

Town of LaGrange
2005 Comprehensive Plan Amendment
& Proposed Zoning changes
Final Supplemental GEIS
Comments and Responses to Draft Supplemental GEIS

Location:

Town of LaGrange, Dutchess County, New York

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Action:

The proposed action entails the adoption of amendments to the 2005 Comprehensive Plan and amendments to the Town Zoning Map to change 2 parcels west of the Taconic State Parkway on State Route 55 from the Town Center-Business (TC-B) District to the Commercial (C) District and 16 parcels east of the Taconic State Parkway on State Route 82 and 55 from the General Business (GB) District to the Commercial (C) District. In addition, a portion of a 68.5-acre parcel in the Residential Low Density (RLD) zoning district, approximately 0.50 acres, would be rezoned to the Commercial (C) District. A total of 19 parcels are proposed to be rezoned to the Commercial (C) District.

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Date of DSGEIS Acceptance:	<u>April 28, 2021</u>
DSGEIS Comment Period:	<u>August 26, 2021 to September 8, 2021</u>
DSGEIS Public Hearing:	<u>August 25, 2021</u>
Date of FSGEIS Acceptance:	<u>November 3, 2021</u>

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Section 1. Introduction

This document summarizes and responds to all substantive comments on the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) for the *2005 Comprehensive Plan Amendment & Proposed Zoning Changes* made during the public review period. The DSGEIS was accepted by the Town Board on April 28, 2021, with a public hearing held on August 25, 2021 at Town Hall. During this time, public comments on the DSGEIS were solicited at the public hearing as well as during the public comment period, which closed on September 8, 2021. Several speakers provided comments during the hearing, which were transcribed, and several written letters were provided to the Town (noted in Appendix A and B). Section 2 of this document lists the individuals, entities, and/or organizations that commented on the DSGEIS. Section 3 summarizes and responds to the substance of these comments. These summaries convey the substance of the comments, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and grouped together accordingly for ease in disseminating the information contained within.

This environmental impact statement for the adoption of the updated Comprehensive Plan and proposed Zoning Code amendment (the “Proposed Action”) has been prepared as a supplemental Generic Environmental Impact Statement (GEIS). Implementation of the goals expressed in the Comprehensive Plan would generally take the form of, among other changes:

1. Changes to the purpose and future land use of portions of the State Route 55 corridor between Town Center and State Route 82 within the Comprehensive Plan in order to expand commercial development opportunities in this “interchange” area close to the Taconic State Parkway; and
2. Re-designating a number of properties in the same area from Town Center-Business (TC-B), and General Business (GB), as well as a portion of one lot located in the Residential Low Density (RLD) District, to Commercial (C) Zoning Districts in order to better reflect the pattern of development along this corridor, as well as bring the uses into conformity with zoning.

Under SEQRA regulations (6 NYCRR §617.10), a Generic EIS (GEIS) can be prepared when a proposed action entails a wide application and defines a range of potential projects. A GEIS is “...a type of EIS that is more general than a site-specific EIS, and typically used to consider broad-based actions of related groups of actions that agencies are likely to approve, fund, or directly undertake” and as further noted that “... a [GEIS] differs from a site or project specific EIS by being more general or conceptual in nature.”

Importantly, the Proposed Action is legislative and generic in nature, not project-specific, and does not directly result in physical changes to the environment. The proposed adoption of the updated Comprehensive Plan and Zoning Code updates may affect the size, type, and form of future development permitted in the subject areas, but not to a significant level than what already is permitted in the area under the current zoning structure. The Lead Agency has identified the potential “worst case” build out under the Proposed Action (*i.e.*, rezoning to Commercial), and compared such development to the current pattern of development and intensity of use along the subject corridor; this is noted on pages 5-8 (Executive Summary) of the DSGEIS. This comparison demonstrated that the potential expansion of commercial uses along the corridor that could occur under the Proposed Action would not significantly increase the intensity of uses, traffic, or other demands on municipal resources. In addition, this generic assessment of development potential indicated that areas of environmental concern, such

as wetlands, the aquifer, or important habitat would not be impacts, particularly since the Proposed Action would not change the existing local, state and federal regulatory protections governing development near such resources. Since this assessment was generic in nature in accordance with SEQRA, any future development proposal would be subject to a site-specific environmental review in accordance with State law and the Town's local land use review regulations.

All descriptions, comments, evaluations and recommendations regarding potential environmental impacts, and their significance, are based on data available at the time this Final SGEIS was printed. This Final SGEIS complies with the requirements of SEQRA as to scope, adequacy and content. It addresses the reasonably anticipated adverse and beneficial environmental impacts that may be generated by the proposed application. Following acceptance of the Final SGEIS and pending any changes to the SGEIS, the Town of LaGrange can, no sooner than 10 days nor more than 30 days after FSGEIS publication, issue a findings statement in accordance with SEQRA regulations.

Section 2. List of Commenters

Public Hearing*

1. Unidentified speaker
2. Peter Lucas (330 Skidmore Road)
3. Jenna Survier (Barmore Road)
4. Drew Gamils
5. Tracey Johnson
6. Joseph Luna

**No sign in sheet was provided. Misspelling of any names is not intentional and transcribed to the best ability.*

Written Comments

1. Angelina Alvarez (two emails)
2. John Cantamessa
3. Francine and Thomas Clemens
4. MaryAnn Gillespie
5. William and Christine Hongach
6. Mark Jennings (letter via email)
7. Lo-Soun and Jean Su
8. Laura R. Lowe
9. Keith Lurken
10. Ursula Macpherson
11. Anna Martin
12. Matt Ilardi
13. Steve McKenna
14. Nathaniel J. Parish, AICP, Parish & Weiner, Inc. (letter via email)
15. Gail & James Pfitzner
16. Nicole Raskopf
17. Luke Reed
18. Jill Rose
19. Mark Schmid

- 20. Susan Kavy (letter via email)
- 21. Kathleen Susman
- 22. Victoria Klose

**All comments were provided via email unless noted.*

Section 3. Comments and Responses

3.1 CHARACTER

Comment 3.1-1: General statement on preservation of the existing rural character of the area and the impact of rezoning and additional development on it.

Response 3.1-1: The pattern of development in the area that is the subject of the Proposed Action is not rural in nature. The majority of the parcels are currently within the Town's General Business (GB) District (formerly C-2). All but one other lot is located in the Town Center Business (TCB) District. The remaining lot is located in the Residential Low Density (RLD); however, this lot is currently utilized as a mine/quarry. The character of this area can be classified as an "interchange" catering to automobile-centric commercial uses due to the proximity of the Taconic State Parkway. The proposed rezoning would not change the character of the area in a significant fashion compared to what it is now. The intent is to expand somewhat the allowable commercial uses along this corridor to spur redevelopment on long underutilized lots, as well as bring several non-conforming uses into compliance with zoning.

A comparison of the impacts of the current uses in the area subject to the Proposed Action with the impacts of the development potential of the same lots under the proposed Commercial (C) District zoning demonstrated that the added potential uses would not significantly change traffic patterns, intensity of allowable uses or other aspects adding to the character of this interchange area. In addition, existing site plan review procedures as well as environmental protection regulations at the local, State, and Federal level for natural resources or specific land uses, as noted in Section 4.0 of the DSGEIS, would provide the Town Board and/or Planning Board with the authority to require more enhanced site design when a specific redevelopment proposal is presented in order to better conform with the current character of the corridor. The character and design of any commercial development within the Town remains an important aspect in the site design process regardless of the zoning district. As such, design standards exist for the Commercial District (which remain consistent with the current GB District zoning for much of the area) whose purpose is to *"provide positive examples of the forms and patterns of development that are desirable within the C and GB Districts of the Town of LaGrange and consistent with Greenway Design Principles. They are also intended to encourage development that is in keeping with the Town's semirural character and its aesthetic environment."* (§240-39A of the Town Code).

Comment 3.1-2: The rezoning will result in increased noise and disruption of the character of the area.

Response 3.1-2: The corridor is currently a State Route, is posted as a truck route and classified by the NYS Dept. of Transportation (NYSDOT) as an *urban principal arterial – other* (code #14) which is defined as a roadway that “serve[s] the major centers of activity of a metropolitan area, the highest traffic volume corridors; carry a high proportion of the total urban area travel on a minimum mileage. The principal arterial system should carry the major portion of trips entering and leaving the urban area, as well as the majority of through movements desiring to bypass the central city. Almost all fully and partially controlled access facilities will be part of this functional system.” Route 55 is classified as such from its western terminus with US Route 9 to State Route 22, it’s eastern terminus. As noted in comment 3.1-1, commercial development is already permitted in the areas subject to this rezoning with any associated impacts associated with noise from current ambient levels inherently assumed to occur; an assessment of the general noise levels associated with similar transportation corridors is noted on pages 39-40 (Section 3.4, Infrastructure/Transportation Network) and page 56 (Section 4.2, Transportation Evaluation) of the DSGEIS. As also noted in comment 3.1-1, existing site plan review procedures and local regulations exist to minimize any noise impacts includes setbacks and buffering from adjacent uses.

See NYSDOT functional classification mapping here:

<https://gis.dot.ny.gov/html5viewer/?viewer=FC>

Definitions for various functional classifications:

<https://www.dot.ny.gov/divisions/engineering/applications/traffic-data-viewer/tdv-definitions/Functional-Classifications.htm>

Comment 3.1-3: Commercial uses, such as gas stations, auto services, major auto repair, fast food restaurants, motels, nightclubs and warehousing, will permanently destroy character.

Response 3.1-3: See response 3.1-1 above regarding the existing pattern of development and permitted uses under the current zoning.

Comment 3.1-4: Rezoning will result in "gasoline alley" strip development

Response 3.1-4: The purpose of the proposed rezoning is to facilitate redevelopment along this “interchange” corridor by allowing additional automobile-related commercial uses beyond the various other commercial uses already permitted in this comedically-zoned area. A gasoline filling station is just one of the uses that would be permitted under the Proposed Action. Gas Stations would be permitted by Special Permit, although there are already non-conforming gas station uses developed along the corridor. The mere action of rezoning the area to the Commercial District does not directly translate into the development of multiple additional gas stations, nor does it dictate what the market will or will not allow. Zoning sets the “foundation” for potential development in an area and provides opportunities for various types of development, within the bounds of each zoning district, to occur.

The Town Board is exploring means to attract additional commercial development to this corridor, as well as allow bringing existing non-conforming uses into compliance with zoning. Market forces, local, regional, and beyond, will be the driving factor in what types of uses allowed in the Commercial District will be developed for each parcel of land not only in the subject area, but within the Town as a whole. In addition, any proposed new use (including gas stations) would be subject to site-specific review where the potential impacts on the corridor will be identified, and the appropriate conditions would be incorporated into the development to ensure such impacts would be avoided or appropriately mitigated.

Comment 3.1-5: The rezoning will result in a shopping corridor similar to Route 9.

Response 3.1-5: Comment noted. See response 3.1-1 and 3.1-4 above.

Comment 3.1-6: No need for additional development outside of town center.

Response 3.1-6: Comment noted. See response 3.1-1 and 3.1-4 above.

Comment 3.1-7: Commercial/industrial sprawl needs to stop.

Response 3.1-7: Comment noted. See response 3.1-1 and 3.1-4 above.

Comment 3.1-8: Vacant plazas and abandoned gas stations already exist in the corridor.

Response 3.1-8: See response 3.1-1 and 3.1-4 above. As noted in the DSGEIS, the intent of the rezoning of the subject parcels is to provide opportunities to develop other commercial and related uses beyond those already permitted as well as allow some of these underutilized uses the redevelop or revitalize along with outside market forces and provide more desirable services/operations compared to their existing state. Records are available at Town Hall indicating permit applications and site plans as well as assessment information on the properties subject to the Proposed Action. According to the Town, records show very little, if any, substantial improvements or changes in the subject properties since the 2005 Comprehensive Plan and subsequent rezoning. In fact, a few of the businesses on the properties have closed or become vacant over time, as noted by the commentor in written observations. The Town Board is pursuing strategies, such as the Proposed Action, to attract new investment in these properties and appropriate uses to this “interchange” corridor.

