

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

**TOWN BOARD MEETING
March 28, 2012**

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

Recording Secretary: Margaret Schmitz, Deputy Town Clerk

Others Present: Ron Blass, Esq., Van De Water & Van De Water
Wanda Livigni, Administrator of Public Works
Steve Mance, Environmental Consultants

The regular meeting of the Town Board was held on Wednesday, March 28, 2012, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m. The Deputy Town Clerk led the flag salute. There were approximately 6 residents in attendance.

Supervisor Wagner asked for a motion to approve the minutes for March 14, 2012. Councilman Jessup so moved; seconded by Councilman Dyal. Supervisor Wagner Abstained; motion carried.

Public Hearings

Councilman Dyal made a motion to open the Public Hearing for proposed Local Law#2-2012; Code of Ethics Amendment; seconded by Councilman Luna and carried by all. Ron Blass explained the legislation. (SEE ADDENDUM)

There were no public comments.

Councilman Jessup made a motion to close the Public Hearing; seconded by Councilman Luna and carried by all.

Councilman Luna made a motion to open the Public Hearing for proposed Local Law#3-2012 – Chapter 120; Flood Damage Prevention; seconded by Councilman Jessup and carried by all. Ron Blass explained the legislation. (SEE ADDENDUM)

There were no public comments

Councilman Luna made a motion to close the Public Hearing; seconded by Councilman Jessup, carried by all.

Supervisor's Report

Supervisor Wagner thanked Councilman Luna for stepping up to the plate while he was in the hospital.

Correspondence

Correspondence from Time Warner will be available in the Clerk's Office for one week.

Mid-Hudson Road Runners will be holding two Woman's Races on the Dutchess County Rail Trail on May 19, 2012 from 8:00 a.m. – 10:00 a.m.

Agenda Items

Councilman Luna moved to approve the Resolution for Local Law#2-2012 – Code of Ethics Amendment; seconded by Councilman Jessup and carried by all. (SEE ADDENDUM)

Councilman Luna moved to approve the Negative Declaration for proposed Local Law#3-2012 – Ch. 120, Flood Damage Prevention; seconded by Councilman Jessup and carried by all. (SEE ADDENDUM)

Councilman Jessup moved to approve Local Law#3-2012, Ch. 120, Flood Damage Prevention; seconded by Councilman Luna and carried by all. (SEE ADDENDUM)

Councilman Jessup moved to approve the Negative Declaration for proposed Local Law#4-2012 – Ch. 199; Land Development Public Improvements, Performance Security and Dedication Procedures; seconded by Councilman Polhemus and carried by all. (SEE ADDENDUM)

Councilman Luna moved to approve proposed Local Law#4-2012, Ch. 199; Land Development Public Improvements, Performance Security and Dedication Procedures; seconded by Councilman Jessup and carried by all. (SEE ADDENDUM)

Councilman Jessup moved to approve the Resolution for Stipulation settling Tax Certiorari for Three Industry Street, LLC; seconded by Councilman Polhemus and carried by all. (SEE ADDENDUM)

Supervisor Wagner asked Councilman Luna to explain the next agenda item; multiple dog license fees. Councilman Luna did so and recommended tabling this agenda item until it can be further explored. Councilman Luna made a motion to TABLE; seconded by Councilman Jessup and carried by all.

Town Assessor, Robert Taft is requesting the Town Board's amendment of previously approved conference, lodging, meals and travel expenses for the Cost Market and Income Approach to Value class on July 16-20, 2012 at Cornell University. The cost will be approximately \$1,167.50. The Town will be reimbursed by the State approximately \$1,617.50 which will leave

the cost to the Town approximately \$50.00. Councilman Luna made a motion to approve the amendment; seconded by Councilman Dyal and carried unanimously. (SEE ADDENDUM)

The Planning Board is seeking the Town Board's recommendation with respect to granting second re-approval of final subdivision approval for Frank Farm Subdivision. Councilman Jessup moved to recommend granting second re-approval; seconded by Councilman Polhemus and carried unanimously. (SEE ADDENDUM)

The Planning Board is seeking the Town Board's recommendation with respect to granting second re-approval of final subdivision approval for Harvest Ridge Subdivision. Ms. Livigni asked if the Board wanted make it conditioned upon placing a surety bond and complying with the new Ch. 199. There was a brief discussion. Mr. Blass recommended tabling this agenda item for two weeks. Councilman Luna made a motion to TABLE; seconded by Councilman Dyal and carried unanimously. (SEE ADDENDUM)

Supervisor Wagner stated that the residents of Rolling Hills Subdivision are requesting Town Board approval to close Gina and Rita Lane on Saturday, May 5, 2012 between the hours of 5:30 p.m. to 10:30 p.m. for their annual block party. Councilman Jessup moved to approve their request; seconded by Councilman Dyal and carried unanimously.

Supervisor Wagner introduced a Proclamation declaring April, 2012, Parkinson's Disease Awareness Month in the Town of LaGrange. Councilman Luna made a motion to approve the proclamation; seconded by Councilman Polhemus and carried unanimously. (SEE ADDENDUM)

Supervisor Wagner stated a letter had been received from Kenneth & Barbara Kull dated March 1, 2012, regarding Pond View Plaza on Noxon Road. Councilman Luna explained his understanding of Mr. Kull's objective in respect to rezoning his property to multi-family use. A discussion followed. Ms. Livigni stated that there is nothing in the code that would permit this type of zone change and would require changing the Town Code. Supervisor Wagner determined there was no support among the Board to undertake a Code change and no ability to do so. A response to Mr. Kull will be drafted.

Bonds

Supervisor Wagner stated that the Building Inspector is requesting the Town Board's approval to accept the Soil Erosion Bond for 6362-01-195553; 198 Ridgeline Drive. Councilman Jessup moved to accept the bond; seconded by Councilman Polhemus, and carried unanimously. (SEE ADDENDUM)

COMMITTEE REPORTS

Water and Sewer

No Report.

Recreation

Councilman Polhemus reported that Community Day is June 9th and that he is looking for support.

