

**SUPPORTING DOCUMENTATION REGARDING THIS AGENDA CAN BE FOUND  
IN THE CLERK'S Office  
LaGrange Town Board Meeting  
September 23, 2015  
AGENDA**

**Call to Order**

**Salute to the Flag**

**Minutes**

- Accept Minutes from September 9, 2015

**Agenda Items**

- Town Board to approve salary of Recreation Assistant, Sharon Beale; \$18.75/hr
- Town Board to Appoint Charles Vetter as a Board of Assessment Review Member for a 5yr term
- Town Board to approve Request for Return of Fees for Application for Building Permit for Grid No. 6361-01-292878
- Highway Superintendant requests awarding the bid for Materials, Street Sweeping & Road Paving Contracts for October1,2015 thru September 30, 2016
- Director of Parks & Recreation requests Town Board approval for funds transfer from LPI monies for Capital Improvements at Freedom Park
- Town Board to accept Financial Audit year ending 2014
- Town Board to accept the Tentative Budget for 2016
  - Set Public Hearing for Preliminary Budget for 10/28/2015
- Set Public Hearing for the 2016 Assessment Rolls for Districts and Special Districts for 10/28/2015
- Resolution: Community Development Block Grant (CDBG) intended use of funds
  - Set Public Hearing for 10/14/2015

- Resolution of Introduction: Proposed Local Law “Zoning”: Cluster Subdivision
  - Set Public Hearing for 10/28/2015
- Resolution: Waiver of 30 day waiting period for liquor license renewal-Tina’s Pizzeria

### **Bond Agreements**

- No bonds to be accepted or released

### **Committee Reports**

- Water and Sewer
- Recreation
- Open Space
- Highway
- Business/Economic Development
- Assessor

### **Town Attorney**

- This time is set aside each meeting for new business by the Towns Attorney not listed elsewhere in the agenda

### **Administrator of Planning & Public Works**

- This time is set aside each meeting for the Administrator of Public Works to discuss planning, water, sewer, MS4 and related topics not listed elsewhere on the agenda

### **Environmental Consultants**

- Reports from the operators of the Town’s water and sewer facilities

### **Public Comment**

- Public comments are accepted during this time

### **Town Board Discussion**

- Town Board Meetings for November will be changed to 11/4/2015 & 11/18/2015 due to the holidays. The following meeting dates have been removed from the calendar, 11/11/2015 & 11/25/2015.

### **Adjournment**



# TOWN OF LAGRANGE HIGHWAY DEPARTMENT

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

DATE: September 18, 2015  
TO: Town Board Members  
FROM: Michael Kelly  
RE: Award Materials, Street Sweeping & Road Paving Contracts for 2015-2016

Town Board,

After reviewing all bids that were submitted to the Town for the “Road Materials, Road Sweeping & Road Paving Contracts for October 1, 2015 thru September 30, 2016”, it is my recommendation that we award these bids to the following vendors marked in **BOLD** print as they were the only or lowest bidders who met all specifications.

Thank you,

Michael Kelly,  
Highway Superintendent

**BID RESULTS – 2015-2016**  
**HIGHWAY DEPARTMENT**  
ROAD PAVING  
ACCEPTED BID RESULTS ARE IN BOLD PRINT

	<b>IN PLACE CONT</b>	<b>IN PLACE TOWN</b>
	<b><u>PURCHASING B/TOP</u></b>	<b><u>PURCHASING B/TOP</u></b>
1. <b>BTM</b> 27 Commerce Street Poughkeepsie, NY 12603 845-471-8700	<b>\$ 73.00</b>	<b>\$ 25.00</b>
2. <b>Clove Excavators, Inc.</b> 17 Canoe Hill Road Millbrook, NY 12545 845-471-8700	<b>\$ 74.70</b>	<b>\$ 20.00</b>
3. <b>Avello Brothers</b> 60 Fulton Street Poughkeepsie, NY 12601 845-454-3650	<b>\$ 76.40</b>	<b>\$ 22.25</b>

## **RESOLUTION**

**WHEREAS**, the Annual Audit of the Town of Lagrange for the year 2014 has been completed and filed with the Town Clerk; and

**WHEREAS**, the Town Board of the Town of LaGrange does hereby acknowledge the receipt of the 2014 Annual Town Audit;

**THEREFORE BE IT RESOLVED**, that the Town Board does hereby accept the 2014 Annual Town Audit.

MOTION: Councilman

SECOND: Councilman

**The Following Vote Was Taken:**

Supervisor Bell

Councilman Jessup

Councilman Polhemus

Councilman Dyal

Councilman Luna

**The Resolution Was Duly Passed.**

DATED: September 23, 2015

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Christine O'Reilly-Rao  
LaGrange Town Clerk

PH  
10/28

**NOTICE OF FILING OF THE 2016 TENTATIVE BUDGET AND  
NOTICE OF PUBLIC HEARING ON THE 2016 PRELIMINARY BUDGET FOR THE  
TOWN OF LAGRANGE**

NOTICE IS HEREBY GIVEN that the Tentative Budget of the Town of LaGrange, Dutchess County, NY for the fiscal year beginning January 1, 2016 has been filed in the office of the Town Clerk. It will be available for inspection by any interested persons during regular office hours: 8:30 a.m. until 4:00 p.m. on all business days. The Town Clerk's office is located at the LaGrange Town Hall, 120 Stringham Road, La Grangeville, NY, 12540.