3.2 ECONOMICS

Comment 3.2-1: No economic analysis provided to support the assertion that the rezoning will provide a benefit to the Town of LaGrange.

Response 3.2-1: The current zoning of the subject area consists of commercial uses and the proposed rezoning also consists of commercial uses, with an additional 18-19 uses permitted or specially permitted. While specific estimates on increases in tax revenue related to increased development would be difficult, given the variability of the available types of development, two assumptions are reasonable. An existing business which is able to expand significantly would have a resulting significant increase in its assessed value, and therefore its tax contributions. Second, parcels which currently do not have functioning businesses on them, mostly containing buildings which have not been in use for several years, would have a similar significant increase in values and associated taxes resulting from new development.

This, in turn, provides a general economic benefit by better utilizing underutilized lands, such as those identified as vacant or abandoned in the corridor. As any development is proposed, the Town Board and/or Planning Board can, under site plan review and SEQRA authority, request detailed economic analysis of a proposed use, which would provide the Town with the level of specificity needed to determine whether a proposed use would be a benefit to the community.

Comment 3.2-2: No examination of socio-economic impacts on existing impacts and those "forced out" by new businesses.

Response 3.2-2: See response 3.2-1. The Commentor did not cite any study or other evidence to suggest that rezoning lots currently zoned for GB or TCB, or a mine/quarry use, to Commercial would result in displacement, job loss or other unidentified "socio-economic impacts." The Proposed Action is intended to increase vitality of existing and future commercial uses in the "interchange" corridor, a commercial area driven largely by its proximity to the Taconic State Parkway. The Proposed Action would not render any of the legacy uses on developed lots illegal, or otherwise incapable of continuing operations. The Proposed Action would render 10 of the 19 parcels zoning compliant, to support their continued use and ability to stay competitive by undertaking future improvements without the need for variances

To the extent that the commentor is raising a concern about the potential for new businesses to operate in the Route 55/82 "interchange" corridor that may compete with existing businesses (for example, a new gas station competing with an existing gas station), a discussion of "competitive impacts" would not be appropriate in the SGEIS. See NYSDEC, *The SEQRA Handbook*, (4th Ed.), Chapter 5, Section C-9 (Contents of a Draft EIS) ("[A] potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors").

3.3 FLORA/FAUNA

Comment 3.3-1: Concerns about whether there were adequate considerations for local flora/fauna.

Response 3.3-1: Section 4.5 of the DSGEIS examined several elements related to flora and fauna, primarily revolving the presence (potential or otherwise) of endangered/threatened/rare (ETR) species. As noted, the regulations that exist in the Town Code do not pertain to any specific district but rather are feature-based depending on the resources that are present on the subject property – these regulations would apply regardless of the zoning district that was established in the subject area. The Proposed Action would not alter these existing environmental protections for local flora/fauna. As part of the site-specific environmental review of any proposed development, local, State and Federal regulations would need to be followed and processes undertaken to identify any potential impacts to local flora and fauna, ETR or otherwise, and mitigate any impacts to them.

Comment 3.3-2: Rezoning impact on biodiversity in Sprout Creek corridor.

Response 3.3-2: See response 3.3-1. Section 4.3.3 (*Waterbodies*) of the DSGEIS provides additional evaluation and impact analysis on Sprout Creek as well as other waterbodies in the subject area. In general summary, the Proposed Action will not change the existing regulatory framework in place to protect biodiversity and the Sprout Creek. Local (Chapter 124 and 204) and State (Article 15 6NYCRR Part 608) laws regulate disturbance of bed or banks of protected waterbodies, including Sprout Creek, through permitting as well as dictate buffer zones for disturbance of land and prohibition of specific uses within that buffer zone, including above- and underground storage. In terms of biodiversity, the buffer zones that are indicated in Chapter 124 and 204 of the Town Code, seek to minimize or prohibit land disturbance, thereby protecting noted species of concerns, which are reptiles/amphibians that are more likely to be found in the immediate vicinity of the Creek and within these buffer areas (see DSGEIS Section 4.5). As further noted in the DSGEIS, “Any development that is proposed within the Project Area would undergo an environmental screening and review that would include consultation with the NYSDEC in conjunction with the Natural Heritage Program and the USFWS to provide up-to-date details or information on the presence of species within the Study Area.”

Comment 3.3-3: There is no mention of other plants identified by Hudsonia, including Five Angle Field Daughter and Schwab (Swamp?) Cottonwood.

Response 3.3-3: See response 3.3-1. All development in the area subject to the Proposed Action would still be subject to the existing local, state and federal regulations in place to protect the plants identified by the commentator. To the extent that any future proposed development in the area subject to the Proposed Action could potentially impact the plants cited by the commentator, a site-specific review would identify the appropriate measures to avoid or mitigate such impact. It should also be noted that only one of the parcels in the subject area is currently undeveloped with the remaining developed to some extent already and therefore already displacing or impacting any potential current species. Current documents from Hudsonia do not specifically identify these species in the Sprout Creek corridor.

3.4 FORMAT

Comment 3.4-1: EIS contains excessively detailed information, out of line with the NYSDEC SEQRA Handbook (2010 edition)

Response 3.4-1: The DSGEIS addresses potential impacts associated with those elements noted in the scoping process. The main body of the DSGEIS is 83 pages. The material cited by the Commentator as “extraneous and unnecessary” was included in the Appendix, which is consistent with SEQRA Guidance cited by the Commentator (the full portion of which is provided below):

“EISs should be written in plain language that can be read and understood by all. Highly technical material should be summarized in the text of the EIS and, if that technical material must be presented in its entirety, it should be included as an appendix.” NYSDEC, The SEQRA Handbook, (4th Ed.) Chapter 5, Section 4.

Comment 3.4-2: Appendix information is considered "non-related."

Response 3.4-2: Comment noted. See response 3.4-1.

Comment 3.4-3: Executive Summary fails to indicate several additional uses that would be permitted in the Commercial (C) District.

Response 3.4-3: Comment noted. The executive summary indicates that additional 18-20 uses would be permitted, though these specific uses are not indicated here, but rather in Section 4.1. As noted in the SEQRA Handbook notes the following:

(page 110), “#4. *Must every draft EIS follow the format as described in 617.9(b)? No. The content of the document is much more important than the format. Provided all the elements identified in 617.9(b) are contained somewhere in the EIS, it is acceptable to deviate from the sequence identified in the regulations.*”

(page 113), “#5. *How extensive should the draft EIS Summary be? The Summary (617.9(b)(4)) may be a narrative statement that summarizes the main points of the EIS. It should contain a brief description of the overall proposed action, and list the following:*

- *Purpose of and need for the project;*
- *Description of the environmental setting;*
- *Significant beneficial and adverse impacts;*
- *Alternatives considered;*
- *Mitigation measures proposed; and*
- *Issues of controversy (if any).”*

Comment 3.4-4: Length of the DGEIS is about 800 pages including the appendices, filled with copies of other documents of information “unrelated to the actual rezoning.” Intentional or not, result is a “diversion blocking a truly careful public review of the impacts.”

Response 3.4-4: Comment noted. See response 3.4-1.

Comment 3.4-5: No studies directly for this rezoning.

Response 3.4-5: Comment noted. Several studies were conducted as part of the analysis of the Proposed Action including a review of property zoning conformance (DSGEIS page 13, Table 3-1), a general build-out analysis of each property with site limiting factors (DSGEIS page 45-47), an analysis of changes in permitted/special uses between existing and proposed zoning districts (DSGEIS page 49-50), an analysis of changes in setbacks between existing and proposed zoning districts (DSGEIS page 50), and existing and potential trip generation analysis (DSGEIS pages 52-57).

3.5 GENERAL

Comment 3.5-1: Commentor states “build, expand, improve”

Response 3.5-1: Comment noted. As noted in SEQRA Handbook, page 135, #5 “*The lead agency must respond to substantive comments. General statements of objection or support should be noted in the comment summary but need no response.*”

Comment 3.5-2: Indicates “general devastating effects” of the rezoning.

Response 3.5-2: Comment noted.

Comment 3.5-3: Commentor provides support for the proposal.

Response 3.5-3:	Comment noted. See response 3.5.1.
Comment 3.5-4:	Commenter notes general impacts on environment, traffic, quality of life with no specific examples provided.
Response 3.5-4:	Comment noted. See response 3.5-1.
Comment 3.5-5:	Suspiciously suggestive of illicit relationship between leaders and investors.
Response 3.5-5:	Comment noted. See response 3.5-1.
Comment 3.5-6:	Town should consider overall Comprehensive Plan impacts.
Response 3.5-6:	Comment noted. The Town Board, as lead agency, reviewed the Comprehensive Plan in line with the proposed rezoning and, as noted in various portions of Section 4.0 of the DSGEIS, has determined that amendments to the Plan are warranted with respect to the subject area.
Comment 3.5-7:	Question on the ability of existing homeowners to sell their house?
Response 3.5-7:	Comment noted. Answered during the public hearing (see transcript pages 6-11)
Comment 3.5-8:	Existing commercial buildings are eyesores, previously allowed under old zoning.
Response 3.5-8:	Comment noted. See response 3.1-1 and 3.1-4.
Comment 3.5-9:	Complete update of comprehensive plan needed for rezoning.
Response 3.5-9:	Comment noted. NYS Town Law §272-A does not indicate that a full update of the Comprehensive Plan is required for a rezoning, but rather that <i>“All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.”</i> (§272-A.11(a)) The Proposed Action involves a specific location within the Town. The area is a short corridor along Route 55 between the Taconic State Parkway and Route 82, which presents unique commercial planning opportunities and considerations due to its location near major vehicular routes. While the Town Board is weighing the potential impacts and benefits of the Proposed Action in relation to the entire Town, the Town Board concluded that updating the entire Comprehensive Plan in connection with the potential rezoning of the Route 55 corridor was not necessary.
Comment 3.5-10:	Town failed to review the Comprehensive Plan as a whole.
Response 3.5-10:	Comment noted. See responses 3.5-6 and 3.5-9.

3.6 LAND USE

Comment 3.6-1:	Lack of consideration for other projects in area with impact to traffic, water, infrastructure.
Response 3.6-1:	Comment noted. The only other project that is currently before the Town and deemed complete and review for review is the proposed Stewarts development on the northeast corner of State Routes 55 and 82 – no other projects have been provided to the Town for official review to date to assess as part of this generic environmental evaluation.

Comment 3.6-2:	No comprehensive consideration for other projects going on and impacts to future traffic, water, available infrastructure
Response 3.6-2:	Comment noted. See response 3.6-1.
Comment 3.6-3:	No more gas stations
Response 3.6-3:	Comment noted. See response 3.1-1 and 3.1-4.
Comment 3.6-4:	Land use fails to inform that rezoning will encourage development/expansion of auto related uses.
Response 3.6-4:	See Table 3-2 in Section 3.2 of the DSGEIS, entitled "Existing Zoning District Uses". See also, response 3.1-1 and 3.1-4.
Comment 3.6-5:	"Gasoline alley" development impacts for residential properties within corridor.
Response 3.6-5:	Comment noted. See response 3.1-1 and 3.1-4.
Comment 3.6-6:	Assumption that there is a need for more auto-related uses, no data to support this.
Response 3.6-6:	See response 3.1-1 and 3.1-4.
Comment 3.6-7:	Development of excessive automotive businesses, especially gas stations.
Response 3.6-7:	See response 3.1-1 and 3.1-4.
Comment 3.6-8:	Question benefits of rezoning vs. business attraction
Response 3.6-8:	See response 3.1-1 and 3.1-4.
Comment 3.6-9:	Opening up the area to excessive automotive uses in a short stretch
Response 3.6-9:	See response 3.1-1 and 3.1-4.
Comment 3.6-10:	Proposed zoning allows "intense uses" - auto, motels, warehousing, etc.
Response 3.6-10:	The "intensity" of these additional commercial uses is quantified by traffic impacts (evaluated based on known metrics provided by the Institute of Traffic Engineers, see Section 4.2 of the DSGEIS) and buildable area (see Section 4.0 and 4.1 of the DSGEIS) taking into account environmental resources that are present that would remove available land from development. Those several uses that may be considered more "intensive" in terms of operations or traffic, regulations are in place that would limit the size and extent of these uses that would likely mitigate impacts to adjacent properties/uses as well as limit the size of any proposed development. See also, response 3.1-1 and 3.1-4.
Comment 3.6-11:	Infrastructure unable to support commercial development

Response 3.6-11: As noted in Section 3.4 of the DSGEIS (Infrastructure/Transportation Network), water and sewer utilities in the area subject to the Proposed Action are mainly private systems, and as such, will continue to be able to accommodate commercial uses. Natural gas, electric service and telecommunication services are all available in the area as well. As noted in Section 7.1 (Unavoidable Adverse Impacts) and 7.3 (Growth Inducing Impacts, Cumulative and Secondary Impacts) of the DSGEIS, public water and sewer are noted to be limited/unavailable east of the Taconic State Parkway with no plans to extend to the subject area. It is also noted that “[a]ny future considerations for extension of public water or sewer to these areas would require a separate environmental review undertaking” and “[o]ver time if development does increase in these areas, a case could be made for water and sewer extension, thereby increasing more growth potential at that time; however, an extension of this magnitude would be subject to its own environmental review, with considerations given to any development that is actually constructed at that time.” Therefore, it is noted that the lack of public water in the area will serve somewhat as a factor to limit the intensity and type of future development that may occur in the subject area as a result of the Proposed Action. This would ensure that while new uses can be introduced, the “interchange” character of the area would be preserved. .