Open Space

Supervisor Wagner stated he received a letter from Elliot Sleight asking if the Town is still planning on moving forward. Mr. Wagner stated it is still the intention of the Board to purchase open space at Sleight Farm and is working with Dutchess Land Conservancy to move forward. Mr. Jessup reported that a meeting with Dutchess Land Conservancy is scheduled for April 3rd at 1:00 p.m.; at which time, Sister Margo's property at Sprout Creek will also be discussed. A discussion regarding the Reiger property followed.

Highway

Councilman Jessup reported that the Highway Committee met on March 26, 2012. Mr. Wagner stated that he understands from reports of that meeting that Michael Kelly would like to do a 20 year capital plan for road rebuilding, which may include equipment. There was a discussion about taking advantage of the Town's current inexpensive bond market rating for a long term extensive bond versus bonding as we go. Mr. Jessup stated he was going to work with Christine Toussaint to get some facts and figures on bonding "x" amount of dollars to get a general idea of what the cost would be. Councilman Polhemus offered his service if they are needed. Ms. Livigni suggested that Mr. Kelly include a complete list of roads so they can be worked into planned water & sewer work. Mr. Wagner agreed that this would have to be a coordinated effort between MS4, water and sewer, etc.

Town Board Comments

No Comments

Town Attorney

No Comments

Administrator of Public Works

No Report

Environmental Consultants

No Report

Public Comment

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

Donna Bolner, Dutchess County Legislator reported that the County is looking into what needs to be bonded for so the budget process can get started earlier. When the Board of Elections

Commissioners throughout the State got together they came up with nine things they thought could be tackled; some of which are cost savings measures. There was a Memorialization made and sent to the State encouraging them to take some of these suggestions on.

Mrs. Bolner reported that the Tack Taskforce starts up next month and the best treatment is prevention in the way of daily tick checks. The taskforce is considering asking Towns to declare May "Lyme Disease Awareness Month." She also reported that a sprayable fungi that kills ticks is being worked on and is about two years out. In Fairfax, VA they are conducting a study in which they are feeding the deer and rolling them in a pink pesticide.

Supervisor Wagner once again reminded Mrs. Bolner that he would like a full invoice from the Board of Elections for elections costs. Mrs. Bolner assured Supervisor Wagner that he is not the only Supervisor to mention this and she will bring it up again.

Steve Mance, on behalf of the Sunrise Rotary, reported that April 28th is the Trash Bash. They are meeting at the LaGrange Middle School at 8:00 for anyone that is interested in working. Supervisor Wagner thanked the Sunrise Rotary in advance for this great service.

Councilman Jessup moved to close the Public Comment, seconded by Councilman Dyal and carried by all.

At 7:30 The Board moved to Executive Session to discuss a Tax Certiorari.

The Board reconvened at 7:40.

Councilman Jessup moved to adjourn the meeting, seconded by Councilman Dyal and carried by all.

The meeting was adjourned at 7:41 p.m.

Respectfully Submitted,



Margaret Schmitz
Deputy Town Clerk

ADDENDUM

- **Affidavit of Publication – LL#2-2012 - Code of Ethics; Public Hearing**
- **Affidavit of Publication – L#3-2012 – Flood Damage Prevention; Public Hearing**
- **Resolution of Adoption – LL#2-2012 – Code of Ethics**

- **Negative Declaration – LL#3-2012 – Flood Damage Prevention**
- **SEQR – LL#3-2012 – Flood Damage Prevention**
- **Resolution – LL#3-2012 – Flood Damage Prevention**
- **Negative Declaration – LL#4-2012 – Ch. 199 Land Dev. Public Improvement**
- **SEQR – LL#4-2012**
- **Dutchess County Dept. of Planning Zoning Referral – LL#4-2012**
- **Resolution – LL#4-2012 – Ch. 199 Land Dev. Public Improvement**
- **Resolution – Stipulation of Settlement – Three Industry Street, LLC**
- **Event Attendance Request – Robert Taft**
- **Memorandum from Alan Bell Regarding Frank Farm Subdivision**
- **Memorandum from Alan Bell Regarding Harvest Ridge Subdivision**
- **Proclamation – Parkinson’s Disease Awareness Month**
- **Letter – K. Kull**

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

Rita Lombardi, _____ of the City of Poughkeepsie,
Dutchess County, New York, being duly sworn, says
that at the several times hereinafter mentioned he/she
was and still is the Principle Clerk of the Poughkeepsie
Newspapers Division of Gannett Satellite Information
Network, Inc., publisher of the Poughkeepsie Journal, a
newspaper published every day in the year 2012 in the
city of Poughkeepsie, Dutchess County, New York, and
that the annexed Notice was duly published in the said
newspaper for one insertion
successively, in each week, commencing on the 17th
day of Mar. in the year of 2012 and
on the following dates thereafter, namely on:

And ending on the _____ day of _____ in
the year of 2012, both days inclusive.

Rita Lombardi

Subscribed and sworn to before me this 21st day
of March in the year of 2012.

Elizabeth A. Farkas

Notary Public

My commission expires 9/30/13

ELIZABETH A. FARKAS
NOTARY PUBLIC, State of New York
No. 01FA4844793
Qualified in Dutchess County
Commission Expires 9/30/13

NOTICE OF PUBLIC HEARING
TAKE NOTICE, that the
Town Board of the Town of LaGrangeville, New York will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on March 20, 2012, at 7:00 o'clock, p.m. on Local Law No. _____ of the Year 2012, containing Sections _____ and 26-27(D) of Chapter 26, "Code of Ethics", of the Town Code.
TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:30 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.
DATED: LaGrangeville, New York
March 14, 2012
MARGARET SCHMITZ
DEPUTY TOWN CLERK
9699

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

Rita Lombardi, _____ of the City of Poughkeepsie, Dutchess County, New York, being duly sworn, says that at the several times hereinafter mentioned he/she was and still is the Principle Clerk of the Poughkeepsie Newspapers Division of Gannett Satellite Information Network, Inc., publisher of the Poughkeepsie Journal, a newspaper published every day in the year 2012 in the city of Poughkeepsie, Dutchess County, New York, and that the annexed Notice was duly published in the said newspaper for one insertion successively, in each week, commencing on the 17th day of Mar. in the year of 2012 and on the following dates thereafter, namely on:

And ending on the _____ day of _____ in the year of 2012, both days inclusive.,

Rita Lombardi
Subscribed and sworn to before me this 21st day of March in the year of 2012.

