location and width of existing and proposed state, county or town highways or streets and rights-of-way abutting or within 200 feet of the parcel;
 - [7] The approximate location and outline of existing structures both on the parcel and within 100 feet of the property line;
 - [8] The location of any existing storm or sanitary sewers, culverts, water lines, hydrants, catch basins, manholes and other visible infrastructure as well as other utilities within or adjacent to the parcel;
 - [9] The existing zoning of the parcel;

- [10] The approximate location and outline of existing water bodies, streams, marshes or wetland areas and their respective classification as determined by the appropriate governmental regulatory body;
 - [11] The approximate boundaries of any areas subject to flooding or stormwater overflows;
 - [12] The location and outline of existing vegetation clusters (for a distance of 50 feet onto adjoining property);
 - [13] The identification of any other significant natural features.
- (d) The conceptual development plan, drawn approximately to scale, shall clearly show the following:
- [1] The approximate location and dimension of proposed principal and accessory buildings on the site and their relationship to one another, and to other structures in the vicinity, as well as the number of dwelling units by housing type and size;
 - [2] The approximate location and dimensions of vehicular traffic circulation features of the site, including proposed roadways, internal driveways, parking and loading areas, and proposed access to the site;
 - [3] The approximate location and nature of pedestrian circulation systems, open space, and outdoor recreation areas on the site;
 - [4] The proposed source of water supply and method of delivery to the site;
 - [5] A general plan for the collection and disposal of sanitary waste from the site;
 - [6] A general plan of proposed stormwater management facilities;

[7] Preliminary identification of areas which will be disturbed and areas which will remain undisturbed by project implementation.

(e) A vicinity map showing the proposed use in relationship to adjoining uses, transit services, food stores, community facilities, social service facilities, medical facilities and pharmacy and religious institutions.

(f) Preliminary Architectural Treatment of Buildings.

(3) Initial Review:

(a) In its review of the application, the Town Board may suggest such changes in the conceptual plan as are found to be necessary or desirable by the Town Board in order to meet the requirements of this section. The Town Board may notify the applicant of such changes and may discuss such changes with the applicant. The suggestion of changes by the Town Board shall not constitute a waiver of its legislative discretion to reject or deny the rezoning application;

(b) If the Town Board decides to consider such a petition, it shall transmit a copy of the petition and conceptual development plan to the Planning Board for a recommendation and report. The Planning Board shall respond to the Town Board's request within sixty (60) days, unless the Town Board agrees to an extension of such time.

(4) Town Board review.

(a) Upon receipt of a recommendation from the Planning Board, the Town Board may schedule and hold a public hearing. Alternatively, the Town Board may reject the application.

(b) Following completion of the public hearing, the Town Board may act to approve, approve with modifications or conditions, or disapprove the rezoning application in the exercise of its sole legislative discretion. Approval shall result in

amendment of the Zoning Map established by this chapter.

- (5) CRITERIA FOR REZONING TO ALTERNATIVE SENIOR CITIZEN HOUSING DISTRICT. In determining whether or not amend the Zoning Map for an ASCHD district, the Town Board shall consider, together with the intent and objectives of this section, whether the proposed district and conceptual development plan meet the following criteria:
- (a) The site shall be served by both public water and public sanitary sewer facilities and such facilities shall be adequate to accommodate the additional demand placed upon them by the proposed development;
 - (b) The site shall be well drained and stormwater generated by development of the site shall not place an undue burden on existing facilities or contribute to downstream flooding;
 - (c) The site shall be located in an area suitable for the proposed residential density and shall be reasonably free of objectionable conditions such as odors, noise, dust, air pollution, traffic volumes beyond the capacity of the existing road system or proposed road improvements, and other environmental constraints;
 - (d) The site shall be located in a manner that allows access to the site from a public street that meets current engineering standards of the Town with respect to roadway width and alignment and acceptable sight distances can be developed at the site entry/exit and at intersections in the vicinity of the site;
 - (e) The architectural style of the proposed development, exterior materials, finish and color shall be consistent with the character of a one-family residential neighborhood;
 - (f) The development of the site shall not produce undue adverse effects on the surrounding neighborhood;

- (g) The extent to which the scope and design of the project will establish a worthwhile asset for this segment of the community and the community as a whole.
 - (h) Provide benefits that serve the Town of LaGrange in addition to service of the site itself including, but not limited to dedication of areas on the site for public use, public sanitary sewer facilities sufficient to serve or be expanded to serve neighboring off-site residences having existing sanitary sewer problems, and social service facilities including health facilities sufficient to serve not only the development but the surrounding neighborhood.
- (6) TIME LIMIT ON VALIDITY OF REZONING. Any zoning permitted by this section shall be null and void and the zoning of the parcel shall revert back to its original zoning classification by a ministerial designation on the Official Zoning Map by the Town Clerk, when directed by the Town Board, unless actual construction, pursuant to an approved site plan and a valid building permit is commenced within two (2) years from the date of adoption by the Planning Board of a resolution of site plan approval following the rezoning.
- (7) FEE. An application fee shall be charged in the amount provided for in the relevant fee schedule prevailing at the time of application. Actual consultant expenses incurred by the Town at all stages of processing a project under this section shall be defrayed by the applicant as provided within §240-88 of this chapter.
- (8) PROJECT DEVELOPMENT PLAN APPROVAL. Following a zoning amendment to create an Alternative Senior Citizen Housing District, project development plan review and approval by the Planning Board, subject to the flexible standards set forth in this section, shall be required prior to the issuance of a building permit for development. All project development plan standards set forth in this Chapter shall be applicable except as otherwise provided in this section. Project development plan approval shall include a determination of the required layout and