3.7 POLLUTION

Comment 3.7-1: No additional gas stations and establishments to bring more pollution and traffic.

Response 3.7-1: Comment noted. See DSGEIS Section 4.2 (Transportation Evaluation) regarding traffic and related noise/pollution evaluation.

Comment 3.7-2: Intersection already polluted.

Response 3.7-2: The Lead Agency, as a result of numerous comments raising concern about pollution, evaluated current documented conditions to determine whether there are notable reports of contamination or other pollutants in the area subject to the Proposed Action. Section 4.4 of the DSGEIS includes a review of studies of groundwater conditions within the subject area going back to 2005 (the date of the current Comprehensive Plan) utilizing the NYS Dept. of Environmental Conservation (NYSDEC) environmental spill database. Though six spills were noted in the Route 55 and 82 area, each of these were cleaned with no further action necessary. In addition, groundwater testing undertaken by the County indicates only two sites where inorganic contaminants were present, both located over a quarter mile south of the subject area. Other sites that were within the local aquifer that services the Route 55 corridor but located north of the subject area did not report any inorganic contaminants. There are no direct reports indicating pollution of the intersection.

Comment 3.7-3: Increase in traffic and associated noise and air pollution.

Response 3.7-3: Comment noted. See responses 3.1-2 and 3.7-1.

3.8 TRAFFIC

Comment 3.8-1: Flooding events have occurred on local roads (portions of Noxon, Emans, Route 82 & Taconic) and increased density and traffic will exacerbate this along with any widening of roads.

Response 3.8-1: Localized flooding that has occurred may be a result of several factors including, but not limited to, underdesigned storm systems, weather/climate changes, clogs in storm systems, debris in connecting ditches and many other issues; the noted roadways and their associated storm systems are maintained by various entities. While additional development may increase impervious surfaces and thus stormwater runoff onto adjacent roadways, this would likely occur regardless of the rezoning as commercial uses are currently permitted under the existing zoning districts. As noted, any proposed development would be subject to environmental reviews that would require an evaluation of impacts to stormwater and runoff and the Town's site plan review process would also evaluate the impact to potential flooding, as noted in Section 4.3 of the DSGEIS.

Comment 3.8-2: Emergency vehicles driving through commercial districts.

Response 3.8-2: Emergency vehicles currently utilize various roadways throughout LaGrange; State Vehicle Traffic Laws (VAT §1104) provide emergency vehicles to access any roadway during an emergency. Both Route 55 and 82 are State-owned highways, maintained and operated by the NYS Department of Transportation.

Comment 3.8-3: Traffic impacts associated with two lane state road, history of terrible accidents.

Response 3.8-3: Comment noted. A thorough analysis of traffic impacts were undertaken in Section 4.2 of the DSGEIS, primarily related to changes in traffic volumes as this was identified as the significant impact concern during the initial scoping process. In addition, a review of available data provided by the Dutchess County Transportation Council's (the local Metropolitan Planning Organization/MPO) *2020 High-End Speeding Report*, which includes an analysis of speed-related crashes and accidents, notes that the Route 55 and TSP intersection was the primary location of speed-related crashes within the Route 55 corridor. The DSGEIS indicates in Section 4.2 (pages 53-58) that the development of the only vacant property in the subject area (parcel #15) would result in an increase of approximately 906 daily additional trips to the existing daily trip generation of approximately 2,977 trips within the corridor. This minimal increase would result in a level of service (LOS) of "D," a preferred rating level for a roadway that indicates a facility is built to a level that balances volume and capacity at an adequate level.

As such, the traffic impact analysis in the DSGEIS demonstrates that the Proposed Action would not result in a significant increase in daily trips in the corridor and subsequently at the Route 55 and TSP intersection; therefore, the analysis supports the conclusion that the Proposed Action would not result in a significant increase in the risk of accidents here. Only one speed-related crash was noted at the Route 55 and Vaile Road intersection between 2014 and 2018 – no other intersections were identified; therefore, given the low history of current accidents in the subject area, the Proposed Action is not anticipated to significantly increase the risk of accidents. Detailed accident analysis, traffic

	studies and evaluation of sight distances would be developed as necessary depending on the type of development proposed for each property.
Comment 3.8-4:	Result in unwanted excess traffic, water runoff problems, character impacts.
Response 3.8-4:	Comment noted. See responses in Section 3.1 re: character impacts and response 3.8-1 re: runoff/flooding.
Comment 3.8-5:	Truck traffic impacts - state should "finish" redesign of Route 82 and 55 intersection.
Response 3.8-5:	Comment noted.
Comment 3.8-6:	Truck braking noise.
Response 3.8-6:	Comment noted. See response 3.1-2.
Comment 3.8-7:	Traffic study provides volume increases with proposed Stewarts development but not with other parcels as a result of development.
Response 3.8-7:	Comment noted. See response 3.6-1.
Comment 3.8-8:	Increased traffic, especially at Vaile Road by school. Light needed to decrease accidents and injuries.
Response 3.8-8:	Comment noted. Section 4.2 (Transportation Evaluation) notes several potential improvements that could be considered as mitigation measures as development is proposed for the subject parcels, to be considered on a case-by-case basis, including turning lane(s), traffic light(s), center median(s), and/or roundabout(s). Detailed accident analysis and traffic studies would be developed as necessary depending on the type of development proposed for each property.
Comment 3.8-9:	Traffic congestion and impacts to volume.
Response 3.8-9:	Comment noted. A thorough analysis of traffic impacts were undertaken in Section 4.2 of the DSGEIS.
Comment 3.8-10:	Increased strain on roads (e.g. traffic, congestion).
Response 3.8-10:	Comment noted. A thorough analysis of traffic impacts were undertaken in Section 4.2 of the DSGEIS.

3.9 WATER QUALITY

Comment 3.9-1: Water supply and water quality dependent on streams and creeks in area.

Response 3.9-1: As noted in Section 4.4 of the DSGEIS (Evaluation of Aquifers/Groundwater), the Town currently has a groundwater protection overlay that exists throughout the Town that would apply regardless of the zoning district. In addition, surface waterbodies are subject to local regulations under Chapter 124, establishing buffer zones from surface water sources, as well as State regulations under Article 15 of the Environmental Conservation Law, 6 NYCRR Part 608, with a permitting and review process to be undertaken for the protection of waters.

Comment 3.9-2: Water quality and impacts to local wells.

Response 3.9-2: Comment noted. See response 3.9-1.

Comment 3.9-3: Oil spills and impacts to water quality and local flora/fauna.

Response 3.9-3: Comment noted. See responses 3.3-1, 3.3-2, and 3.7-2.

Comment 3.9-4: Considerations for increased building/development on water table?

Response 3.9-4: Comment noted. See responses in Section 3.6-11.

Comment 3.9-5: Aquifer impact brought on by zoning change and recharge areas (i.e. development, spills, etc.)

Response 3.9-5: Comment noted. See response 3.9-1 and responses in Section 3.7.

Comment 3.9-6: Access to groundwater a concern for future development - excessively deep wells potential.

Response 3.9-6: Comment noted. See responses in Section 3.6-11.

3.10 ZONING

Comment 3.10-1: No data provided to support hardship of existing property owners and what design/land use impact would be with rezoning

Response 3.10-1: See response 3.1-8.

Comment 3.10-2: Alternative section should examine addition of more non-automotive uses in the existing districts.

Response 3.10-2: Alternative section notes this in Section 5.2.

Comment 3.10-3: Benefits of the rezoning to the entire town?

Response 3.10-3: The general benefits are noted in the Executive Summary on pages 10-12 of the DSGEIS.

Comment 3.10-4: Will change in zoning make single family homes non-permitted?

Response 3.10-4: Comment noted. Answered during the public hearing (see transcript pages 6-11).

Comment 3.10-5: Justification for rezoning - substantial reasoning needed, special privilege to landowner.

Response 3.10-5: Comment noted. The Town's focus, throughout, has been to implement a well-reasoned and deliberate amendment to the existing 2005 Comprehensive Plan for the benefit of the broader community. The proposed rezoning was not undertaken for the benefit of any specific property owners. The parcels in question are owned by numerous different individuals and entities.

Comment 3.10-6: Legalizing existing nonconforming/illegal properties?

Response 3.10-6: Comment noted. Prior to 2005, a majority of the parcels were zoned C and their uses were rendered non-conforming when they were rezoned C-2 (now GB) in 2005. The proposed rezoning of the parcels to C will expand the opportunities to revitalize the corridor along Route 52 from Route 82 to just east of the Taconic Parkway.

3.11 ALTERNATIVES

Comment 3.11-1: Remove two parcels zoned as Town Center Business from the rezoning (Proposed Action).

Response 3.11-1: Alternative to be considered by the Town Board as the Lead Agency for the Proposed Action. For this alternative, within the transportation impact evaluation, this would result in a slight reduction in potential trip generation and associated AADT (traffic volumes) as well as insignificant changes in LOS (level of service). For the land use/zoning evaluation, the amount of development potential identified in the buildout analysis would also decrease by approximately 0.71 acres (see page 47 of DSGEIS – difference in total development area between existing and proposed zoning of parcel #1, -0.23 acres & parcel #2, -0.48 acres). In general, the removal of the two parcels (#1 802900 & #2 823867) would be a *de minimus* action as it would remove a zoning district in its entirety from the analysis of land use and zoning, traffic, water resources, aquifers/groundwater, wildlife, and cultural resources while still carrying out the purpose/intent of the rezoning.

Section 4 - Matters to be Decided

Upon acceptance of this Final SGEIS as complete a ten-day period for public consideration of this document will be provided. During this ten-day period the Lead Agency cannot take any action to approve or adopt any of the proposed Amendments. At the end of the ten-day period, but not more than 30 days, the Lead Agency may take up the matter of adoption of a Findings Statement to complete the environmental impact review process under SEQRA, after which it may take up the matter of adopting the proposed Amendments themselves.

Appendix A:
DSGEIS Comments Received

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Sent: Thursday, September 2, 2021 1:01 PM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Rezoning 55/82

CAUTION: This email originated from outside of the organization. Only open attachments and click links if you recognize the sender and are expecting this type of content. -CPL Helpdesk

Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: ANGELINA ALVAREZ <aned46@aol.com>
Sent: Thursday, September 2, 2021 11:18 AM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Subject: Re: Rezoning 55/82

I Sept 2, 2021

Dear all,

Last night's rainfall from remnants of Ida overflowed many creeks and streams in Lagrange. I went out to go to the grocery store 3 miles away and had to be rerouted from Rt 82 and Noxon rd because of flooding. Closed Emans road, Noxon rd, some portions of the Taconic and many many yards and lawns looking like lakes. This just from 3.5 inches of rain.