Elizabeth D. Farkas

Notary Public

My commission expires 9/30/13

ELIZABETH A. FARKAS
NOTARY PUBLIC, State of New York
No. 01FA4844793
Qualified in Dutchess County
Commission Expires 9/30/13

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 March 20, 2012 at 7:00 o'clock, p.m. on Local Law No. _____ of the Year 2012, to amend Town Code Chapter 120 "FLOOD DAMAGE PREVENTION."
TAKE FURTHER NOTICE, that copies of the aforesaid Local Law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:30 a.m. and 3:30 p.m., between the date of this notice and the date of the public hearing.
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.
DATED: LaGrangeville, New York
March 14, 2012
ROSEMARY SCHWITZ
DEPUTY TOWN CLERK
9715

RESOLUTION

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

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING CHAPTER 28, "CODE OF ETHICS", OF THE TOWN CODE.

WHEREAS, a public hearing in relation to said local law was held on March 28, 2012 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;

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

TOWN OF LAGRANGE LOCAL LAW NO. 2 OF 2012

Section 1. Chapter 28, Section 28-14(B) is amended to read as follows:

"No member of the Ethics Board may otherwise be an elected officer, an appointed officer or an employee of the Town. Of the total membership of the Board, no more than two shall be enrolled in the same political party."

Section 2. Chapter 28, Section 28-21(D), the first sentence is amended to read as follows:

"Any person who has submitted to the Ethics Board a written request for an advisory opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the advisory opinion."

Section 3. This local law shall be effective upon filing with the New York State 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 Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York
March 28, 2012


MARGARET SCHMITZ, Deputy Town Clerk

TOWN OF LAGRANGE TOWN BOARD

A LOCAL LAW OF THE TOWN OF LAGRANGE,
DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE
CHAPTER 120 "FLOOD DAMAGE PREVENTION"

NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

WHEREAS, the Town of LaGrange Town Board proposes to adopt a local law known as A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 120 "FLOOD DAMAGE PREVENTION"; 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) and that the action need not be subject to optional coordinated review by all involved agencies; and

WHEREAS, the Town of LaGrange Town Board has caused the preparation of a Full 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 6 NYCRR 617 and has determined that no significant adverse impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.

2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the 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.

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 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.

5. The action will not create a hazard to human 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.

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.

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.

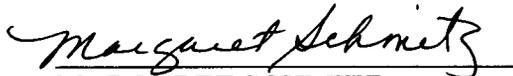
BE IT FURTHER RESOLVED THAT the Town of LaGrange Town Board hereby issues a Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act.

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 Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

This Negative Declaration is adopted this 28th day of March 2012 and is ordered into the record of the Town of LaGrange Town Board with respect to Local Law #3 of 2012, A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 120 "FLOOD DAMAGE PREVENTION."


MARGARET SCHMITZ
DEPUTY TOWN CLERK

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

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 2012, A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 120 "FLOOD DAMAGE PREVENTION"

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)

March 20, 2012

Date

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 2012, A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 120 "FLOOD DAMAGE PREVENTION"		
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 The Town Board proposes to adopt Local Law #__ of 2012, which will amend the Town's existing Flood Damage Prevention Law so that the Town remains in compliance with the Federal Emergency Management Agency's (FEMA) amended regulations and maps, such amended regulations and maps to be effective on May 2, 2012.		

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	March 2012
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 REBECCA A. VALK – 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

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
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	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.			

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"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<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.

The Town proposes to adopt Local Law # __ of 2012 to amend existing Town Code Chapter 120. The amendments are necessary pursuant to the directive of the Federal Emergency Management Agency's (FEMA), which has prepared new Flood Insurance Study and Flood Insurance Rate Maps establishing 100 year base flood elevations for the Town. Chapter 120 provides the standards for, and the methods of, undertaking any construction within areas of special flood hazard.

The proposed local law does not, of itself, cause or invite any new action to occur. The SEQRA regulations establish standards that have the effect of lessening the amount of any potential environmental impact of future actions on the surrounding neighborhood and the environment.

The act of adopting the new local laws will not result in any direct or physical adverse environmental impact. It may result in indirect or secondary effects in the event of future applications received by the Town that employ the standards set forth in the legislation. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable and will not be ascertainable until site-specific proposals are received. Each individual proposal will be subject to the standards established by this local law. The evaluation of individual proposals involves the exercise of legislative discretion upon a full and complete analysis of the conditions and impacts related to the individual proposal.

The potential for and the likelihood of secondary effects do not support the conclusion that the legislation may create a significant adverse environmental impact requiring preparation of an environmental impact statement. Further, the potential secondary impacts do not give rise to any currently identifiable potential adverse environmental effects of significance.

RESOLUTION

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

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 120 "FLOOD DAMAGE PREVENTION" and

WHEREAS, the Town Board hereby ratifies the establishment and notice of a public hearing on this local law to be held on March 28, 2012; and

WHEREAS, a public hearing in relation to said local law was held on March 28, 2012 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, certain ministerial and insignificant modifications to the local law were made and laid on the desks of the Town Board on March 20, 2012, generally consisting of the following: (a) the addition of a definition for the term "violation"; and (b) the modification of internal cross-references between sections.

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

TOWN OF LAGRANGE LOCAL LAW NO. 3 OF THE YEAR 2012

Section 1. Chapter 120 of the Town of LaGrange Town Code is revised to read in its entirety as follows:

CHAPTER 120

FLOOD DAMAGE PREVENTION

120-1. FINDINGS

The Town Board of the Town of LaGrange finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Town of LaGrange and that such damages may include; destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

120-2. STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;
- E. Regulate the construction of flood barriers which will unnaturally diver flood waters or which may increase flood hazards to other lands; and
- F. Qualify and maintain for participation in the National Flood Insurance Program.

120-3. OBJECTIVES

The objectives of this local law are:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To provide that developers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

120-4. WORD USAGE AND DEFINITIONS

- A. Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.
- B. As used in this chapter, the following terms shall have the meanings indicated:

Appeal – A request for a review of the Local Administrator’s interpretation of any provision of this chapter or a request for a variance.

Area of Shallow Flooding – A designated AO, AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard – The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain.". For purposes of this Chapter, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard.”

Base Flood – The flood having a one-percent chance of being equaled or exceeded in any given year.