FURTHER NOTICE IS HEREBY GIVEN that the Town Board of said Town of LaGrange will meet and review the 2016 Budget which includes Water and Sewer Rates for 2016, and hold a public hearing thereon at 7:00 P.M. on October 28, 2015 at 120 Stringham Road La Grangeville, New York, and that at such hearing any person may be heard for or against the Preliminary Budget as compiled, or any item or items contained therein.

AND FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 113 of the Town Law, that the following are proposed yearly salaries of Town Officers of the Town: Supervisor - \$ Councilmen – 4 @ \$8,000 each; Town Clerk - \$; Receiver of Taxes - \$; Superintendent of Highways - \$; and Town Justice – 2 @ \$ each.

All citizens have the right to provide written and oral comments concerning the entire budget.

By Order of the LaGrange Town Board

\_\_\_\_\_  
Christine O'Reilly-Rao, Town Clerk  
September 23, 2015

## RESOLUTION

Supervisor Bell moved to set the Public Hearing for the 2016 Preliminary Budget for the Town of LaGrange for October 28, 2015. Councilman \_\_\_\_\_ seconded the motion.

The following vote was taken:

Supervisor Bell  
Councilman Jessup  
Councilman Polhemus  
Councilman Luna  
Councilman Dyal

Dated: September 23, 2015  
La Grangeville, New York

\_\_\_\_\_  
Christine O'Reilly-Rao, Town Clerk

**TOWN OF LA GRANGE**  
**Notice of Receipt of Assessment Rolls for Special Districts**

PLEASE TAKE NOTICE THAT THE 2016 Assessment Rolls for the following:  
Districts & Special Districts

DUFDR	DUTCHESS FARMS DRAINAGE DISTRICT
DW0Q3	DEERFIELD ESTATE WATER
FFSF3	FRANK FARM & SLEIGHT FARM SEWER DISTRICT
FFSW2	FRANK FARM DRAINAGE DISTRICT
GW0D6	GRANDVIEW ESTATE WATER
HKSMD	H&K PAGE DRAINAGE DISTRICT
HRW01	HARVEST RIDGE WATER DISTRICT
HRSDD	HARVEST RIDGE DRAINAGE DISTRICT
HS03X	HILLVIEW SEWER (TENANTS OF TITUSVILLE SEWER)
LKRDD	LAKE RIDGE DRAINAGE DISTRICT
LR0DD	LAUREL RIDGE
LRSWD	LINCOLN RIDGE DRAINAGE DISTRICT
LW0LW	SOUTHWEST LAGRANGE WATER EXT. #5
LW0Q4	SOUTHWEST LAGRANGE WATER
MGMDD	MGM PROPERTIES
MRGDD	MEADOW RIDGE DRAINAGE DISTRICT
MVW01	MAPLEVIEW WATER DISTRICT
MW0L1	MANCHESTER WATER DISTRICT
MWS01	MALONEY WOODS DRAINAGE DISTRICT
NS0F2	NOXON KNOLLS SEWER
NW0L3	NOXON KNOLLS WATER
PPSDD	PROVIDENCE ESTATES DRAINAGE DISTRICT
RSVDD	THE RESERVE DRAINAGE DISTRICT
SD0T4	TITUSVILLE SEWER EXTENSION
SFSW2	SLEIGHT FARM DRAINAGE DISTRICT
SRS01	SUNSET RIDGE SEWER
SRD01	SUNSET RIDGE DRAINAGE
TCLTD	TOWN CENTER LIGHTING
SVFDR	SVF DRAINAGE DISTRICT
TCS01	TOWN CENTER DEV IMPROVEMENT DISTRICT
THD01	TODD HILL DRAIN
TS0F1	TITUSVILLE SAN SEWER
TW0L6	TITUSVILLE WATER
WD02X	TOWN CENTER WATER IMPROVEMENT
WED01	WINDANCE ESTATE DRAINAGE DISTRICT

are on file in the Town Clerk's office at 120 Stringham Road, La Grangeville, NY and may be examined during normal business hours.

PLEASE TAKE FURTHER NOTICE that the Town Board will hold a hearing thereon at the LaGrange Town Hall, 120 Stringham Road, on October 28, 2015 to consider any objections which may be made to said rolls.

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Christine O'Reilly-Rao, Town Clerk, September 23, 2015

**A RESOLUTION AUTHORIZING THE SUBMISSION OF THE 2016 DUTCHESS  
COUNTY COMMUNITY  
DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION**

**PROJECT:** Playground Enhancements at Stringham Park Offering All Inclusive Play Opportunities & Handicap Accessibility

WHEREAS, the Town of La Grange is participating in the Dutchess County Community Development Consortium for Fiscal Year 2016, and

WHEREAS, input from citizens and groups has been received and considered, and

WHEREAS, an application has been prepared which addresses our community concerns,

NOW, THEREFORE BE IT RESOLVED that the Dutchess County Community Development Consortium Fiscal Year 2016 application for the Town of La Grange including the certifications included therein by and hereby is approved.

BE IT FURTHER RESOLVED, that the submission of said application to the Dutchess County Department of Planning and Development be and hereby is authorized.