This will definitely impact the area being considered for commercial zoning with increased density and traffic and even having to widen roads to accommodate bigger trucks. Also think of emergency vehicles going through those commercial districts.

Let us learn from this before we regret this decision of approval.

Thank you for your kind consideration.

Angelina Alvarez

> On Sep 1, 2021, at 3:10 PM, ANGELINA ALVAREZ <aned46@aol.com> wrote:

>

> To all,

> I have attended the town hall meeting on August 25 and I heard the arguments presented.

> I am opposed to rezoning the 55/82 area because of the environmental impact and the traffic and overall aesthetics of the character of Lagrangeville. Making it more commercial will bring more noise and disrupt the quiet and open landscape. It is enough that we have a town center that is kept beautiful and inviting. We do not need more gas stations and establishments that will bring more pollution and traffic. We need to keep our environment and preserve our resources in this era of climate change.

- > More importantly, the water supply and quality of water is dependent on the streams and creek that winds around the area surrounding the proposed commercial spaces.
- > One very good example is Millbrook. I would like to see our town similar to what they have done.
- > Let us keep our little area of Dutchess County desirable and beautiful for generations to come.
- > Thank you.
- >
- > Angelina Alvarez
- >

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Sent: Thursday, September 2, 2021 9:20 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Rezoning 55/82

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: ANGELINA ALVAREZ <aned46@aol.com>
Sent: Wednesday, September 1, 2021 3:11 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Subject: Rezoning 55/82

To all,

I have attended the town hall meeting on August 25 and I heard the arguments presented.

I am opposed to rezoning the 55/82 area because of the environmental impact and the traffic and overall aesthetics of the character of Lagrangeville. Making it more commercial will bring more noise and disrupt the quiet and open landscape. It is enough that we have a town center that is kept beautiful and inviting. We do not need more gas stations and establishments that will bring more pollution and traffic. We need to keep our environment and preserve our resources in this era of climate change.

More importantly, the water supply and quality of water is dependent on the streams and creek that winds around the area surrounding the proposed commercial spaces.

One very good example is Millbrook. I would like to see our town similar to what they have done.

Let us keep our little area of Dutchess County desirable and beautiful for generations to come.

Thank you.

Angelina Alvarez

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, September 1, 2021 10:10 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: opposition to re-zoning in La Grange

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Christine O'Reilly-Rao

120 Stringham Rd.
LaGrangeville, NY 12540

From: Kathleen Susman <kasusman@vassar.edu>
Sent: Tuesday, August 24, 2021 5:35 AM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: opposition to re-zoning in La Grange

Dear Representative,

I am a citizen living in La Grange and chose to live in this area for the beauty of the hills and valley and natural setting, along with a rustic and undeveloped feel. The parks and fields and winding roads are a beautiful place where I have raised my three children for the past 21 years.

La Grange representatives need to position our area to be leaders to address issues of climate change and carbon neutrality, to ensure a beautiful and healthy place for generations to come. We do not need more commercial areas. We have existing commercial areas that can be re-developed for walking, biking and better community building.

Please do not add more suburban sprawl to our town. We most especially do not need more gas stations or storage areas.

I am not able to attend the Public Hearing because I have to work Wednesday night, so I am sending this email.

Thank you for hearing my views,
Kathleen Susman
8 Arbor Hill Drive

--

Associate Dean of the Faculty
Professor of Biology on the Jacob P. Giraud Jr
Chair of Natural History
Vassar College is located on [Lenape](#) land

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Sent: Tuesday, August 24, 2021 11:31 AM
To: David J. Cooper; Justin Steinbach
Cc: Alan Bell; Edward P. Jessup; Joseph Luna; Gary Baright; Richard Ryan
Subject: FW: Concerns about rt55/82 development

Follow Up Flag: Follow up
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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: Mark Schmid <markprostock@aol.com>
Sent: Tuesday, August 24, 2021 11:16 AM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Subject: Concerns about rt55/82 development

I live on North Cross rd and strongly object to the proposed rezoning of 55/82 corner and rt55 alley to the parkway. There are already many small plazas that are not being occupied in the immediate area. There is an abandoned gas station and a vacant restaurant right at the parkway and 55, that is an eyesore. Virtually all the plazas that exist in the surrounding area always have vacancies. The added congestion with the development at 55/82 corridor will further take away the peacefulness that is Lagrangeville. Noise, air and light pollution are taking the fine qualities away from Lagrangeville. The increased water usage will strangle the water tables. The already developed 55/82 plaza has created so much unnecessary traffic through North Cross rd. Drivers and large trucks frequently cut the corner out 55/82 and speed over 60mph (30mph zone) through North Cross rd. Stop signs and speed enforcement might help but that's another story. Add some more fast food restaurants, we can sit back and watch the garbage accumulate on the sides of the roads and our lawns as our town turns into crap. Please do not go forward with the plans to rezone and allow 55/82 to become another route 9.
Save Lagrangeville from overdevelopment.

Sincerely,

The Schmid family
103 north cross rd
Lagrangeville, New York, 12540

Sent from my iPhone

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, September 1, 2021 10:00 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Oppose the rezoning

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: Rose, Jill L. <JRose@HoulihanLawrence.com>
Sent: Wednesday, September 1, 2021 7:35 AM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Oppose the rezoning

Please let it be heard that I, Jill Rose, oppose the rezoning of the intersection of Route 55 and Route 82. The commercial/industrial sprawl needs to stop. There are streams and aquifers that would be effected by well contamination and water shortages if this rezoning continues to include potential gas stations and businesses that will have oil on site. Aesthetically, the town created a business center near the high school which looks very nice; keep businesses in one area and stop the sprawl so we don't end up looking like Route 9.

Best Regards,
Jill Rose
845-473-9770
M: 914-204-0124
www.jillrose.houlihanlawrence.com

Reminder: email is not secure or confidential. Houlihan Lawrence will never request that you send funds or nonpublic personal information, such as credit card or debit card numbers or bank account and/or routing numbers, by email. If you receive an email message concerning any transaction involving Houlihan Lawrence, and the email requests that you send funds or provide nonpublic personal information, do not respond to the email and immediately contact Houlihan Lawrence. To notify Houlihan Lawrence of suspected email fraud, contact: fraudalert@houlihanlawrence.com or call 914-273-4357.

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Sent: Wednesday, August 25, 2021 9:55 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Letter Opposing the Rte. 55/82 Rezoning for Intense Commercial Uses

Follow Up Flag: Follow up
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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Luke Reed reed <info@lagrangeandobetter.com>
Sent: Tuesday, August 24, 2021 7:19 PM
To: Eileen Mang <emang@lagrangenyny.gov>; Alan Bell <abell@lagrangenyny.gov>; Joseph Luna <jluna@lagrangenyny.gov>; Edward P. Jessup <ejessup@lagrangenyny.gov>; Richard Ryan <rryan@lagrangenyny.gov>; Gary Baright <gbaright@lagrangenyny.gov>; Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Subject: Letter Opposing the Rte. 55/82 Rezoning for Intense Commercial Uses

Dear LaGrange Officials,

I reject the proposed zoning change. The increased traffic definitely make it more dangerous, especially from south Velie road to Rte 55. Daily when Arlington High School students arrive in the AM and leave in the PM, traffic backs up on Rte 55 for a Quarter mile to a half mile. Without a trip light on Velie Road it will increase the risk for accidents and injuries. Due to family illness attendance at the Town Meeting is impossible.

Sincerely,

Luke Reed reed

6 Kuchler Dr.
4662, New York, 12540

ereed223@aol.com
(845) 223-3775

50.49.209.220

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, September 1, 2021 10:01 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Rezoning Issue

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Nicole Raskopf <nicole@vynsane.com>
Sent: Tuesday, August 31, 2021 4:33 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Rezoning Issue

To whom it may concern,

I am concerned about rezoning 55/82 due to the environmental impacts it will cause re: water contamination, water shortages, increased traffic, lack of open space. With all the development going on in LaGrange, there is no consideration given to other projects going on in the area that will impact traffic, water and available infrastructure to serve the new Commercial uses proposed with this rezoning.

In addition, there was already a re-imagining of the town center with the 3 traffic circles prior to this. There seems to still be plenty of spaces in that area for additional development. Why do we need to spread the town center further unnecessarily?

Please consider everyone involved when making this decision, not just the developers.

We need a clear plan for this area with a proper evaluation—not commercial rezoning that caters to select interests.

Sincerely,

Nicole Raskopf
Bookkeeping by Nicole
845-803-4243

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, August 25, 2021 9:56 AM
To: Alan Bell; Edward P. Jessup; Joseph Luna; Richard Ryan; Gary Baright
Cc: David J. Cooper; Justin Steinbach
Subject: FW: 55/82 Commercial Rezoning.

Follow Up Flag: Follow up
Flag Status: Flagged

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Gail Pfitzner <gailpfit@optonline.net>
Sent: Tuesday, August 24, 2021 9:20 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: 55/82 Commercial Rezoning.

We are sending this email to be recorded in opposition to the rezoning of 55/82 to commercial property. We moved up to this area because of the rural beauty and somewhat quiet serene surroundings. This decision would greatly ruin the country style of this rural area. The corridor of Route 82 can not sustain a Route 9 shopping area! WE DO NOT NEED IT! OUR ROADS CAN'T HANDLE IT!!!!

Gail & James Pfitzner
Lagrangeville

Sent from [Mail](#) for Windows

297 Knollwood Road, Suite 315
White Plains, New York 10607

(914) 997-7200

(914) 997-7201 (fax)

pwm101@verizon.net

Nathaniel J. Parish, A.I.C.P.
George M. Raymond, A.I.A., A.I.C.P. (1919-2015)
Michael Weiner, A.I.C.P. (1938-1995)

Senior Consultants
Richard Hyman, A.I.C.P.
John Sarna, P.E., I.T.E.

September 3, 2021

Supervisor Alan Bell and
Members of the Town Board
Town of LaGrange, New York
Town Hall
120 Stringham Road
LaGrangeville, New York 12540

Re: Proposed Route 82/55 Rezoning
Comments on Supplementary
Draft Generic Environmental Impact Statement
“SDGEIS”

Dear Supervisor Bell and Members of the Town Board

We have been retained to provide environmental review consulting services by Majac Enterprises, Inc. the owners of the real property located at 1502 Route 55, LaGrange, NY.

On behalf of my firm, I have provided SEQRA consulting services since the enactment of the State legislation in 1976. The services have been for developers, public agencies, and concerned groups and individuals, and for a broad range of projects including many in the mid-Hudson area. My professional resume is attached.

I have on many occasions visited the Route 82/55 corridor which is proposed to be rezoned. I have reviewed the Supplementary Draft Generic Environmental Impact Statement (SDGEIS) My comments which follow supplement earlier comments with respect to the Scoping Document as well as comments submitted by our client’s attorney, Keane & Beane PC.

I find that the SDGEIS totally violates SEQRA regulations and needs to be withdrawn and grossly restructured if it is to be considered as a valid document for public review of the potential environmental impacts of the proposed rezoning.

This SDGEIS totally fails to comply with the applicable regulations for preparation as Environmental Impact Statement (Section 617.9). The SEQRA Handbook issued by the New York State Department of Environmental Conservation (“NYSDEC”) 3rd Edition – 2010, Chapter 5, Section 4. Provides a very clear description of what an EIS should be and also what it should not be:

“EIS’s should be analytical, concise, and not encyclopedic - - - “EIS’s should not contain more detail than is necessary to address the nature and magnitude of the proposed action and the significance of its potential impacts.”

(Underlining added)

Further, the Handbook advises:

“EIS should be written in plain language that can be read and understood by all. Highly technical material should be summarized in the text of the EIS - - - If an EIS contains much extraneous and unnecessary information, the impact discussion becomes diluted, and the EIS itself becomes less useful.”