Basement – That portion of a building having its floor subgrade (below ground level) on all sides.

Building – See “Structure”

Cellar – See “Basement”

Crawl Space – An enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

Development – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building –

1. A non-basement building:
 - (a) Built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-V30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the flow of the water; and (b) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
2. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.
3. In the case of Zones V1-V30, VE or V, “elevated building” also includes a building otherwise meeting the definitions of “elevated building,” even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

Federal Emergency Management Agency – The Federal Agency that administers the National Flood Insurance Program.

Flood or Flooding – A general or temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force

of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

Flood Boundary and Floodway Map (FBFM) – An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

Flood Elevation Study – An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) - An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study - See "flood elevation study".

Floodplain or Flood-prone area - Any land area susceptible to being inundated by water from any source. (See "flooding.")

Floodproofing - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway – See "Regulatory Floodway".

Functionally dependent use – A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

Highest adjacent grade - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic structure - Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior; or
 - b. directly by the Secretary of the Interior in states without approved programs.

Local Administrator - The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

Lowest floor – The lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Manufactured Home – A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational Vehicle".

Manufactured home park or subdivision - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level - For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Mobile home - See "Manufactured home".

New construction - Structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

One hundred year flood or 100-year flood – See "Base Flood".

Principally above ground - At least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

Recreational vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 120-14B of this chapter.

Start of construction - The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have

incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “Historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “Historic structure”.

Variance - A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

Violation - The failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

120-5. APPLICABILITY

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of LaGrange, Dutchess County, New York .

120-6. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Town of LaGrange, Community Number 361011, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. Flood Insurance Rate Map Panel Numbers:

36027C0367E, 36027C0377E, 36027C0378E, 36027C0379E, 36027C0381E
36027C0385E, 36027C0386E, 36027C0387E, 36027C0388E, 36027C0389E
36027C0391E, 36027C0392E, 36027C0393E, 36027C0394E, 36027C0401E
36027C0403E, 36027C0411E, 36027C0413E

whose effective date is May 2, 2012, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.

2. A scientific and engineering report entitled “Flood Insurance Study, Dutchess County, New York, All Jurisdictions” dated May 2, 2012.

The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: Town of LaGrange Town Hall, Office of the Town Clerk, 120 Stringham Road, LaGrangeville, New York 12540.

120-7. INTERPRETATION AND CONFLICT WITH OTHER LAWS

- A. This chapter includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.
- B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or local laws, the most restrictive, or that imposing the highest standards, shall govern.

120-8. SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

120-9. PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of LaGrange from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 120-20 and 120-21 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

120-10. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the Town of LaGrange, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

120-11. DESIGNATION OF THE LOCAL ADMINISTRATOR

The Zoning Enforcement Officer is hereby appointed Local Administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

120.12. FLOODPLAIN DEVELOPMENT PERMIT.

- A. Purpose. A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and ensuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in § 120-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Fees. All applications for a floodplain development permit shall be accompanied by an application fee as set forth on the prevailing fee schedule adopted by resolution of the Town Board, and as such schedule is modified from time to time by resolution of the Town Board. In addition, the applicant shall be responsible for reimbursing the Town of LaGrange for the actual amount of any additional costs, including professional consulting fee expenses, necessary for review, inspection and approval of this project. The Local Administrator may require an advance deposit toward recovery of these additional costs.

120-13. PERMIT APPLICATION

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.

- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 120-16C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in § 120-18, Nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 120-6, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

120-14. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.

Duties of the Local Administrator shall include, but not be limited to the following:

- A. Permit Application Review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
 - (1) Review all applications for completeness, particularly with the requirements of § 120-13, Permit application, and for compliance with the provisions and standards of this chapter.
 - (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 120-15 through 120-19 and, in particular, § 120-15A, Subdivision proposals.
 - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to

submit additional technical analyses and data necessary to complete the determination, including but not limited to the submission of a stormwater pollution prevention plan (SWPPP) consistent with the requirements of Town of LaGrange Town Code Chapter 197.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 120-15 through 120-19, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

B. Use of other Flood Data

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to § 120-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.
- (2) When base flood elevation data is not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.

C. Alteration of Watercourses.

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

D. Construction Stage

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean

sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

(2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

E. Inspections. The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. Stop Work Orders

(1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 120-9 of this chapter.

(2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 120-9 of this chapter.

G. Certificate of Compliance

(1) In areas of special flood hazard, as determined by documents enumerated in § 120-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this chapter.

(2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

(3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E of this section, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be Retained. The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to Subsections 120-14 D(1) and (2), and whether or not the structures contain a basement.
- (3) Floodproofing certificates required pursuant to Subsection 120-14 D(1) and whether or not the structures contain a basement;
- (4) Variances issued pursuant to §§ 120-20 and 120-21.
- (5) Notices required under § 120-14C, Alteration of watercourses.

120-15. GENERAL CONSTRUCTION STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in § 120-6:

A. Subdivision Proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

- (b) The Town of LaGrange agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of LaGrange for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of LaGrange for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 120-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (b) The Town of LaGrange agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of LaGrange for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of LaGrange for all costs related to the final map revisions.

120-16. STANDARDS FOR ALL STRUCTURES.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 120-6.

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- B. Construction Materials and Methods
 - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
 - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
 - (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data is available, new and substantially

improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

- a. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
- b. the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

C. Utilities

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such wet items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

120-17. RESIDENTIAL STRUCTURES

Elevation. The following standards, in addition to the standards in § 120-15A, Subdivision proposals, and § 120-15B, Encroachments, and § 120-16, Standards for all structures apply to

new and substantially improved residential structures located in areas of special flood hazard as indicated:

- A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- B. Within Zone A, when no base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- C. Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified).
- D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

120-18. NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in § 120-15A, Subdivision proposals, and § 120-15B, Encroachments, and § 120-16, Standards for all structures.

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any non-residential structure shall either:
 - 1. Have the lowest floor, including basement or cellar, elevated to or two feet above the base flood elevation; or
 - 2. Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - 1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in Subsection 120-18 A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Subsection 120-18 A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
 - D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
 - E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

120-19. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards, in addition to the standards in § 120-15, General standards, and § 120-16, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- A. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 1. be on site fewer than 180 consecutive days;
 2. be fully licensed and ready for highway use; or
 3. meet the requirements for manufactured homes in Subsections B, C and D.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

- D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified).