MOTION:

SECOND:

Supervisor Bell  
Councilman Edward Jessup  
Councilman Joseph Luna  
Councilman Gary Polhemus  
Councilman Andrew Dyal

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La Grange Town Clerk  
October 14, 2015

## **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, La Grangeville, New York on October 14 2015, at 7:00 o'clock, p.m., for the purpose of discussing the application for a Community Development Grant to fund playground enhancements at Stringham Park to offer all inclusive play opportunities and handicap accessibility. TAKE FURTHER NOTICE, that all interested persons shall have an opportunity to be heard, in person or in writing, on said proposal at the time and place aforesaid.

DATED:       La Grangeville, New York  
              September 23, 2015

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CHRISTINE O'REILLY-RAO, TOWN CLERK

**RESOLUTION**

\_\_\_\_\_, seconded by \_\_\_\_\_,

introduced the following proposed local law, to be known as Local Law No. \_\_ of 2015, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND CHAPTER 240, "ZONING", OF THE LAGRANGE TOWN CODE BY AMENDING SECTION 240-32 IN ITS ENTIRETY TO ESTABLISH REGULATIONS FOR OPEN SPACE CLUSTER SUBDIVISIONS, REPEALING SECTION 240-33 REGARDING PLANNED DEVELOPMENT DISTRICTS, REPEALING SECTION 240-36 REGARDING SENIOR CITIZEN HOUSING DISTRICTS, REPEALING SECTION 240-36.1 REGARDING ALTERNATIVE SENIOR CITIZEN HOUSING DISTRICTS, AND AMENDING SECTION 240-112, DEFINITIONS, TO ADD DEFINITIONS FOR ATTACHED DWELLING, SEMIDETACHED DWELLING, AND COMMON AREA.

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

Section 1. Section 240-32 of the LaGrange Town Code is amended in its entirety to read as follows:

§240-32. Open space cluster subdivisions

A. Policy and authority

- (1) It is the policy of the Town of LaGrange, as expressed in the Town of LaGrange Comprehensive Plan, to provide for a variety of housing options, preserve open space and harmonize new development with surrounding neighborhoods and the traditional open rural, wooded, and agricultural and hamlet landscapes of the Town of LaGrange. To achieve these goals, the Town Board authorizes the Planning Board to approve an

open space cluster subdivision in the RFD, RMD and RLD districts subject to the provisions set forth in this section and in Chapter 203 of the Code of the Town of Lagrange.

- (2) Authority for the Town of LaGrange Planning Board to approve open space cluster subdivisions is provided by §278 of the Town Law of New York State, or any successor to § 278, as modified by local law to provide for potential density bonus. An open space cluster subdivision, or "clustered development" as it is also known, is a subdivision plat in which residences are clustered on those portions of a property most suitable for development, leaving substantial portions as protected open space and a buffer between the new development and neighboring development and roadways. Cluster subdivisions may include a variety of lot sizes consistent with the requirements of this section. Cluster subdivisions foster compact development, more walkable neighborhoods, and flexibility in layout.

**B. Purpose**

- (1) The purpose of an open space cluster subdivision is to maintain the rural appearance and environmental resources of the Town of LaGrange by preserving large tracts of contiguous open space land. One method of achieving this goal is through the use of open space cluster subdivisions. The Town wishes to encourage and, in certain cases, mandate such subdivisions as an alternative to conventional subdivisions.
- (2) This section encourages flexibility in the design and the development of land in order to promote the most appropriate use of land and to facilitate the adequate and economic provision of streets and utilities. This section protects agricultural land, important natural beauty, cultural and historic features, ridgelines, wildlife habitat, water resources, ecological systems, scenic areas, forest lands, view sheds and other sensitive areas as permanent open space through the use of conservation easements. The "open space" principle can be applied not only to large developments but also to smaller subdivisions for the benefit of present and future residents. Open space cluster subdivisions should achieve the following purposes:
  - (a) Provision of a broader range of housing options and potentially lower housing prices by reducing the length of roadways and other critical infrastructure costs;
  - (b) Greater flexibility and creativity in the design of residential subdivisions, provided that the overall density of the development is no greater than what is normally allowed in the district unless a density bonus is approved by the Planning Board pursuant to

subsection (F)(1)(c), below.

- (c) The preservation of more land as unsubdivided and undeveloped open space to preserve or enhance the appearance, scenic resources, historic character or natural beauty of an area than would be provided by a conventional subdivision plan.
  - (d) The protection of streams, rivers, floodplains and ponds so as to avoid flooding, erosion and water pollution.
- (3) An open space cluster subdivision should accomplish the above purposes by reducing the lot size and bulk requirements contained in the Zoning Law, while clustering homes in those areas where they will have the least impact on natural or cultural resources. The lands are then permanently preserved through allowing the subdivided lots to be smaller than the zoning would normally require, provided that otherwise buildable land is protected as open space through a conservation easement to maintain the overall density at or below the level permitted by the Zoning Law unless a density bonus is approved by the Planning Board pursuant to subsection (F)(1)(c), below.

C. Applicability.

- (1) Open space cluster subdivisions may be developed on properties containing fifteen (15) acres or more in the RFD, RMD or RLD districts and may include one-family homes, multi-family homes, duplexes or townhouses, whether attached, semidetached or detached, provided that permanent open space is placed under conservation easement while maintaining the overall density at or below the level permitted by the Zoning Law unless a density bonus is approved by the Planning Board pursuant to subsection (F)(1)(c), below.