(Underlining added)

Here we have an SDGEIS which totals to more than 800 pages. It is by far the most pages of any EIS I have seen during the 40 + years since the enactment of the legislation. It’s very length is due to the inclusion of extraneous and unnecessary information:

- Hudsonia Ltd report, Significant Habitats in the Fishkill and Sprout Creek Corridors (Includes Fishkill and Beacon data) 147 Pages
- Blanding Turtle Habitats in Southern Dutchess County 79 Pages
- NYSDEC Fact Sheet on Assessment of Water Quality Impacts in Streams and Rivers (includes data for river basins having no relation to LaGrange: Chemung, Susquehanna Delaware, St Lawrence Genesee) 26 Pages
- Parcel Access Real Property Records 33 Pages
- Flood Damage Preservation Code 21 Pages
- Town Code Chapter 124, Freshwater, Wetlands, Watercourse and Water Bodies 15 Pages
- Town Code Chapter 162 Noise 6 Pages
- Natural Resource Management Plan for the Fishkill Creek Watershed 177 Pages
- Online Environmental Data Base Results 60 Pages (estimate)

This totals 614 pages of largely nonrelated information

Each of those reports/documents certainly may contain some small amount of information relevant to this SDGEIS. But, it was the obligation of the preparer to extract and reference such particular information. The inclusion of the entire document creates for the involved agencies, public officers and the public at large, a task of searching for the proverbial “environmental needle in the document haystack”.

This is not a critique of document style. The SEQRA process is purposely structured to include and encourage public review and comment on what the EIS preparers provide with respect to the potential adverse (as well as positive) impacts of the proposed action, and what mitigation proposals are being proposed. The SDGEIS should have extracted and explained the relevant data which is related to the specific actions which the document is examining.

An overwhelming portion of the information in those 614 pages has nothing to do with the environmental impacts of the rezoning proposals. Thus, it inevitably discourages interested parties and the community at large from even attempting to review and comment on the document, exactly what the SEQRA handbook directions sought to avoid in the requirement that “EIS’s should not contain more detail than is necessary to address the nature and magnitude of the proposed action and the significance of its potential impact.”

The ordinary SEQRA procedure anticipates that the Final Environmental Impact Statement will address comments and make any needed amendments to the DEIS and/or amendments to the proposed action; But here, where an entire SDGEIS is totally defective, it is necessary that the document be withdrawn, and proper document prepared.

There are a number of other deficiencies in this SGEIS:

- 1) In its Executive Summary it totally fails to explain to the public that the proposed rezoning would permit the following new uses in this currently “low impact” retail corridor.

Additional Uses Permitted as Result of Rezoning to “C” District

Ambulance Service	Auto towing (light duty)
Auto audio installation service	Auto muffler service
Auto brake service	Auto quick lube and oil change
Auto car wash	Auto sales
Auto detailing	Auto state inspection service
Auto diagnostics	Auto tire sales and service

- 2) In its examination of land use impacts the document fails to inform that the rezoning will encourage development/expansion of auto related uses in the corridor, and that its character will change as a result.
- 3) The conversion of low impact commercial area to a plethora of auto related uses will inevitably result in a “gasoline alley” strip, which will have an adverse impact on those non-auto related uses that will remain.
- 4) And the impact of a “gasoline alley” corridor for those residential properties that must be accessed thru the corridor is a potential adverse impact that must be examined.
- 5) The SDGEIS assumes that this rezoning will have a positive economic impact that will benefit the Town. There is no economic analysis provided to establish that assertion.
- 6) The SDGEIS assumes that the rezoning is needed to address the alleged hardship to those property owners who have pre-existing zoning permitted uses and must obtain variances in order to expand or remodel etc. on their site, yet, it provides no information on whether these have been unreasonably denials of such variances, nor what the design/land use impact might be if there was suddenly an “as of right” zoning regulation for them which would allow expansion and change without the careful examination process produces.
- 7) There is no examination of the socio-economic impacts on existing land use occupants who would be forced out by the presumed higher volume uses created by the proposed zoning action. Where will those businesses, residents go? What jobs will be lost by local residents?
- 8) The traffic study provides some useful data. The Stewart’s proposed development would provide 150, 182, 170 peak hour trips at various peak hours. It fails to examine the impacts if similar volumes are induced on other parcels as a result of the development. This is not a limited access corridor, as a result each parcel driving is effectually an intersection, inducing similar volumes at each driveway, particularly the difficult inbound and outbound left turns, have potential for additional delays and traffic accidents. The study does not look at the potential for mitigating the left turn impacts that would be exacerbated by the higher volume auto related uses.

- 9) The rezoning somehow assumes that there is a need/demand for more auto related use in the corridor. Yet no data or study is provided to establish that as a reasonable assumption.
- 10) There are several parcels that are vacant or utilized for interim uses. To address this the Alternative Section of the SDGEIS should examine whether there might be an alternative that would permit several additional non-automotive uses in the existing zoning districts.

I would be happy to respond to any questions or suggestions your Board may have with respect to my comments.

Respectfully submitted,



Nathaniel J. Parish, AICP
for PARISH & WEINER, INC.

NJP: ms
Encl.

C. C. Majac Enterprises, Inc.
C. C. Keane & Beane, P.C.

Parish & Weiner Inc.

PLANNING, DEVELOPMENT AND TRAFFIC CONSULTANTS

**297 Knollwood Road, Suite 315
White Plains, New York 10607**

(914) 997-7200

(914) 997-7201 (fax)

pwm101@verizon.net

Nathaniel J. Parish, P.E., A.I.C.P.
George M. Raymond, A.I.A., A.I.C.P. (1919-2015)
Michael Weiner, A.I.C.P. (1938-1995)
Bernard Buller, A.P.A

Senior Consultants

Richard Hyman, A.I.C.P.
John Sarna, P.E., I.T.E.

Mr. Parish has been a principal of the predecessor firm (Raymond Parish Pine & Weiner, Inc.) and this firm since 1964. He has supervised and prepared many of the firm's broad variety of environmental impact, traffic, land planning, comprehensive planning, zoning, community development and housing studies. Clients have included public agencies, private developers, non-profit organizations and concerned neighborhood groups and property owners.

For private clients, Mr. Parish has prepared and processed zoning, subdivision, site plan and variance applications. He has served as an expert witness in land use, traffic, zoning and environmental impact litigation for both public and private clients.

Mr. Parish has prepared and supervised a broad range of comprehensive planning, land planning and environmental impact studies for a broad range of municipal and private clients throughout virtually all of Westchester County.

For public clients, Mr. Parish has supervised the preparation of comprehensive plans, zoning and subdivision studies and regulations, and site related planning studies.

For private land development projects, Mr. Parish has supervised and prepared environmental impact statements under both the New York State Environmental Quality Review Act (SEQRA) and the National Environmental Protection Act (NEPA). This has included over 50 projects principally in the various New York Metropolitan Area counties, New York City and extending into the Hudson Valley Area (Rockland, Orange, Ulster, Dutchess and Putnam Counties). The projects have included: large office parks of a million square feet or more, major shopping malls, large planned residential communities as well as residential subdivisions, and special purpose uses such as a large gaming casino and a variety of public uses.

Mr. Parish currently serves as a consultant to the Builders Institute of Westchester and Putnam Counties on matters relating to land development, policy and regulations.

Nathaniel J. Parish, P.E., AICP, President

Mr. Parish previously held engineering and planning positions with the U.S. Bureau of Reclamation, U.S. Corps of Engineers, New York City Planning Department, and several consulting firms. He also served as an Assistant Base Engineering Officer with the U.S. Air Force.

Mr. Parish did his undergraduate work in civil engineering at City College of New York and his graduate work in planning and housing at the Columbia University School of Architecture. He is a licensed Professional Engineer (New York State) and a member of the American Institute of Certified Planners.

Mr. Parish has served as first Vice President of the National Housing Conference, chairman of the legislative committee of the New York State Association of Renewal and Housing Officials, Vice President of the Builders Institute of Westchester, and President of the urban planning division, Metropolitan Section, of the American Society of Civil Engineers. He has served as a consultant for the Environmental Law Division of the N.Y. State Bar Association and also as a panelist on environmental and land use issues for the National Association of Home Builders. He has served as a member of the Multi-Family Committee of the National Association of Home Builders, the Development and Redevelopment Committee of the National Association of Renewal and Housing Officials, the Legislative Committee of the New York State Conference of Mayors, the National Association of Environmental Professionals and the New York State Association of Environmental Professionals. Mr. Parish has been a lecturer in planning and housing at Pratt Institute, the University of Connecticut, and the University of Pennsylvania. He has served as an examiner for the American Institute of Planners and the New York City Civil Service Commission.

Mr. Parish was a 1975 recipient of the Engineer of the Year Award of the New York State Society of Professional Engineers, Westchester County.

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Sent: Wednesday, September 1, 2021 10:04 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: In opposition to developing

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Christine O'Reilly-Rao

120 Stringham Rd.
LaGrangeville, NY 12540

From: Steve McKenna <stevecoach460@gmail.com>
Sent: Tuesday, August 31, 2021 8:46 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Subject: In opposition to developing

This is an idea at best heedless of community concerns, and at worst suspiciously suggestive of an illicit relationship between leaders and investors.

There is no need for gas stations here, we have more than enough.

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Sent: Thursday, September 2, 2021 9:21 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: SDGEIS

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Matt <milardi74@gmail.com>
Sent: Wednesday, September 1, 2021 2:39 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Subject: SDGEIS

Good Afternoon,

I am writing to you in regards to the proposed commercial rezoning on Route 55. I strenuously oppose this plan as our community does not need to end up like HopeWell Junction or other overpopulated commercial areas. My family moved to this location because it's a more rural area and we do not want to see our thoroughfares bogged down with traffic as well as the negative impacts on our water and infrastructure.

I would urge you, our public servant, that you would vote in line with what the residents of the community want. In the current climate many are fed up with elected officials going against the will of the people. I strongly urge you to keep that in mind when this comes to a vote or you may end up out of your job.

Regards
M. Ilardi

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Sent: Wednesday, September 1, 2021 10:00 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Stop

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Annamartinlgv@gmail.com <annamartinlgv@gmail.com>
Sent: Tuesday, August 31, 2021 11:12 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Subject: Stop

I am opposed and have concerns for the environmental impacts the SDGEIS fails to consider. With all the development going on in LaGrange, there is no consideration given to other projects going on in the area that will impact traffic, water and available infrastructure to serve the new Commercial uses proposed with this rezoning.

We need a clear plan for this area with a proper evaluation—not commercial rezoning that caters to select interests of a few property owners. The environment and quality of life in LaGrange are at stake. We do NOT need more Gas stations in this area. Thank you.

Sincerely,

Anna Martin



Sent from my iPhone

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Sent: Wednesday, September 1, 2021 10:11 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Please reject the Route 55/82 Rezoning for Intense Commercial Uses

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Christine O'Reilly-Rao

120 Stringham Rd.
LaGrangeville, NY 12540

From: ursula macpherson <info@lagrangepandobetter.com>
Sent: Saturday, August 21, 2021 3:21 PM
To: Eileen Mang <emang@lagrangenyny.gov>; Alan Bell <abell@lagrangenyny.gov>; Joseph Luna <jluna@lagrangenyny.gov>; Edward P. Jessup <ejessup@lagrangenyny.gov>; Richard Ryan <rryan@lagrangenyny.gov>; Gary Baright <gbaright@lagrangenyny.gov>; Christine O'Reilly-Rao <oreillyrao@lagrangenyny.gov>
Subject: Please reject the Route 55/82 Rezoning for Intense Commercial Uses

Dear LaGrange Officials,

Please consider the will of the citizens and reject the proposed rezoning and Comprehensive Plan amendment related to the nineteen properties east of the Taconic Parkway at Billings Four Corners.

Allowing intense Commercial uses, such as gas stations, auto services, major auto repair, fast food restaurants, motels, nightclubs and warehousing, will permanently destroy the character of our community with Route 9 style traffic and sprawl. LaGrange can do better.

I respectfully urge you to consider my opposition and reject this proposal.