120-20. APPEALS BOARD

- A. The Zoning Board of Appeals as established by the Town of LaGrange shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
 - 1. the danger that materials may be swept onto other lands to the injury of others;
 - 2. the danger to life and property due to flooding or erosion damage;
 - 3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 4. the importance of the services provided by the proposed facility to the community;
 - 5. the necessity to the facility of a waterfront location, where applicable;
 - 6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - 7. the compatibility of the proposed use with existing and anticipated development;
 - 8. the relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
 - 9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - 10. the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;

11. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 12. the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection 120-20 D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

120-21. CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 120-20D(1) through (12) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic Structure"; and
 2. the variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (1) The criteria of Subsections A, D, E and F of this section are met.
 - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

F. Variances shall only be issued upon receiving written justification of:

1. a showing of good and sufficient cause;
2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing chapters, local laws or ordinances.

G. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

1. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
2. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 120-14(H) of this chapter.

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

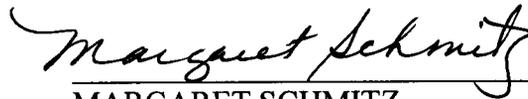
RESOLVED that the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney

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 Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York
March 28, 2012



MARGARET SCHMITZ
DEPUTY TOWN CLERK

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TOWN OF LAGRANGE TOWN BOARD

LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY,
NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 199
OF THE LAGRANGE TOWN CODE DEALING WITH LAND
DEVELOPMENT PUBLIC IMPROVEMENTS, PERFORMANCE
SECURITY AND DEDICATION PROCEDURES

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 #4 of 2012 amending various provisions of Chapter 199 of the LaGrange Town Code dealing with land development public improvements, performance security and dedication procedures; 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 long 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.

This direct action is a Town Code amendment. The Local Law's purpose is to modify various aspects of Chapter 199 dealing with performance security for land development improvements and dedication requirements.

Among the purposes of this legislation is to create the potential for performance security, for private developer construction of road and other infrastructure improvements, in the nature of surety bonds. No particular or actual development is the subject of this legislation. The SEQRA review of this legislation does not entail a specific development proposal or a specific site.

It is arguable that this legislative action is a Type 2 exercise in the nature of continuing administration and management of existing local governmental programs and policies. Accordingly,

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.
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.

3. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted.
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.
5. The action will not create a hazard to human 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.
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.
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 environmental 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 28th day of March, 2012 and is ordered into the record of the Town of LaGrange Town Board with respect to Local Law #4 of 2012 amending various provisions of Chapter 199 of the LaGrange Town Code dealing with land development public improvements, performance security and dedication procedures


MARGARET SCHMITZ
DEPUTY TOWN CLERK

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

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. 4 of the Year 2012 Entitled A Local Law of the Town of Lagrange, Dutchess County, New York Amending Various Provisions of chapter 199 of the LaGrange Town Code Dealing With Land Development Public Improvements, Performance Security and Dedication Procedures.

Name of Action

TOWN OF LAGRANGE TOWN BOARD

Name of Lead Agency

~~JON J. WAGNER~~ JOSEPH LUNA DEPUTY 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)

Ronald C. Blass, Jr., Esq., Town Attorney

February 9, 2012

Date

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. <u> </u> of the Year 2012 Entitled A Local Law of the Town of Lagrange, Dutchess County, New York Amending Various Provisions of Chapter 199 of the LaGrange Town Code Dealing with Land Development Public Improvements, Performance Security and Dedication Procedures.		
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 No. <u> </u> of the Year 2012 Entitled A Local Law of the Town of Lagrange, Dutchess County, New York Amending Various Provisions of Chapter 199 of the LaGrange Town Code Dealing with Land Development Public Improvements, Performance Security and Dedication Procedures.		

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	February _____, 2012
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 February 9, 2012

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"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<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><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><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p><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><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p><input type="checkbox"/>Yes <input type="checkbox"/>No</p> <p><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p><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><input type="checkbox"/>Yes <input type="checkbox"/>No</p>
<p><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><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
<ul style="list-style-type: none"> • Construction activity would excavate or compact the soil profile of agricultural land. • The proposed action would irreversibly convert more than 10 acres of agricultural land or if located in an Agricultural District, more than 2.5 acres of agricultural land. • The proposed action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g., cause a farm field to drain poorly due to increased runoff). • Other impacts: 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON AESTHETIC RESOURCES			
11. Will proposed action affect aesthetic resources? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.) Examples that would apply to column 2			
<ul style="list-style-type: none"> • Proposed land uses, or project components obviously different from, or in sharp contrast to current surrounding land use patterns, whether man-made or natural. • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate, or significantly reduce, their enjoyment of the aesthetic qualities of that resource. • Project components that will result in the elimination, or significant screening, of scenic views known to be important to the area. • Other impacts: 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES			
12. Will Proposed Action impact any site or structure of historic, pre-historic or paleontological importance? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2			
<ul style="list-style-type: none"> • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. • Any impact to an archaeological site or fossil bed located within the project site. • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. • Other impacts: 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
IMPACT ON OPEN SPACE AND RECREATION			
13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Examples that would apply to column 2			
<ul style="list-style-type: none"> • The permanent foreclosure of a future recreational opportunity. • A major reduction of an open space important to the community. • Other impacts: 	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

	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. _____ _____ _____			
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"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<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.

LaGrange proposes to adopt a local law to modify various aspects of Chapter 199 dealing with performance security for land development improvements and dedication requirements.

Among the purposes of this legislation is to create the potential for performance security, for private developer construction of road and other infrastructure improvements, in the nature of surety bonds. No particular or actual development is the subject of this legislation. The SEQRA review of this legislation does not entail a specific development proposal or a specific site.

It is arguable that this legislative action is a Type 2 exercise in the nature of continuing administration and management of existing local governmental programs and policies. But, as a precaution, this environmental assessment form has been generated.