D. Cluster Subdivision Submission and Implementation.

- (1) Submission of cluster plan.
- (a) All developments capable of yielding over fifteen lots in the RFD District under the standard plan that are served by public water and public sewer (and thus yield a minimum lot size of 40,000 square feet), or which are situated within a public water or public sewer district possessing improvements capable of supplying service to the subject site, shall be required to provide a preliminary cluster plan, in accordance with this section.
  - (b) For areas of the Town that do not meet the requirements in Subsection D(1)(a) above (in the RFD District and capable of

public water and sewer service), if the Planning Board finds that lands that are mapped as Preservation Overlay Zones or lands that constitute significant environmental, visual or historic resources (including, but not limited to, wetlands, steep slopes, stream corridors, prime farmlands, ridgelines, erosive soils, soils with groundwater resources, or scenic landscapes) would be adversely affected by a conventional subdivision layout, the Planning Board may require an applicant for subdivision approval to provide a preliminary cluster plan, in accordance with this section, in order to protect these resource lands from adverse effects.

(2) Implementation of cluster plan.

- (a) The Planning Board may require implementation of a cluster plan layout for lands in the RFD Zoning District which are served by or capable of being served by public water and public sewer.
- (b) The Planning Board may require implementation of the cluster plan layout for lands that are mapped as within one of the Preservation Overlay Zones or lands that constitute significant environmental, visual or historic resources (including, but not limited to, wetlands, steep slopes, stream corridors, prime farmlands, ridgelines, erosive soils, groundwater resources or scenic landscapes) and which would be adversely affected by a conventional subdivision layout, in order to protect these resource lands from adverse effects.

E. Procedure.

(1) Application Requirements.

- (a) An application for open space cluster subdivision shall be subject to all of the application requirements of Chapter 203 including the requirements for pre-application discussion and sketch plan review in §§203-7 and 203-8.
- (b) Additional application requirements for cluster subdivisions:
  - [1] In addition to the application requirements of the Town of LaGrange subdivision regulations, an applicant for a cluster subdivision shall submit a written statement describing the open space purpose(s) to be accomplished and the conservation values of the open space land to be protected.
  - [2] The Planning Board shall have architectural review to assure the subdivision is compatible with the community's

scenic and historic character and is unobtrusive to the surrounding area.

[3] A full landscaping plan shall be submitted to assure that the subdivision is aesthetically pleasing and provides privacy on the lots created.

- (2) Project development plan approval. Project development plan approval shall apply to open space cluster subdivisions. Application for project development plan approval and subdivision approval may be submitted simultaneously to the Planning Board.
- (3) Public hearing. All applications for open space cluster subdivisions shall be subject to a public hearing before the Planning Board in accordance with the public hearing requirements for subdivision applications.
- (4) Technical and SEQRA review. An open space cluster subdivision shall undergo routine technical and SEQRA analysis.

F. Development Standards and Controls.

- (1) Calculation of conventional zoning density. Maximum residential density permitted in a cluster subdivision shall be calculated in the following manner:
  - (a) The Planning Board shall determine the number of one-family dwelling units that would be permitted if the land were subdivided into lots conforming to the minimum lot size and density requirements of this Chapter applicable to the district or districts in which such land is situated and conforming to all other requirements of this Chapter, Chapter 203 of the Code of the Town of Lagrange, the County Department of Health, and all state and federal agencies with jurisdiction over such a subdivision. For this purpose, the applicant shall submit a sketch plan showing a conventional lot layout, considering one-family dwellings only. The Planning Board may require any additional information it deems necessary to make its determination. The Planning Board may allow lands encumbered with flood plains, to calculate conventional zoning density using an approved CLOM-R Map. The Planning Board shall evaluate the plan to determine its probable compliance with applicable regulations, taking into account soils, steep slopes (over 25%), wetlands and buffer areas, water bodies and buffer areas, watercourses and buffer areas, one hundred year flood plains, the Ridgeline Protection Overlay Zone, and other environmental constraints, as well as the physical and economic feasibility of constructing roads that satisfy maximum

grade requirements, and the physical and economic feasibility of constructing public water supply and public sewers to be dedicated to the Town. The Planning Board may disallow any roads or lots which, in its judgment, would not be buildable under applicable regulations. After reviewing the sketch plan, the Planning Board shall adopt a resolution establishing the permissible maximum density for the parcel under a conforming conventional subdivision plan. Unless a density bonus is approved pursuant to subsection (F)(1)(c) below, this shall be the maximum density allowed for the open space cluster subdivision.

- (b) **Parcels in more than one district.** For parcels that are located within more than one residential district, calculations of maximum density in (F)(1)(a) shall be made separately for the portion of the parcel in each district. This maximum density may then be combined and distributed anywhere within the parcel, provided that the plan protects open space with conservation value as described.
- (c) **Density bonus.** Using the criteria in this subsection, the Planning Board may increase the number of dwelling units permitted over that determined in subsection (F)(1)(a). If the Planning Board determines that it will allow a density bonus, it shall pass a resolution establishing the bonus amount and the maximum density allowed for the cluster subdivision including the density bonus. If approved by the Planning Board, this shall be the maximum density allowed for the open space cluster subdivision.

[1] **Criteria for authorizing a density bonus.** The Planning Board may, at its discretion, increase the permitted number of dwelling units based on one or a combination of any of the following three methods; however, the total increase in the number of dwelling units shall not exceed 25% over the conventional density determined in subsection (F)(1)(a).