Sincerely,

ursula macpherson

15 wildrose lane
Lagrangeville, New York, 12540

Dumacp@yahoo.com
(845) 471-0623

174.44.98.39

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, September 8, 2021 2:18 PM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Traffic @ 55 & 82

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Christine O'Reilly-Rao

120 Stringham Rd.
LaGrangeville, NY 12540

From: Keith Lurken <keithlurken@gmail.com>
Sent: Saturday, September 4, 2021 10:23 AM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Traffic @ 55 & 82

No matter what transpires, the state should finish the redesign of the intersection. Ever since the east/west crossovers on the Taconic were closed, the traffic on rt 82 has at least tripled, along with commercial traffic such as the tankers that run 24 hrs from Mass. to N.J., routed on rt 82 by their dispatchers to avoid tolls on I 90 & I 87. Their constant use of engine brakes coming through Moores Mill in the middle of the night constantly disturb a good nights sleep. The towns should make "Jake Brakes" illegal in residential areas. Our section of rt 82 was changed from commercial to residential in the late 20th century.

The intersection @ 82 & 55 should be redesigned so rt 82 would also have left turn lanes north & south, as well as right turn lanes in each direction. I have sat for many light changes on rt 82 in both directions because of people waiting to make left turns to rt 55. There is plenty of room @ the intersection for these improvements.

Thank You for this opportunity to express this viewpoint,
Keith Lurken
2811 Rt 82 & 18 Wells Dr.
keithlurken@gmail.com

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangenys.gov>
Sent: Friday, September 3, 2021 3:39 PM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Opposed to the rezoning of Route 55\82

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: Laura Lowe <packcamp21@aol.com>
Sent: Friday, September 3, 2021 3:20 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangenys.gov>
Subject: Opposed to the rezoning of Route 55\82

I feel commercial rezoning will cause unwanted excess traffic, water run off problems and will ruin the Village of LaGrange forever. It will no longer be the nice quiet country Village I have lived in and loved my entire life. If the Village of LaGrange is designated commercial it will no longer be a nice country village it will be destroyed and turned into a city with too much traffic, noise and light pollution. I encourage the town not to let this happen to LaGrangeville the place that I grew up in and love, please don't let it be destroyed forever.

Sincerely,
Laura R. Lowe
2092 Route 82
LaGrangeville, N.Y. 12540

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, September 8, 2021 2:17 PM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Route 55/82 Commercial Rezoning

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Lo-Soun Su <losounsu@yahoo.com>
Sent: Friday, September 3, 2021 4:59 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Route 55/82 Commercial Rezoning

Dear Ms. O'Reilly-Rao,

We oppose the Route 55/82 Rezoning project/proposal because

(1) Our concern for the significant impacts Route 55/82 Commercial Rezoning will have on the environment/traffic and quality of life in LaGrange.

(2) With all the rapid development going on in LaGrange, there is no comprehensive consideration given to other projects going on in the area that will impact future traffic, water and available infrastructure to serve the new Commercial uses proposed with this rezoning.

Thank you for your attention!

Sincere yours, Lo-Soun and Jean Su (Lagrange Residence)

Mark Jennings
41 Guernsey Hill Road
LaGrangeville, NY 12540

Town Board of the Town of LaGrange
120 Stringham Road
LaGrangeville, NY 12540

September 2, 2021

For the attention of Mr. Alan Bell Town Supervisor

Re: Adoption of Amendments to 2005 Comprehensive Plan

Proposed parcel east of the Taconic State Parkway from GB to C

Specifically, the RT 55 & RT 82 parcels. "The old Ryan Oil Building and empty corner lot"

I write in connection with the above planning application. I have examined the plans and know the site well. I lived in the hamlet of Billings on for 40 years and now reside on Guernsey Hill Road. I wish to offer my support to the proposal, for the reasons outlined below. I have seen the parcels in Billings sit vacant for decades. Some call it an eyesore. Like you mentioned in the March 13, 2019, hearing. No developer or business has expressed any interest to invest in putting anything in those sites for decades.

I am aware of the concerns of some in the community that this proposal will enhance development and in turn will damage the character of the town. The residents are voicing concerns about the need of another gas station, another Dunkin Donuts, etc.. Some want a mom-and-pop donut shop. I only wish they would understand that an owner of a Dunkin Donuts is living out the American Dream. It's the new mom and

pop have you. They are typically an independent franchise owner.

I also wish they would understand how great of a community partner Stewart's Shops are. They are an industry leader by far in offering the Electric Vehicles Charging Stations. That's the future. Not the current retail fuel stations that line the Rt 55 corridor. They are American owned and operated. They offer health benefits, Employee Stock ownership plans, paid vacations, scholarship programs, paid maternity leave along with other many benefits. I don't think the current fueling stations in this corridor offer the same. And I believe that LaGrange is a town well suited to sympathetic and well-planned expansion. The Town Board has done an exemplary job in the development of the town. Boarding towns should take notice in my opinion.

We all know the Town of LaGrange is a highly desirable place to live. It's in league of its own when compared to other towns in the county and the state. This proposed local law amending the zoning map is welcomed in the section of the community that knows what's best.

Sincerely,

A handwritten signature in cursive script that reads "Mark Jennings".

Mark Jennings

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Wednesday, September 1, 2021 10:02 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Supplemental Draft Generic Environmental Impact Statement (SDGEIS) for the Route 55/82 Commercial Rezoning.

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: Chris Hongach <wjhclh@optonline.net>
Sent: Wednesday, September 1, 2021 8:04 AM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Supplemental Draft Generic Environmental Impact Statement (SDGEIS) for the Route 55/82 Commercial Rezoning.

There is no consideration given to other projects going on in the area that will impact traffic, water and available infrastructure to serve the new Commercial uses proposed with this rezoning. I am especially worried about MY water (since this effects MY aquifer) and the TRAFFIC, on a 2 lane state road coming into Billings, where there is a history of terrible accidents.

Thank you.

William and Christine Hongach

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Sent: Wednesday, September 1, 2021 10:06 AM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Rezoning

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: MaryAnn Gillespie <maryann.inspirations@gmail.com>
Sent: Tuesday, August 31, 2021 10:22 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeney.gov>
Subject: Rezoning

Dear Zoning Board:

It is my concern that the rezoning in the area of Rt55 and Rt82 will have devastating affects on the town of LaGrange both environmentally and upon the infrastructure in this area. I beg you not to pass the legislation under consideration. Preserve our town's unique composition...please!!!!

Sincerely,
MaryAnn Gillespie

Sent from my iPhone

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Friday, September 3, 2021 3:39 PM
To: David J. Cooper
Cc: Justin Steinbach
Subject: FW: Route 55/82 Commercial Rezoning

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

From: clemens <tclemens@optonline.net>
Sent: Friday, September 3, 2021 3:35 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Route 55/82 Commercial Rezoning

Lagrange Town Board,

We would like to reiterate our opposition to the proposed Commercial Rezoning of the parcels in the vicinity of the Route 55 and Route 82 intersection. Aside from a desire to preserve the rural environment that we enjoy so much, we are extremely concerned regarding the impact on the environment, specifically the water table.

How many gas stations do we need? The intersection is already polluted and we are concerned that that pollution will only spread if the rezoning passes...we are only 1/2 mile away. Aside from making our well water undrinkable, it would also effect home values in the area.

We can not understand the lack of common sense in proposing, or voting, for this rezoning. We can only surmise that the moneyed interests of a few, are overriding the wishes of the many, even if some are not being vocal. Shame on anyone on the Town Board that votes for this and demonstrates the continuation of town politics in the usual manner. We certainly will not be voting for anyboard member that supports this action!

Respectfully,

Francine and Thomas Clemens

Justin Steinbach

From: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Sent: Friday, September 3, 2021 10:02 AM
To: Alan Bell; Edward P. Jessup; Joseph Luna; Richard Ryan; Gary Baright
Cc: David J. Cooper; Justin Steinbach
Subject: FW: Re-zoning

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Christine O'Reilly-Rao
120 Stringham Rd.
LaGrangeville, NY 12540

-----Original Message-----

From: john cantamessa <jcanta909@yahoo.com>
Sent: Thursday, September 2, 2021 7:30 PM
To: Christine O'Reilly-Rao <oreillyrao@lagrangeny.gov>
Subject: Re-zoning

Build, expand, re-new, improve!
Go for it!

John Cantamessa

Sent from my iPhone

19 August 2021

Town Supervisor Alan Bell
120 Stringham Road
LaGrangeville NY 12540

RE: Rezoning of Routes 55 East of the Taconic

Dear Supervisor Bell:

I'm writing to tell you that I am *against* the proposed rezoning of properties along Route 55 east of the Taconic from General Business and Town Center-Business to Commercial.

- Rezoning will irreparably damage the rural flavor of LaGrangeville and will turn that part of town into yet another gasoline alley. The zoning allows for all kinds of polluting automotive businesses, such as tire companies and oil-changing companies. What studies have been completed to assure us that the proposed rezoning will not result in overdevelopment of our rural community and extensive pollution from the additional automotive businesses?
- Commercial zoning would allow still more gas stations, lube facilities, fast-food places, more warehousing—all of which we already have—especially gas stations—in abundance. There's a gas station at 1502-1504 Route 55, a gas station at 1215 Route 55, 1220-1224 Route 55. The properties are all located within 1.5 miles of each other. In addition, Page Park is advertising its property at 22 Taconic Center Lane on loopnet for sale as use as a gas station. The Town has also received an application from Stewart's Shops to develop a gas station convenience store on the property located at the intersection of Route 82 and Route 55—across the street from the existing Exxon station located at 1502-1504 Route 55. To allow a Stewart's convenience store and gas station at the intersection of Routes 55 and 82 is overkill because there are already 6 gas stations within a 2-mile radius of that intersection. Has the Board taken into consideration that by 2030, the very near future, electric cars will be the dominant form of transportation, rendering all these gas stations useless? Has the Town Board considered implementing other zoning requirements to limit the development of gas stations in our Town, such as a distance separation requirement between gas stations? How will the Town prevent Route 55 from developing into gasoline alley?
- Many of the allowable businesses in a commercial zone could also pose terrible hazards to the environment through oil and gas seepage, which is inevitable. Has the Board considered what an oil spill would do to the land or water? There have been several oil spills in the area. What has the Town Board done about them? It is very difficult to redevelop an abandoned gas station use into different uses in the future after any contamination on the property. How can this concern be addressed?

- It doesn't take a major accident to permanently pollute the water supply and kill off local fauna and flora. What remediation would the Town impose on a business that was responsible for such spills?
- What remediation would the Town provide to property owners whose wells were permanently polluted?
- Under the current General Business zoning and Town Center Business zoning, many other businesses could have taken root along this stretch of highway but haven't. Why would changing the zoning make the Town think that businesses would now be attracted to this stretch?
- How would the rezoning benefit the Town residents and not just a few business owners?

LaGrange/LaGrangeville used to be farmland and orchards. But what's happening now is creating a hodgepodge of uses. There's no apparent cohesive planning or logic in place to regulate and control how LaGrange/LaGrangeville is expanding.

I urge you to not only say no to the rezoning of Route 55 but to also call a moratorium on building until more thought has been given to the consequences of what more building will do to our Town and consider a full review of the Town's Comprehensive Plan.

Cordially,



Susan Kavy
28 S Cross Road
LaGrangeville, NY 12540

cc: Councilperson Joseph J. Luna
Councilperson Edward P. Jessup
Councilperson Gary Baright
Councilperson Richard Ryan
Town Clerk Christine O'Reilly Rao

19 August 2021

Town Supervisor Alan Bell
120 Stringham Road
LaGrangeville NY 12540

RE: Rezoning of Route 55 East of the Taconic

Dear Supervisor Bell:

I want to express in the strongest terms possible my opposition to the proposed rezoning from General Business and Town Center Business Zoning to Commercial Zoning of Route 55 east of the Taconic.