The act of adopting the local law will not result in any direct or physical environmental impact. It may result in indirect or secondary effects in the event of future bonding of infrastructure associated with land development, but even those attenuated effects should not be physical impacts on the environment. Each application of the local law will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future application are not currently ascertainable. The evaluation of individual application of the code amendments will involve the exercise of agency discretion upon a full and complete analysis of the conditions and impacts related to each individual application.

The potential for these secondary effects does not support the conclusion that the legislation itself creates any potential significant environmental impact.

Dutchess County Department of Planning and Development	To <u>T/LA GRANGE</u>	Date <u>2/1/12</u> # pgs <u>1</u>
	Co./Dept <u>TOWN BOARD</u>	From <u>J. CLARKE</u>
	Fax #	Phone # <u>486 3600</u>

Zoning Referral

Municipality: Town of LaGrange

Referring Agency: Town Board

Tax Parcel Number(s): _____

Project Name: LL: Public Improvements, Performance Security & Dedication Procedures

Applicant: Town Board

Address of Property: _____

Type of Action:

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

Jurisdictional Determinant:

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

Date Response Requested (if less than 30 days): March 14, 2012

If subject of a previous referral, please note County referral number(s):

Chap 199

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Project Withdrawn

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete — *municipality must resubmit to County*
- Incomplete with Comments — *municipality must resubmit to County*

Date of Submittal: 2/10

Date Submittal Received: 2/14

Date Report Requested: _____

Date Report Required: 3/9

Date of Transmittal faxed: 3/1/12 mailed:

Notes:

Reviewer: JOHN CLARKE

Major Project

Archive

Discard after 2 yrs

Discard after 7 yrs

Referral #: 12-049

RESOLUTION

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

WHEREAS, a local law was introduced entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING VARIOUS PROVISIONS OF CHAPTER 199 OF THE LAGRANGE TOWN CODE DEALING WITH LAND DEVELOPMENT PUBLIC IMPROVEMENTS, PERFORMANCE SECURITY AND DEDICATION PROCEDURES.

WHEREAS, a public hearing in relation to said local law was held on March 14, 2012 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, one de minimis alteration to the local law was made after the public hearing, i.e., deletion of the word "stormwater" from the second sentence of amendments to 199-51(F).

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;

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

Section 1. Chapter 199, Section 199-5, is amended to read as follows:

§ 199-5. Purpose.

It is the purpose of these specifications to establish minimum acceptable standards for street construction, and related public improvements, for subdivision or other private land development in the Town of LaGrange, including but not limited to width, design, drainage, construction of base and pavement, curbs and sidewalks, monuments and signs. In the event the Town Board exercises its discretion to accept dedication upon completion of improvements, dedication of the right-of-way and related land development public improvements or infrastructure, including but not limited to stormwater management, utilities infrastructure, and street landscaping, will not be

accepted until the developer's professional engineer, the Town Superintendent of Highways, and the Town Engineer shall have certified to the Town Board in writing that the construction of the street or streets, and related public improvements, have been completed in accordance with the plans and the specifications approved by the Town. If the Town Board elects to accept dedication upon completion of improvements, marketable and unencumbered fee title to such roadway, and marketable and unencumbered fee title or easements to related public improvements at the Town's option, must be granted to the Town by a full covenant and warranty instrument(s) containing the correct metes and bounds description, and must be in such form as may be required to entitle the same to be recorded in the office of the County Clerk of Dutchess County. Title examination, title insurance premiums, and all filing fees must be paid by the grantor(s). The form and content of all instruments of conveyance are subject to approval by the attorney for the Town.

Section 2. Chapter 199, Section 199-6 is amended to read as follows:

§ 199-6. Certification by engineer.

In his written certification, as required above, the developer's professional engineer shall state clearly that he or his authorized representative has inspected all phases of the street construction, and of related public improvements, and that all work has been completed in accordance with the approved land development plans and the specifications set forth in this Chapter. Suitable as-built drawings shall be prepared by the developer's engineer and submitted to the Town. (Refer to § 199-48).

Section 3. Chapter 199, Section 199-7 is amended to read as follows:

§ 199-7. Preparation and submission of street plan.

A plan of the proposed street shall be prepared by a qualified engineer properly licensed by the State of New York. The plan shall clearly define the limits of the proposed right-of-way and shall include the locations, widths, profiles and grades of proposed roadways, storm drainage, including culverts and other drainage structures, and the location of easements and utilities. The plan shall first be submitted to the Town Superintendent of Highways and Town Engineer, and then to the County Commissioner of Public Works when any street drains toward or may otherwise affect a county highway, and then to the Town Planning Board for review and approval under the applicable subdivision regulations of the Town. Such plans so submitted shall not be altered or amended after having been approved by the Planning Board unless amended plans are resubmitted and approved as above. However, the developer shall, at his own expense, provide additional storm drainage facilities as may be ordered by the Town Superintendent of Highways if during the progress of the work, in the opinion of the Town Superintendent of Highways, the Town Engineer, and the Commissioner of Public Works (if applicable), such additional structures or facilities are necessary to assure the durability of pavement, the future maintenance of right-of-way or the welfare or safety of the

public. If construction has not been started within two years from the date of final approval by the Town Planning Board, plans shall be resubmitted and approved as shown.

Section 4. Chapter 199, Section 199-8 is amended to read as follows:

§ 199-8. Performance security.

A. Two-party performance bond.

- (1) Prior to the start of construction of any street and related public improvements, and as a condition of any subdivision approval, the developer as obligor shall deposit with the Town as obligee a performance bond with security acceptable to the Town Board, as to form, sufficiency and manner of execution, guaranteeing:
 - (a) That within one year of acceptance of the performance bond, or such other time period as determined by the Town Board, not to exceed an initial period of three years, the developer will complete the construction of all improvements within the right-of-way, and related public improvements, in accordance with the approved plans and these specifications.
 - (b) That, upon certification by the developer's professional engineer or licensed land surveyor, by the Town Superintendent of Highways, and by the Town Engineer, that the construction of the street(s) and related public improvements have been completed in accordance with the approved plans and specifications the developer will dedicate, in the event that the Town Board will accept dedication, the completed street(s) and related public improvements, free and clear of all liens and encumbrances, to the Town for public use in accordance with the procedure for acceptance of new Town highways, in § 199-51 of the Town Code of the Town of LaGrange, including, but not limited to, the deposit of a maintenance bond and supporting security and any and all other requirements of dedication reasonably established by the Town Board. This guaranty of dedication to the Town, should the Town Board elect to accept dedication after completion of the improvements, shall apply to the owner of the property, as well as the developer where the two are not synonymous, and those parties shall jointly execute the performance bond and all related documents.
- (2) As security for a two-party performance bond, the Town Board will require the developer to provide a letter of credit payable on sight to the Town from a banking institution, acceptable to the Town Board as to source, form, sufficiency, and manner of execution; in its sole discretion, the Town Board may accept cash, or a certified check drawn on a national or state bank, payable to the Town upon default under the performance bond. The minimum or base amount of the performance bond, which shall also form the basis for application of an additional

charge multiplier of 50% unless waived or reduced by the Town Board, shall be determined by applying to the quantities or dimensions, shown on the approved plans therefor, the rates per unit as established by the schedule of rates produced at Figure 1 at the end of this chapter.