- [a] **Preservation of open space beyond the 50%.** The Planning Board may approve an increase of up to 1% in the number of dwelling units over the maximum density determined in subsection (F)(1)(a) for every 1% of additional open space preserved beyond 50% up to a maximum of 25% additional open space. This additional open space land shall not include wetlands and buffer areas, steep slopes (over 25%), water bodies and buffer areas, watercourses and buffer areas, one hundred year floodplains, and Ridgeline Protection Overlay

Zone.

- [b] Public access to open space. If the applicant allows public access to protected open space and the Planning Board finds that such public access provides a significant passive recreational benefit to the Town (such as a trail connector or access to an important natural area, with parking where necessary) the permitted number of dwelling units may be increased by up to 25%, at the discretion of the Planning Board based upon the significance of the passive recreational benefit and the percentage of open space accessible to the public.
  
- [c] Added water and sewer treatment capacity. If the applicant provides significant excess public water and sewer capacity capable of effective use by the Town to meet demands of unserved areas in need of such infrastructure, the applicant may be allowed additional dwelling units over maximum density determined in (F)(1)(a) up to a 25% maximum of additional dwelling units. The adequacy, effectiveness and relative value of the excess public sewer and water capacity, in terms of supporting density bonus, shall be determined by the Public Works Department based on the following non-exclusive criteria: (i) suitability and future reliability of the public water supply, (ii) suitability of the mode of wastewater treatment to accommodate unserved demand, (iii) the quantity of excess capacity, (iv) the proximity of the source of excess capacity to areas of need for service, (v) the willingness and capacity of the unserved areas to cover the capital cost, and usage cost, of extending service to them, and (vi) the feasibility of incorporating the excess capacity into existing municipal water and sewer administration, or future municipal water and sewer administration, consistent with all relevant federal, state or local regulation, permits and approvals. The findings and conclusions of the Public Works Department shall be reduced to report and recommendation to the Planning Board. The Planning Board shall defer to the findings and conclusions of the Public Works Department.

- [d] The total maximum density bonus shall not exceed (8) eight dwelling units per acre on average under any conditions.
- (2) Types of dwelling units. Irrespective of §240-27 and Schedule A1 of the Code of the Town of LaGrange, cluster subdivision may contain one-family homes, multi-family homes, duplexes or townhouses, whether attached, semidetached or detached, or a combination of these housing types.
  - (3) Height, area and bulk regulations.
    - (a) In approving a cluster subdivision, the Planning Board shall have the authority to vary the bulk and area requirements found in §240-28 and Schedules B1 and B4 to allow for cluster development. However, except as provided in subsection 3(a)[1][a] below, the following restrictions shall apply and shall not be varied by the Planning Board. No variation of these requirements shall be allowed because to vary them would be tantamount to re-legislating the purpose, intent and contents of these regulations:
      - [1] For detached units.
        - [a] The minimum lot size for detached units shall be ¼ acre/dwelling in RFD (Residential Flexible Density), ½ acre/dwelling in RMD (Residential Moderate Density), and 1 acre/dwelling in RLD (Residential Low Density), except that the Planning Board may waive this requirement.
        - [b] Lots gaining access from an existing state, county or Town highway shall comply with the minimum road frontage requirements in Schedule B1 and dwelling units shall be setback at least 150 feet from the nearest public road and any lot line of an existing residential home.
        - [c] Other area and bulk requirements for detached dwelling units shall be set by the Planning Board at the time of subdivision approval.
      - [2] For semidetached or attached dwelling units
        - [a] Lots gaining access from an existing state, county or Town highway shall comply with the minimum road frontage requirements in Schedule B1 and

dwelling units shall be setback at least 150 feet from the nearest public road and any lot line of an existing residential home.

- [b] Other area and bulk requirements for semidetached units shall be set by the Planning Board at the time of subdivision approval.
  - [c] Building units shall be set back at least 150 feet from all property lines, excluding property lines created by the proposed subdivision.
  - [d] No building shall contain more than five dwelling units.
  - [e] More than one building may be placed on a lot.
  - [f] Other area and bulk requirements for attached units shall be set by the Planning Board at the time of subdivision approval.
- [3] For all buildings, whether or not they contain residential units:
- [a] Building height shall not exceed thirty-five (35) feet.
  - [b] A minimum separation of ten (10) feet shall be provided between all buildings, or the distance required by New York Fire Code shall be provided, whichever is the more restrictive
  - [c] Any community building, recreational or related amenity developed for the use of residents of the cluster development and associated parking lots must be set back at least one hundred and fifty (150) feet from all exterior lot lines of the property under review.
  - [d] An upland buffer of native vegetation of at least one hundred (100) feet in depth shall be provided adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds. The buffer area shall not be fertilized. This shall be in addition to any requirements under Chapter 124 of the Code of the Town of Lagrange.