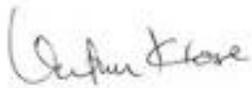
Rezoning will increase the number of cars. That increase in cars will raise noise and air pollution levels and could well lead to additional oil and gasoline spills into the environment. It would also permanently alter the character and flavor of LaGrangeville and turn it into another Route 9. Here are my questions for the board:

1. What was the purpose of the revamped Comprehensive Plan that was adopted in 2005? The Town keeps amending the Comprehensive Plan in small segments. The Town should consider preparing a complete Comprehensive Plan Update.
2. What benefits will the proposed rezoning bestow on the entire community of LaGrangeville?
3. The Board should update the Comprehensive Plan in a thoughtful, deliberate fashion—getting comments from both inside and outside the Board to devise an overarching vision of what LaGrangeville should be twenty or more years from now. Right now, LaGrangeville’s growth is being done piecemeal, with no cohesiveness or logic to it. Sort of a patchwork of something here, something over there. Why has the Board not prepared a Comprehensive Plan Update? The Comprehensive Plan is sixteen years old. Our community has experienced exponential development in that time. The Town Board needs to reevaluate the long-term plan for the entire community.
4. Did the SDGEIS take into account the disruption and possible eradication of much of the local habitat’s fauna, such as the Blandings turtle, foxes, raccoons, coyotes, songbirds, etc? What studies were completed specific to this project? What was the result of those studies?
5. Did this SDGEIS take into consideration what increased building of residential and commercial spaces would do to the water table? Please include the studies and conclusions.
6. Did the SDGEIS consider that there might not be *enough* water for an increased population? Please include the studies and conclusions.

7. Did the SDGEIS consider what seepage of oil and gasoline into the groundwater would do? Please include the studies and conclusions.
8. What would any kind of seepage do to native fish, frogs, ducks, skimmers and other water-dependent creatures? The SDGEIS fails to discuss this issue.
9. Seepage is almost inevitable. What actions would the town take to clean up any seepage? Why aren't these issues addressed in the SDGEIS?
10. What would the town do if wells were permanently polluted? Please explain in detail.

I'll look forward to getting answers from you.

Cordially,



Victoria Klose
28 S Cross Road
LaGrangeville, NY 12540

cc: Councilperson Joseph J. Luna
Councilperson Edward P. Jessup
Councilperson Gary Baright
Councilperson Richard Ryan
Town Clerk Christine O'Reilly Rao

Appendix B: DSGEIS Public Hearing Comments

The public hearing on August 25, 2021, held at LaGrange Town Hall, was audio recorded. This recording is available upon official request through the Town of LaGrange, subject to the Freedom of Information Act (FOIL request).

Page 1

1
2 TOWN BOARD
TOWN OF LAGRANGE, NEW YORK
3 -----x
4 ROUTE 55/82
5 -----x
6 August 25, 2021
Town of Lagrange Town Hall
120 Stringham Road
7 Lagrangeville, New York 10901
8 7:07 p.m.
9
10
11 BEFORE:
ALAN BELL, Chairman
12 JOSEPH LUNA
EDWARD JESSUP
13 RICHARD RYAN
14
15
16 PRESENT:
PAUL ACKERMAN, ESQ., Town Attorney
17 CHRISTIE O'REILLY-RAO, Town Clerk
18
19 FOR THE APPLICANT:
DAVID COOPER, ESQ.
20 Zarin & Steinmetz
81 Main Street
21 White Plains, New York 10601
22 (Not present)
23
24
25

Page 2

1 ROUTE 55/82
2 MR. BELL: Next up is the main event, the
3 public hearing for the Route 55/82 Corridor
4 rezoning. Do I have a motion to open the
5 public hearing?
6 MR. JESSUP: So moved.
7 MR. RYAN: And I'll second.
8 MR. BELL: Second by Richie. All in
9 favor?
10
11 (A chorus of "ayes.")
12
13 MR. ACKERMAN: I just want to make one
14 comment.
15 MR. BELL: Okay.
16 MR. RYAN: So this is a public hearing
17 pursuant to SEQRA.
18 MR. BELL: Right.
19 MR. RYAN: So the public is allowed to
20 comment on this. The comments will be
21 recorded, and there's going to be an
22 opportunity for the town to respond to those in
23 writing in a formal document. I just want to
24 say that it's probably not in the best interest
25 of the board to get into a back and forth or to

Page 3

1 ROUTE 55/82
2 answer questions at this time just because that
3 is not really provided for in the SEQRA law.
4 So this is really just an opportunity for the
5 public to comment.
6 MR. BELL: All right. Thank you. As a
7 clarification for those of you who may not be
8 as familiar with the lingo. SEQRA is an
9 acronym that stands for the State --
10 MR. RYAN: Environmental.
11 MR. BELL: -- Environmental Quality Review
12 Act. And in layman's terms, that's the
13 environmental review process associated with
14 changes to laws, projects, and anything in
15 front of the -- most of the board. It's a
16 state requirement that is part of the process
17 where environmental impacts are -- are
18 considered. And as the attorney stated, the
19 process at this point of the public hearing is
20 to gather input from the public. And the
21 process following that is for the -- the town,
22 which means the town board, its consultants,
23 and any other folks who might want to
24 participate in the process to hear those
25 concerns, to analyze the -- the seriousness of

Page 4

1 ROUTE 55/82
2 the concerns, and address those comments in
3 writing in a -- in a formal environmental
4 assessment document. And so this is the piece
5 of the process where we gather our input from
6 the town.
7 UNIDENTIFIED SPEAKER: Just to be clear --
8 just to be clear, we are going to make
9 comments.
10 MR. BELL: That's correct.
11 UNIDENTIFIED SPEAKER: And you are not
12 going to respond.
13 MR. BELL: Not at this time.
14 UNIDENTIFIED SPEAKER: And --
15 MR. BELL: The process is to gather those,
16 perform some degree of analysis on the
17 concerns, and then address them and respond to
18 them formally in writing.
19 UNIDENTIFIED SPEAKER: And when will that
20 be?
21 MR. BELL: It will be at a future meeting.
22 And I can't tell you which date it is, because
23 it depends entirely on the amount of
24 information we get, and the amount of work
25 that's required to put together the written

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 2 document.
 3 **UNIDENTIFIED SPEAKER:** Will that response
 4 be an email to the people in the town?
 5 **MR. BELL:** No. It will be -- it will be
 6 in the form of a document, which will be made
 7 available to the public on our website or by
 8 any other request that comes in. And it will
 9 be accepted in the town clerk's office, and
 10 there will be a future meeting scheduled for
 11 its review and potential acceptance by this
 12 board.
 13 **UNIDENTIFIED SPEAKER:** Or decline.
 14 **MR. BELL:** Or decline. That's why I said
 15 potential acceptance.
 16 **UNIDENTIFIED SPEAKER:** That was my
 17 question. So the public does have access to
 18 the answers --
 19 **MR. BELL:** Correct. Correct. And by the
 20 way, the chances are very, very high that we
 21 will accept the document. Because the nature
 22 of the document, that is not whether this
 23 action will take place or not. It's simply our
 24 response to and our assessment of the
 25 environmental impacts. So that document is

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 2 almost certainly going to be accepted one way
 3 or the other. What we do as a result of that
 4 analysis is a different thing.
 5 **UNIDENTIFIED SPEAKER:** And you have
 6 several more public hearings on that.
 7 **MR. BELL:** We'll have at least one more
 8 public hearing after this one, yes.
 9 Do I have a motion to open the public
 10 hearing?
 11 **MR. RYAN:** So moved.
 12 **MR. JESSUP:** I think it was already --
 13 **MR. BELL:** Okay. So if there are any
 14 public comments, please raise your hand and
 15 wait to be recognized. I'm going to start with
 16 the gentleman over here who came up to ask the
 17 question. I believe your question was whether
 18 the change in the zoning status takes
 19 single-family homes from being a permitted use
 20 and makes it a non-permitted use. And I
 21 believe the answer to that question is yes.
 22 **UNIDENTIFIED SPEAKER:** Yes. I'm just
 23 trying to make sure I understand what I'm
 24 reading.
 25 **MR. BELL:** And by the way, if I may, to

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 2 return to the comment, the previous thing, that
 3 would make that parcel move to the
 4 classification of a pre-existing nonconforming
 5 use. And what that means is, it's -- it's --
 6 it's technically a nonconforming use. But when
 7 they exist when that change is made, that
 8 doesn't mean that those things can't be used
 9 anymore. It just means that they are
 10 technically no longer conforming with the code.
 11 But that doesn't mean that people have to move
 12 out and sell their house or tear it down and
 13 build a business or anything. That's not the
 14 impact --
 15 **UNIDENTIFIED SPEAKER:** It just means no
 16 future people. You can't -- you can't add
 17 additional single-family dwellings.
 18 **MR. BELL:** To existing lots, right.
 19 That's correct. You can't build -- you would
 20 not -- after the -- if -- if this change took
 21 place, the one lot in the entire collection
 22 that is actually a vacant lot would not be able
 23 to have somebody build a single-family home on
 24 it. That's correct.
 25 **UNIDENTIFIED SPEAKER:** Do you know how

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 2 many -- so the single-family homes that already
 3 exist are not going to be effected?
 4 **MR. BELL:** That's correct.
 5 **UNIDENTIFIED SPEAKER:** Okay.
 6 **MR. BELL:** That's correct. It doesn't
 7 have any effect on existing single-family
 8 homes. And as I said, of all the lots that are
 9 involved in this action, there's only one
 10 that's currently vacant. So that lot, the
 11 owner would not be able to put a single-family
 12 home on. That's correct.
 13 **UNIDENTIFIED SPEAKER:** So if one of those
 14 single-family units that currently exists, if
 15 they sell their house, or want to sell it, does
 16 it affect that, at all, if they were going to
 17 move out, or if they are deceased and new
 18 people --
 19 **MR. BELL:** You are asking whether the fact
 20 that it's nonconforming would affect the value
 21 of the sale of the house? I've never heard --
 22 I've never heard of that.
 23 **UNIDENTIFIED SPEAKER:** For future use.
 24 They would be able to sell the house and all
 25 that.

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 2 **MR. BELL:** Correct. It doesn't affect any
 3 of those things.
 4 And now, I'm going to interrupt myself
 5 just for a second to point out that when we
 6 said before we wouldn't be responding, if
 7 somebody is going to be asking me a direct
 8 factual question, then that may be something
 9 that I would answer just in terms of clarifying
 10 what it is you're looking at and helping you
 11 understand the process or the details of
 12 something. But what he -- what I think our
 13 attorney is suggesting is we are not going to
 14 engage in a debate about the importance and the
 15 validity of the concerns. That's what the
 16 purpose of the analysis that takes place
 17 afterward is. It's for us to thoughtfully
 18 consider this, and look at the concerns,
 19 perform a studies and analysis of what we think
 20 is appropriate, and address them formally in a
 21 written comment. Sir, I think you had your
 22 hand up. Thank you. Did I answer all your
 23 questions?
 24 **UNIDENTIFIED SPEAKER:** For now.
 25 **MR. BELL:** Perfect.

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 2 that an expansion of more than 50 percent would
 3 not be allowed?
 4 **MR. ACKERMAN:** Correct.
 5 **MR. BELL:** I believe that's correct. That
 6 goes back to the previous -- and again, it's
 7 interesting that it happened this way. The
 8 previous one we were talking about, if you
 9 recall, there was a discussion about whether
 10 nonconforming uses could be expanded by up to
 11 50 percent or not, and whether we should make
 12 that a smaller number. The current
 13 nonconforming use says that you can expand a
 14 nonconforming use by 50 percent. I guess,
 15 technically, that would mean if somebody wanted
 16 to build an expansion to their house, it would
 17 be limited by 50 percent. And the reason I
 18 said "technically" is I frankly have never
 19 heard of this coming up before with a home.
 20 Almost always, that law is interpreted with
 21 respect to commercial properties. I don't -- I
 22 don't ever remember the issue even surfacing
 23 before with respect to a single-family home.
 24 Next. Anyone else? Peter, you want to
 25 come up?