- B. Three-party (Surety) Performance Bonds. The Town Board shall be empowered to accept performance bonds issued by a surety to the Town as beneficiary and to the developer as bond principal for the purposes and in the amount identified in subparagraph (A) of this Section less the sum of \$20,000 or 5% of the amount to be bonded whichever is greater. Surety performance bonds must be satisfactory to the Town as to form, sufficiency, manner of execution, and identity of surety. The sum of \$20,000 or 5% of the amount to be given as performance security, whichever is greater, shall be provided, with a two-party performance bond in that amount to the Town, in the form of cash, certified check or letter of credit acceptable to the Town to complete the providing of full performance security. The cash or letter of credit security shall be applied first to address default. At the Town's discretion, the monies realized by the Town from application of the letter of credit, certified check or cash security may be used by the Town to defray the actual and reasonable legal fees, and other consultant costs, incurred by the Town for matters arising out of the developer default, including but not limited to disputes or litigation with the surety for failure by the surety to perform obligations under the surety bond.

- C. Upon certification by the developer's professional engineer or licensed land surveyor, by the Town Superintendent of Highways, and by the Town Engineer, that a significant portion (a minimum of 25%) of the public improvements have been completed in accordance with the approved plans and specifications, the developer may request a reduction in the amount of the performance bond. A maximum of two reductions will be permitted, and the amount of the reduction shall be determined by applying to the quantities or dimensions completed by the rates per unit as established in the schedule of rates shown in Figure 1 plus the 50% multiplier if required. At no time shall the amount of the required performance bond held be less than 25% of the original bond estimate. In the event that performance is secured by a surety bond, the amount of the surety bond shall be reduced rather than the partial security provided by cash, certified check, or letter of credit established at the time the surety bond was provided.

Section 5. Chapter 199, Section 199-51(A) is amended to read as follows:

§ 199-51. Steps enumerated.

- A. Three (3) sets of plans (as-built drawings) of the road or roads showing the right-of-way lines, drainage and utility easements and a center-line profile must be submitted to the Town Clerk, together with the same number of as-built plans for related land development public improvements. These plans must have the stamp of a licensed professional engineer, and if they are a portion of a subdivision, must also bear the stamp of approval of the Planning Board.

- (1) For a description of the requirements for the preliminary as-built drawings, refer to § 199-48D.

Section 6. Chapter 199, Section 199-51(D) is amended to read as follows:

- D. All proposed instruments of conveyance must be checked by the Town Attorney (within two weeks) as to form and sufficiency, and as to marketable title by abstract of title and title insurance, the cost of which will be borne by the applicant.

Section 7. Chapter 199, Section 199-51(F) is amended to read as follows:

- F. The work completed on the road or roads at the date of submittal must be approved by the Town Highway Superintendent and Town Engineer, and the Town Board must be notified of this approval. Where the road(s) is a component of a public project, or a private project such as a residential land subdivision, which includes related water, sewer, or landscaping infrastructure improvements, approval shall further be required of the Town Administrator of Public Works.

Section 8. Chapter 199, Section 199-51(G)(1) is amended to read as follows:

- G. Continuation and maintenance bond and security.
 - (1) Continuation security in the form of cash, acceptable letter of credit, or certified check drawn upon a national or state bank, or other cash equivalent, payable on and after the date of acceptance of the dedication of any road and any related public improvement, by the Town will be provided by the developer to the Town upon an acceptance of dedication for the purpose of securing an undertaking by the developer that the developer has constructed the road(s) and public improvement(s) to the standard of construction set by the specifications under which the road or public improvement were originally approved, normal wear and tear excepted.

Section 9. This local law shall be effective upon filing with the New York State Secretary of State.

Section 10. Pursuant to Section 22 of this state's Municipal Home Rule Law, the provisions of this local law are intended to supersede any inconsistent provisions of state statute,

general or special in nature, including those portions of the following sections of the New York State Town Law: Sections 274-a, 274-b, 276, 277 and 278 which are in any way inconsistent with the provisions of this local law.

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 Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE

DATED: LaGrangeville, New York
March 28, 2012


MARGARET SCHMITZ
DEPUTY TOWN CLERK

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 Three Industry St. LLC against the Town of LaGrange for the 2011 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 ninety (90) days of service of a copy of the Judgment with notice of entry.

Dated: LaGrangeville, New York
March 28 , 2012

MOVED BY: Councilman Jessup

SECONDED BY: Councilman Polhemus

AYES: 5

NAYES: 0

Three Industry Street, LLC.

2011 Assessed value- \$1,059,800.

Reduced Assessed Value- \$612,000

Reduction amount \$447,800 divided by 1,000= 447.8 x (2011 tax rate) \$2.31= \$1,034.42 refund

Total town refund amount- \$1,034.42

From: Robert Taff.



Town of LaGrange Event Attendance Request

Request **MUST** be submitted no later than
one month prior to requested event

Taft Robert
Last Name First Name Middle Initial

____/____/____
Month / Day / Year

Assessor
Department

NYSAA

Cornell University

Event Sponsor and Description (attach announcement)

Event Location

7 / 16 / 12 TO 7 / 20 / 12
Month / Day / Year Event Dates Month / Day / Year

416 miles Round Trip

Event Distance

Comments: Necessary training to complete basic certification.