- (4) Arrangements of lots. Lots in open space cluster subdivisions shall be arranged in a manner that protects land with conservation value and, at the discretion of the Planning Board, facilitates pedestrian and bicycle circulation. Such guidelines shall be adapted to respond to the conditions of each specific site.
- (5) Design flexibility. Flexibility in physical design is warranted to maximize open space conservation and preserve ecological features, topography, scenic views, and community character. The Planning Board may, at its discretion, apply such special conditions or restrictions to its approval of an open space cluster subdivision as it deems necessary to maintain harmony with neighboring uses and to promote the objectives and purpose of the Town's Comprehensive Plan, this section and Chapter 203 of the Code of the Town of Lagrange. This could include, but not be limited to specifying parking type (garage, driveway, or parking lots), reduction in road width for private roads, use of alternative drainage methods, and supplementary landscaping requirements.
- (6) The following lands shall be included in the site's common area(s) subject to ownership and maintenance specified under §240-32(G) and (H).
  - (a) Land preserved as open space.
  - (b) Wetlands and buffer areas.
  - (c) Water bodies and buffer areas.
  - (d) Water courses and buffer areas.
  - (e) 100 year floodplains (as defined by CLOMR and LOMR where applicable)
  - (f) Ridgeline Protection Overlay Zone
  - (g) Stormwater Management Ponds and open ditches
  - (h) 150' buffer area setback from all property lines, excluding property lines created by the proposed subdivision or existing Town, County or State ROW.
- (7) Land to be preserved as open space.
  - (a) Minimum area of preserved open space land in cluster subdivisions. Not less than fifty (50%) percent of the site's unencumbered acreage shall be preserved as open space in perpetuity. This open space land shall not include portions of the site encumbered by wetlands, water bodies, watercourses, one hundred year floodplains (as defined by CLOMR and LOMR where applicable), and stormwater management ponds. The Planning Board shall determine whether the open space offered meets the intent of this section.

- (b) Conservation value of open space. The open space protected in connection with an open space cluster subdivision should not be just land “left over” because of its unsuitability for development. Open space land shall form cohesive blocks or corridors that have conservation value, including recreational, historic, ecological, agricultural, water resources, scenic or other natural resource value. Examples of lands with conservation value include actively farmed agricultural land, large areas of contiguous mature forest, stream corridors, and scenic areas, including important vistas or view sheds seen from public places. Land in a critical environmental area (CEA), land designated as environmentally sensitive under subsection B(1), above, and land identified by the Town as worthy of preservation as open space shall be deemed to be land of conservation value. Whenever the Planning Board approves a plan with protected open space, it shall make written findings identifying the specific conservation values protected and the reasons for protecting such land.
- (c) Conservation easement. The open space and common area restrictions must continue in perpetuity and be subject to a recorded conservation easement subject to the provisions of this section.

[1] A perpetual conservation easement restricting development of the open space land and common area and allowing use only for agriculture, forestry, recreation, protection of natural resources, or similar conservation purposes consistent with Article 49, Title 3 of the Environmental Conservation Law, shall be granted to the Town, subject to the approval of the Town Board, or to a qualified not-for-profit conservation organization as defined in Article 49 of the Environmental Conservation Law and acceptable to the Town.

[2] The conservation easement shall be subject to the review and approval of the Town and shall be required as a condition of subdivision plat approval.

[3] The conservation easement shall provide that the open space restrictions must continue in perpetuity.

[4] The conservation easement shall provide that said easement is enforceable by the Town even if the Town is not the holder of the easement.

- [5] The conservation easement shall provide that the Town shall be entitled to recover attorneys' fees and consultants' fees necessary to enforce the easement.
- [6] The conservation easement shall contain the following clause:
- [a] The Grantor(s) agree that any violation of the restrictive terms of the easement shall be deemed an irreparable injury and shall also be deemed to balance the equities in favor of injunctive relief.
- [7] The conservation easement shall contain the following clause:
- [a] If the Town shall commence an action at law or in equity to enforce the terms of this Easement, the Town shall have the interim right to annually assess its enforcement expenses and costs including, but not limited to, reasonable attorneys' fees by charging such sums against the real property which is the subject of this Easement, by adding that charge to, and making it a part of, the next annual real property tax assessment roll of the Town. Prior to charging such assessments, the owners of the real property shall be provided written notice to their last known address of record, by certified mail, return receipt requested, of an opportunity to be heard and object before the Town Board to the proposed real property assessment, at a date to be designated in the notice, which shall be no less than 30 days after its mailing.
- [8] The conservation easement shall leave the land forever wild or limit use of such land to agricultural, managed forest land, passive recreational or open space use and prohibit residential, industrial or commercial use of such open space land.
- [9] The conservation easement shall not be amendable to permit commercial, industrial or residential use or development (except in connection with agriculture, forestry, and recreation) and shall not be amendable to permit such use or development.

- [10] Local utility distribution lines, water lines, and sewer lines shall be permitted underground on preserved open space land, provided that the Planning Board determines that they do not impair the conservation value of the land and the land is restored to its natural state by the developer after installation.
  - [11] The conservation easement shall specify the range of permissible activities.
  - [12] The conservation easement shall specify prohibited activities.
  - [13] The conservation easement shall prohibit future subdivision.
  - [14] The conservation easement shall require that the grantor incorporate the terms of the Easement in any deed or other legal instrument by which the grantor divests itself of the open space land covered by the easement, including without limitation, a leasehold interest.
  - [15] The conservation easement shall provide for ongoing maintenance pursuant to section 240-32(G) and (H), below.
  - [16] The conservation easement shall contain appropriate provisions for proper retransfer in the event that the conservation organization or Town of Lagrange becomes unwilling or unable to continue carrying out its functions.
  - [17] The conservation easement shall be recorded in the Dutchess County Clerk's office prior to or simultaneously with the filing of the final subdivision plat in the Dutchess County Clerk's office.
- (d) Notations on plat. Land preserved as open space shall be clearly delineated and labeled on the final subdivision plat as to its use, ownership, management, and the rights, if any, of the owners of other lots in the subdivision to such land. The plat shall clearly show that the open space land is permanently reserved for open space purposes and shall contain a notation indicating the liber and page of any conservation easements required to be recorded to implement such restrictions.
  - (e) Monuments. All conservation easements must be marked with visible concrete monuments acceptable to the Planning Board.