composition of internal passageways for vehicular and pedestrian circulation and parking. The Planning Board, in consultation with the Town Engineer shall authorize such internal passageways for vehicular and pedestrian circulation and parking as provide for safe, adequate and convenient vehicular and pedestrian circulation and parking. The Highway Superintendent shall be consulted by the Planning Board to review and make recommendations on any direct public safety impacts related to the design, layout and composition of the proposed internal passageways proximate to their intersections with public highways. The project development plan approval may authorize alternative building layouts within each leased land area provided, however, that any such alternative building layout must be in compliance with the provisions of this section including, but not limited to, the density, bulk and area requirements of this section.

- (9) CONFORMITY TO CONCEPTUAL DEVELOPMENT PLAN. The Planning Board shall not approve any project development plan within an Alternative Senior Citizen Housing District unless said Board finds that the plan is in substantial conformance with the conceptual development plan that was submitted to the Town Board and that served as the basis for the zone change to an Alternative Senior Citizen Housing District.

Section 2. This local law shall take effect immediately upon filing with this state's Secretary of State.

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on October 26, 2011, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

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 October 26, 2011 at 7:00 o'clock, p.m., on Local Law No. 6 of the Year 2011, creating a new Town Code Section 240-36-A "Alternative Senior Citizen Housing Districts."

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 8:00 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
September 14, 2011


CHRISTINE O'REILLY RAO
TOWN CLERK

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

Supervisor Wagner	AYE
Councilman Luna	AYE
Councilman Beck	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE

DATED: LaGrangeville, New York
September 14, 2011


CHRISTINE O'REILLY RAO
TOWN CLERK

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resolution of introduction.docx

RESOLUTION

IT IS HEREBY RESOLVED that Van DeWater & Van DeWater, LLP, Kyle W. Barnett, Esq., of counsel, is authorized to enter into a Stipulation settling the tax certiorari proceedings brought by Frontier Communications of Sylvan Lake a/k/a Citizens Communications Co, against the Town of LaGrange for the 2009/10 tax year and to sign such other and further papers as are necessary to effectuate the settlement, said refunds to be without interest if paid within forty-five (45) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York
September 14, 2011

MOVED BY: Councilman Beck

SECONDED BY: Councilman Jessup

AYES: 5

NAYES: 0

The motion carried unanimously.

*Christa O'Reilly for
September 14, 2011*

WHEREAS, heretofore Page La Grange, LLC ("Page La Grange") filed petitions under Real Property Tax Law Article 7 in New York State Supreme Court, Dutchess County, challenging the real property tax assessment for certain real property located in the Town of LaGrange and more fully described on the annexed schedule prepared by Drake, Loeb, Heller, Kennedy, Gogerty, Gaba & Rodd PLLC, Counsel to the Town, and

WHEREAS, Page La Grange and the Town have reached mutually agreeable settlements,

NOW, THEREFORE, BE IT RESOLVED as follows:

That the Town Board does hereby authorize Counsel to the Town to enter into and execute a settlement agreement on behalf of the Town for assessments for Page La Grange all in accordance with the annexed schedule.

Supervisor Wagner presented the foregoing resolution which was seconded by Councilman Jessup,

The vote on the foregoing resolution was as follows:

Gary E. Beck, Councilman, voting Aye

Joseph J. Luna, Councilman, voting Aye

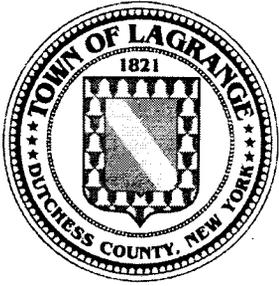
Edward P. Jessup, Councilman, voting Aye

Gary Polhemus, Councilman, voting Aye

Jon J. Wagner, Supervisor, voting Aye

The motion carried unanimously.

*Christie O'Rielly
September 14, 2011*



TOWN OF LAGRANGE HIGHWAY DEPARTMENT

130 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
845-452-2720 845-452-2709 FAX

September 12, 2011

Town Board,

I am requesting permission to go out for bid on Highway Materials, Road Sweeping and Road Paving for the contract period October 1, 2011 through September 30, 2012 for the following:

Bituminous Mix – Hot and Bituminous Mix – Cold
Bituminous Materials- Road Tars, Latex Emulsion, Latex Primer & Sealer
Latex Mp Material
Cast Iron Frames, Grates, Catch Basins and Drywells
Galvanized CMP Arch Pipe
Guide Rails
Diesel Motor Fuel
Fuel Oil
Liquefied Petroleum (LP) Gas Propane
Magnesium Chloride
Unleaded Gasoline
Crushed Quarry Stone
R.O.B. Gravel
Re-Cycled Sub-Base Materials-1, 2 & 4
Washed Highway Grade Sand
Road Sweeping
Paving

Thank You,

Michael Kelly
Superintendent of Highways