EVENT EXPENSE ESTIMATE

All Expenses **MUST** be approved in advance

EXPENSE	AMOUNT
Tuition	470-
Fees	
Meals (GSA rate)	280-
Lodging (GSA rate)	500-
Transportation	177.50
Mileage (IRS rate)	Gas
Taxi	
Parking	20-
Tolls	20-
Other <u>text</u>	100-
Other	
Total	1,667.50

Town
car

All expense estimates are based on NYS
Per diem rates. Actual cost may vary.

Lodging Description (including nightly rate)

Tolls, parking, textbooks

Additional Expenses

Robert Taft

Employee's signature - I certify that the above is accurate and
no unnecessary expenses have been added to the estimates

Robert Taft
Department Head's signature - I have
reviewed request above and certify that the event is
pertinent to the requesting employee's job
description

Town Supervisor's signature

Town Board: Approved Denied

TOWN OF LAGRANGE

120 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
Planning & Public Works
845-452-8562 845-452-7692 FAX

TO: TOWN BOARD

FROM: ALAN BELL, PLANNING BOARD CHAIRMAN

RE: RE-APPROVAL FOR FRANK FARM SUBDIVISION

DATE: March 20, 2012

Handwritten signature of Alan Bell in cursive script.

The Planning Board has recently received a request from Frank Farm Subdivision for a second re-approval of final subdivision approval previously granted on June 19, 2006.

As per Town Code, I am respectfully soliciting the recommendation of the Town Board with respect to the granting of this re-approval request. Kindly respond in writing by April 13, 2012 so that the Planning Board can ensure that this approval does not lapse.

TOWN OF LAGRANGE

120 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
Planning & Public Works
845-452-8562 845-452-7692 FAX

Alan Bell/Eam

TO: TOWN BOARD
FROM: ALAN BELL, PLANNING BOARD CHAIRMAN
RE: RE-APPROVAL FOR HARVEST RIDGE SUBDIVISION
DATE: March 20, 2012

The Planning Board has recently received a request from Harvest Ridge Subdivision for a second re-approval of final subdivision approval previously granted on April 20, 2010.

As per Town Code, I am respectfully soliciting the recommendation of the Town Board with respect to the granting of this re-approval request. Kindly respond in writing by April 13, 2012 so that the Planning Board can ensure that this approval does not lapse.

2012 TOWN OF LAGRANGE PROCLAMATION

WHEREAS, Parkinson's disease is a progressive neurological movement disorder of the central nervous system, which has a unique impact on each patient; and

WHEREAS, according to the Parkinson's Action Network, the Parkinson's Disease Foundation, the American Parkinson's Disease Association and the National Institutes of Health, there are over one million Americans diagnosed with Parkinson's disease; and

WHEREAS, symptoms include slowness, tremor, difficulty with balance and speaking, rigidity, cognitive and memory problems; and

WHEREAS, although new medicines and therapies may enhance life for some time for people with Parkinson's, more work is needed for a cure; and

WHEREAS, increase education and research are needed to help find more effective treatments with fewer side effects and ultimately a cure for Parkinson's disease; and

WHEREAS, a multidisciplinary approach to Parkinson's disease care includes local wellness, support, and caregiver groups; and

WHEREAS, April has been proclaimed as World Wide Parkinson's Awareness Month for all to recognize the need for more research and help in dealing with the devastating effects of Parkinson's disease;

NOW, THEREFORE, Jon J. Wagner, Town Supervisor of the Town of LaGrange, do hereby proclaim April as Parkinson's Awareness Month.

Given under my hand in these free United States in the Town of LaGrange, on 28th this day of March, two thousand and Twelve, and to which I have caused the Seal of the Town of LaGrange to be affixed and have made this proclamation public.

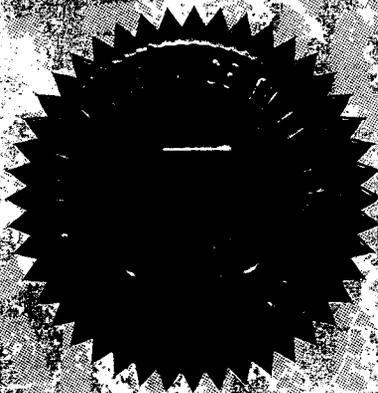


Jon J. Wagner – Town Supervisor

Attest:

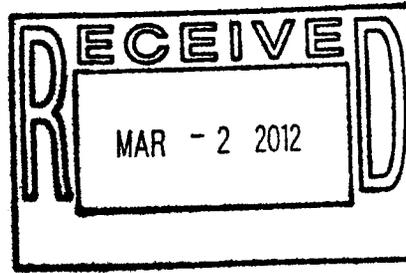


Margaret Schmitz



Workshop
3/7/12

March 1, 2012



To:
LaGrange Town Board

From:
Kenneth A. and Barbara A. Kull
RE: Pond View Plaza on Noxon Road
(Owners of parcel #133400-6360-03-250434-0000)

To LaGrange Town Board Members,

For the last few years we have been working on acquiring approval to build a commercial building on our property. Prior plans proposed show there are 8 retail and/or office spaces for a total of 11,520 square feet of commercial space.

It has come to our attention that the zoning is being re-evaluated for the schedule of permitted uses. In the Boards deliberations I am asking the Board to consider zoning that would allow us to put apartment/townhouse type rental units on this piece of property with no retail or office space. I am currently bordered on the back (west) and south end on my property with properties zoned residential. In light of today's economy and the excess of commercial space available anywhere in the county I feel our property is well situated for residential space similar to Sutton North on Titusville Road. Not being a mixed use would hopefully attract a well designed building for this residential area.

Another reason for our request to change to a more residential use is if we were to continue with Pond View Plaza as proposed it would now require a turning lane on Noxon Road into our property as you were traveling north towards Poughkeepsie as has been described to us from the Duches County Department of Transportation. The traffic in this area is already overburdened with too many vehicles at certain times.

Plans from the DCDOT show that the intersection of Noxon and Titusville Roads will be reworked in the near future. The area in front of our property will be an area that travel lanes will be reduced to one lane heading towards the Taconic State Parkway. A residential use for our property would help to reduce vehicles crossing lanes of traffic to get in and out on a regular basis.

I look forward to your comments and working with you to come to a mutual solution for the community and our project.

Thank you for your attention to this matter.

Respectfully,

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