Monuments identify the boundaries of conservation easements for the benefit of property owners and to facilitate review by the entities having enforcement rights under the conservation easement. All monuments must be clearly identified and completely specified on the Mylar map(s) to include Universal Transverse Mercator grid coordinates to facilitate the use of hand-held global positioning systems for review. The Town has the right of inspection of all monuments.

- (8) Guidelines. When reviewing a residential cluster development, the Planning Board shall make the following findings :
- (a) Buildings are adequately grouped so at least fifty (50%) percent of the total area of the site is set aside as open space. To the greatest extent practicable, open space shall be designated as contiguous, and not divided into unconnected small parcels.
  - (b) Pedestrians can easily access open space.
  - (c) All development is situated to minimize the alteration or disturbance of natural features, natural vegetation, and topography.
  - (d) Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets.
  - (e) The site plan accommodates and preserves features of historic, cultural, or archaeological value.
  - (f) Floodplains, wetlands, and steep slopes are protected from development.
  - (g) The cluster development advances the spirit and intent of this section.
  - (h) Compatibility with surrounding land uses and the Town's traditional land use patterns in which small hamlets contrast with open spaces and forest lands.
  - (i) Provision of adequate buffers for adjoining properties.
  - (j) Contribution to Town-wide open space planning by creating a system of permanently preserved open spaces, both within large parcels of land and among such parcels throughout the Town, and, where feasible, by providing linkages between existing open space areas and, where appropriate, linkages to hamlet areas.

- (k) Open space shall remain accessible to the property owners in the development in perpetuity.
- (l) Protected open space shall be managed in accordance with best management practices to preserve the environmental integrity of the property, including but not limited to, reduction of chemical use; water conservation; and water quality management.
- (m) Residential areas shall remain open and non-gated, with private roads and shall be set back at least one-hundred and fifty (150) feet from the nearest public road and any lot line of an existing residential home.
- (n) Significant peripheral view sheds identified by the Planning Board shall be conserved.
- (o) Landscape design, which promotes the most appropriate use of land, facilitates the efficient provision of streets and utilities, and preserves the natural and scenic qualities of undeveloped lands.
- (p) Maintenance of biodiversity by ensuring that remaining habitats are of sufficient acreage and configuration to support viable populations of wild flora and fauna species consistent with DEC guidelines and SEQRA principles.

**G. Ownership of open space land and common area and formation of homeowners association.**

- (1) The developer must establish a homeowners association ["HOA"].
- (2) Open space land and common area shall be subject to a conservation easement and shall be conveyed to the HOA.
- (3) The open space land and common area owned by the HOA shall be incorporated by the Town Assessor into the assessments of the parcels of the members of the HOA as provided for in New York Real Property Tax Law §504(5-a).
- (4) The HOA shall be established in accordance with the following:
  - (a) The HOA must be set up before the final subdivision plat is approved and must comply with all applicable provisions of the General Business Law.

- (b) The HOA offering plan is subject to the review and approval of the Town.
- (c) The HOA offering plan shall provide that the individual lot owners shall pay their pro rata share of property taxes on the open space land in accordance with subsection (G)(3), above.
- (d) Membership must be mandatory for each lot owner, who must be required by recorded covenants and restrictions to pay fees to the HOA for insurance and maintenance of common open space, private roads, and other common facilities.
- (e) The HOA must be responsible for liability insurance, and the maintenance of recreational and other facilities and private roads.
- (f) Property owners must pay their pro rata share of costs in this subsection, and the assessment levied by the HOA must be able to become a lien of the property.
- (g) The HOA must be able to adjust the assessment to meet changed needs.

H. Maintenance standards for open space and common area

- (1) Ongoing maintenance standards shall be established to ensure that the open space land and common area is not used for storage or dumping of refuse, junk or other offensive or hazardous materials. There shall be a maintenance agreement, subject to the review and approval of the Town, for the open space land and common area which shall be enforceable by the grantee of the conservation easement and by the Town, if it is not the grantee, against an owner of the open space land or common area as a condition of subdivision approval. Said agreement shall provide that the cost and responsibility of maintaining common open space and facilities shall be borne by the HOA.
- (2) If the Town finds that the maintenance agreement provided for in subsection H(1) above is being violated, it may, upon 30 days written notice to the HOA, enter the premises for necessary maintenance, and the cost of such maintenance by the Town shall be assessed against the open space land or common area and shall, if unpaid, become a tax lien on such property or properties and be charged ratably against each landowner pursuant to subsection (G)(3) above. This provision shall be incorporated into the maintenance agreement.

I. Utilities

- (1) Where, in the opinion of the Administrator of Public Works and Planning connections to existing public water or public sewer facilities are possible and warranted, sanitary sewers and/or water mains and fire hydrants to be installed in a cluster subdivision shall be connected to such existing public facilities in the manner prescribed by the regulations of the appropriate sewer, water or fire district or other agency having jurisdiction.
- (2) Where connection to existing public water or public sewer facilities is not possible, the Administrator of Public Works and Planning shall notify the Town Board, and the Town Board shall require that a central water supply and/or central sewer be designed and constructed by the applicant to serve all dwelling units within the cluster subdivision, in accordance with the standards of appropriate town, county, state or federal health or environmental departments. These central water and sewer facilities shall be dedicated to the Town.
- (3) Where part or all of a cluster subdivision is to be located within an area or drainage basin planned for future service by public water and/or public sewer or recommended for such system or systems by the Town Comprehensive Plan or other Town planning studies, any water or sewer facilities privately constructed within the cluster subdivision for the purposes of dedication to the Town shall be designed and located in such a way as to readily permit the alternate connection to future public water or public sewer systems.

Section 2. Section 240-33, Planned Development Districts, of the LaGrange Town

Code ~~is~~ will be repealed effective \_\_\_\_\_, 20\_\_.

Section 3. Section 240-36, Senior Citizen Housing Districts, of the LaGrange Town

Code is repealed.

Section 4. Section 240-36.1, Alternative Senior Citizen Housing Districts, of the

LaGrange Town Code ~~is~~ will be repealed effective \_\_\_\_\_, 20\_\_.

Section 5. Section 240-112, Definitions, of the LaGrange Town Code is amended to

add the following definitions:

**ATTACHED DWELLING** - A building containing three or more dwelling units each separated by at least one party wall.

SEMIDETACHED DWELLING - A building containing two dwelling units with a party wall between.

COMMON AREA - An area of land, contiguous or non-contiguous, which is held in common ownership by all owners or tenants within a land development (subdivision or building) either by percentage interest or a management organization/homeowners association and available for use by all owners or tenants, groups of owners or tenants, and their invitees. The management organization/homeowners association is responsible for maintenance of the common area(s) as well as some insurance and reserves for replacement of any improvements or amenities contained within it.

Section 6. If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this local law.

Section 7. This local law shall take effect immediately upon filing with this state's Secretary of State, except that Section 2 of this local law shall not be effective with respect to any applications for Planned Development Districts, or amendment of Planned Development Districts, which have previously been approved or which have been the subject of a public hearing before the Town Board as of filing of this local law with the Secretary of State.

Section 8. Pursuant to Section 22 of this state's Municipal Home Rule Law, this local law shall modify and supersede any provisions of state statute which are inconsistent with the terms of this local law and, in particular, Section 278 and Section 261-b of the Town Law.

Supervisor Bell advised the Town Board that, pursuant to the Municipal Home Rule Law of the State of New York, it will be necessary to hold a public hearing upon this law. He offered the following resolution which was seconded by Councilman \_\_\_\_\_, who moved its adoption:

Whereas, on August 12, 2015, \_\_\_\_\_ has introduced this local law for the Town of LaGrange, to be known as "Town of LaGrange Local Law No. \_\_\_ of the Year 2015, a

local law of the Town of LaGrange, Dutchess County, New York to amend Chapter 240, “Zoning”, of the LaGrange Town Code by amending Section 240-32 in its entirety to establish regulations for Open Space Cluster Subdivisions, repealing Section 240-33 regarding Planned Development Districts, repealing Section 240-36 regarding Senior Citizen Housing Districts, repealing Section 240-36.1 regarding Alternative Senior Citizen Housing Districts, and amending Section 240-112, Definitions, to add definitions for Attached Dwelling, Semidetached Dwelling, and Common Area.”

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on ~~September~~ \_\_, 2015, at 7:00 o’clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on ~~September~~ \_\_, 2015 at 7:00 o'clock, p.m., on Local Law No. \_\_ of the Year 2015, to amend Chapter 240, "Zoning", of the LaGrange Town Code by amending Section 240-32 in its entirety to establish regulations for Open Space Cluster Subdivisions, repealing Section 240-33 regarding Planned Development Districts, repealing Section 240-36 regarding Senior Citizen Housing Districts, repealing Section 240-36.1 regarding Alternative Senior Citizen Housing Districts, and amending Section 240-112, Definitions, to add definitions for Attached Dwelling, Semidetached Dwelling, and Common Area.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, ~~except Tuesdays when the hours are between 8:30 a.m. and 3:30 p.m.~~, between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED:       LaGrangeville, New York  
              ~~August 12, 2015~~

\_\_\_\_\_  
CHRISTINE O'REILLY-RAO  
TOWN CLERK

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

Supervisor Bell	_____
Councilman Jessup	_____
Councilman Luna	_____
Councilman Polhemus	_____
Councilman Dyal	_____

DATED: LaGrangeville, New York  
August 12, 2015

\_\_\_\_\_  
CHRISTINE O'REILLY-RAO  
TOWN CLERK

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# RESOLUTION

**RESOLUTION:** To Waive 30 Day Notice for Liquor License Renewal

Applicant: Tina's Pizzeria & Restaurant  
415 Manchester Road, Route 55  
Poughkeepsie, NY 12603

\_\_\_\_\_ introduced the following resolution; Councilman  
\_\_\_\_\_ moved its' adoption, seconded by Councilman \_\_\_\_\_.

**WHEREAS**, Tina's Pizzeria & Restaurant, 415 Manchester Road, Route 55, in the Town of LaGrange intends to file for a New York State Liquor License Renewal; and

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

**RESOLVED**, that the Town Board of the Town of LaGrange hereby waives the thirty (30) day notice period in regard to the above business, located at 415 Manchester Road, Route 55, Poughkeepsie, NY 12603 allowing an earlier submission of the liquor license application.

ROLL CALL VOTE:

Supervisor Bell  
Councilman Luna  
Councilman Dyal  
Councilman Polhemus  
Councilman Jessup

Dated: September 23, 2015

\_\_\_\_\_  
Christine O'Reilly-Rao  
Town Clerk