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 2 **UNIDENTIFIED SPEAKER:** It's a continuation
 3 of a previous question.
 4 **MR. BELL:** If you could come up so that we
 5 can hear. Make sure that we capture it. We
 6 are capturing the comments on tape. And if you
 7 are talking back there, you are probably not
 8 going to get captured by the mic.
 9 **UNIDENTIFIED SPEAKER:** In continuation of
 10 the previous question. Is it possible to do
 11 major upgrades to a house if it's
 12 nonconforming?
 13 **MR. BELL:** My understanding is that it
 14 that it doesn't effect single-family homes in
 15 any meaningful way. Is that true? Is that
 16 your feeling as well?
 17 **MR. RYAN:** The only time it affects it is
 18 if the house is demolished, and they couldn't
 19 build a new one or an expansion of the
 20 nonconforming use.
 21 **MR. BELL:** Right. Other questions and
 22 comments?
 23 **UNIDENTIFIED SPEAKER:** Did I just --
 24 **MR. BELL:** Sorry.
 25 **UNIDENTIFIED SPEAKER:** Did I understand

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 2 **MR. LUCAS:** Peter Lucas [ph.]. 330
 3 Skidmore Road.
 4 Let's see. A couple of questions. How
 5 does the zoning change fit into the town of
 6 Lagrange open space plan? Not looking for an
 7 answer. Just trying to get this on the record.
 8 **MR. BELL:** Okay.
 9 **MR. LUCAS:** In the plans -- in the open
 10 space plan, there was a community survey where
 11 82 percent of the residents said it was very
 12 important to consider rural character and open
 13 space resources in the town of Lagrange. In
 14 fact, only three percent said it was not
 15 important. In the open space plan, the vision
 16 map, Route 55 east of the Taconic State Parkway
 17 was specifically identified as a scenic road to
 18 preserve as the gateway to the town center from
 19 the east. Also, in that same vision map, Route
 20 82 is specifically targeted as an important
 21 scenic roadway to preserve. The map also
 22 identifies natural areas, greenway corridors
 23 and trails that are priorities. In that, the
 24 wetlands along 82, the Sprout Creek Corridor,
 25 and Red Wing Trail System have all been

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 2 identified as priorities in our open space
 3 plan. How does this zoning change fit into the
 4 town's comprehensive plan, and is the open
 5 space plan part of the town's comprehensive
 6 plan?
 7 Has the town consulted hydrologist
 8 concerning our aquifers and how they may be
 9 effected by this change. The open space plan
 10 discusses aquifers to supply water, not only to
 11 those of us on wells, but also to the town's
 12 water supply, which is also sourced from wells.
 13 It explains the importance of aquifer recharge
 14 areas and difference between the primary and
 15 secondary area. It also explains the
 16 importance of buffer land adjacent to the
 17 recharge area. So the open space plan, the
 18 water resources map, it shows primary recharge
 19 areas both north and south of Route 55 in the
 20 proposed rezoning area. It also shows primary
 21 recharge areas along Route 82. Surrounding
 22 these recharge areas are upland areas that
 23 drain into this area. Some of these areas are
 24 quite steep and offer little chance for the
 25 surface water to filter before entering the

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 2 will the steep slope to the south of Route 55
 3 be allowed to be blasted away, because it does
 4 not appear to be suitable for commercial
 5 development. Where will the runoff go? There
 6 is a creek to the north of 55, which runs into
 7 the Sprout Creek which runs into a larger
 8 aquifer recharge area west of the Taconic State
 9 Parkway that refills our aquifer. New York
 10 City has vast amounts of protected lands around
 11 their reservoirs to prevent contamination. Our
 12 aquifers are our reservoirs. How is it that we
 13 get by with a few hundred feet buffer, and
 14 that's sufficient for the long-term viability
 15 of our aquifers? Is it a good idea to put
 16 commercial industries in exactly the recharge
 17 areas or on upland adjacent to these areas that
 18 can eventually affect our water quality?
 19 Nature preserves and natural habitat finished
 20 in the top three priorities in the community
 21 survey. The importance of intact natural
 22 habitat is critical to the survival of new
 23 species. Privatization of land through poorly
 24 planned development has had a catastrophic
 25 effect on many animals' ability to survive.

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 2 recharge area. Now, I don't know if there's a
 3 simple way to say this. But in the DSGEIS
 4 report -- how do you guys say that?
 5 **MR. BELL:** You got it.
 6 **MR. LUCAS:** Okay. It appears that the
 7 water expert has (inaudible) and water
 8 filtration and town water systems. A
 9 hydrologist is a scientist that could actually
 10 provide more in-depth answers to many concerns
 11 about our ground water and how to preserve it
 12 for future generations. For instance, how long
 13 would it take a spill of oil, gas, hydraulic
 14 fluid, or other solvents used in the oil
 15 industry to reach our groundwater, which are
 16 now all possibilities in the rezoning.
 17 When an oil truck crashed off Route 82, by
 18 the time the clean-up crew got there, the oil
 19 was gone. There was nothing for them to clean
 20 up. It already absorbed into the soil. How is
 21 that going to effect our long-term water
 22 viability? What typically runs off of the gas
 23 stations and impervious services into the
 24 drainage water each year, and how can that
 25 effect groundwater? Will the steep slope --

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 2 But Hudsonia, an institute for research,
 3 education, and technical assistance in the
 4 environmental sciences has conducted an
 5 extensive study of the Sprout Creek Corridor,
 6 and conducted and concluded it was rich in
 7 biodiversity, which includes endangered
 8 species. Biodiversity is an important aspect
 9 for a healthy community. How will the zoning
 10 change prevent further fragmentation of the
 11 intact land trusts left in the town of
 12 Lagrange? While it's inappropriate to hire an
 13 environmental engineer for development, will
 14 the town also consider hiring an environmental
 15 scientist with the knowledge of flora and fauna
 16 to consult with in order to provide a larger
 17 picture of the fragile ecosystem in this
 18 corridor. You, as the town board, are charged
 19 with the ability to change zoning, but you also
 20 have constraints. In Section 240-101 of the
 21 town code, criteria for making zoning changes,
 22 it states you must determine whether there is
 23 substantial reason why a property owner cannot
 24 use -- let me read that. Why the property
 25 cannot be used according to the existing

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 2 zoning. A landowner stating that he is unable
 3 to develop his or her land is not a substantial
 4 reason. There could be a host of explanations
 5 for that. Maybe he wants too much money for
 6 the property. Maybe he's just not a good
 7 business person. There are currently 52
 8 possible uses allowed in this area. Are the
 9 current landowners that are requesting a zoning
 10 change saying they can't develop any of these
 11 52 uses? One of the uses allowed is just a
 12 dwelling. You can't build a house. It just
 13 doesn't seem like they are really restricted.
 14 What specifically can the town board identify
 15 as a substantial reason why the property is not
 16 suitable for development using the existing
 17 zoning? The same code also states that the
 18 town board must determine where the proposed
 19 change will constitute a grant of special
 20 privilege to an individual landowner. That's
 21 contrast with the public welfare. There is one
 22 landowner with several properties in this area
 23 of concern. The landowner has considerable
 24 influence as he has several businesses in the
 25 town of Lagrange and most directly benefit from

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 2 areas of the town that have those things. If
 3 this is something that you desire or that one
 4 desires, they certainly can move closer to
 5 those, as opposed to changing it for the rest
 6 of us. The code asks whether the proposed
 7 change will create excessive traffic congestion
 8 or otherwise affect public safety. In reading
 9 Mike Kelly's [ph.] Comments to the board back
 10 in 2004 when you were coming up with the
 11 comprehensive plan, he had major concerns about
 12 the traffic back then. It is unfathomable that
 13 today, that this will not affect the traffic.
 14 It's already nearly impossible to turn west
 15 (inaudible) on 55 during certain times of the
 16 day. Does the board think that 55 can safely
 17 accept more traffic than it's current state?
 18 In the DSGEIS report, there is a section that
 19 explains the history of each property. In the
 20 report, Parcel Number 4 is identified as paid
 21 storage. In 2005, following rezoning to its
 22 current general business designation, the
 23 property became a legal nonconforming property,
 24 something we have been talking a lot about
 25 today. However, in 2015, paid storage began

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 2 this change. How is this zoning change to
 3 benefit the public welfare, especially in light
 4 of the fact that it does not appear to conform
 5 with the comprehensive plan or the open space
 6 plan? Has there been an outcry from the
 7 community for more automotive businesses, tire
 8 shops, auto dealerships? Let's see. The code
 9 also asks whether a change will create a
 10 drainage problem negatively impacting
 11 subsurface water resources. As we discussed
 12 earlier, again, we didn't have the correct
 13 consultant for this guidance? A hydrologist
 14 versus someone who works at a water treatment
 15 plant. The code asks whether the change will
 16 adversely influence living conditions in the
 17 neighborhood. Allen, I know we even talked
 18 about this. I know that you have stated that
 19 you were the board member living closest to the
 20 zoning change and would welcome it. I would
 21 put forth that most of us that choose to live
 22 in this area that is zoned low-density with
 23 numerous protective open spaces, farmland,
 24 parks, would not like to live near Jiffy Lube,
 25 muffler shops, auto repair centers. There are

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 2 storing RV's, buses, construction equipment in
 3 violation of the current zoning. This
 4 violation is still going on today. What
 5 actions has the town taken to correct this
 6 violation that has continued for the last seven
 7 years? Will the zoning change directly benefit
 8 this landowner who has been violating our
 9 current law for the last seven years? Would we
 10 be rewarding someone who is breaking our laws?
 11 Is the town board aware that many of the
 12 vehicles stored at this storage facility on the
 13 grass, which is obviously a permeable surface?
 14 Anything that leaks goes directly into the
 15 soil. The town board id also -- is it that if
 16 the town board is unable or unwilling to
 17 enforce the current zoning, why would we want
 18 to allow even more potentially hazardous
 19 businesses to operate in the sensitive
 20 corridor? How many -- this is sort of what we
 21 talked about before. Basically, how many legal
 22 nonconforming businesses can expand to their
 23 legal allowances in this area? How many legal
 24 nonconforming businesses want to expand beyond
 25 this allowance? Would some -- would some now

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 2 legal conforming properties now become
 3 non-legal conforming properties, which you
 4 explained they would. So we are not going to
 5 get any more conforming properties. Perhaps
 6 you will, but whatever is legal now,
 7 conforming, we know could become nonconforming
 8 or could be, such as a single-family. And this
 9 is the last thing. I just sort of, you know,
 10 talking to different town people and board
 11 members (inaudible) perception and try to
 12 understand reality. Here's what I heard. I
 13 heard from folks trying to get them to come to
 14 this meeting. It doesn't matter what you say.
 15 You guys made up your mind. You never listen
 16 to us. That's a perception. That's what I
 17 heard. A town official told me he had spoken
 18 to some people that were against the zoning
 19 change. And after speaking to them, they came
 20 to support the change. Of course, my reaction
 21 is, What did they say? I was told the town
 22 just wants to clean up the corner and put a
 23 Stewart's gas station. That's partially true.
 24 But it also includes 19 other properties.
 25 Here's a little prospective. When I drove to

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 2 Middletown to get my Covid vaccine, I noticed
 3 an incredible amount of automotive businesses
 4 that seemed to be in a very short distance. It
 5 looked horrible, and it would be completely out
 6 of place in this rezoned area. When I got
 7 home, I Google mapped it. I learned in
 8 a .2-mile stretch, that's less than a
 9 quarter-mile, there were eight automotive
 10 businesses, tire discount center, Middletown
 11 Auto Service, NAPA Auto Parts, First Class Auto
 12 Alignment & Repair, Meineke Muffler, Auto
 13 Alignment World, Gulf Gas Station, and Diamond
 14 Auto Interior. It looked like it sounded,
 15 horrible. This is the reality that we are
 16 opening ourselves up to. One person said the
 17 parcel is too small to put an auto dealership.
 18 Can't they be combined? The answer is
 19 probably. I was told that the opposition is
 20 some gas station that doesn't want competition.
 21 He is buying up gas stations and he wants to
 22 keep Stewart's out so he doesn't have any
 23 competition. The good news is we have plenty
 24 of other places we can get gas. I don't --
 25 that gas station. I never go there anyway.

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 2 What I do know is that the real eyesore are
 3 these massive oil tanks, which are perfectly
 4 legal as nonconforming businesses and will not
 5 change. The old oil -- the abandoned oil or
 6 abandoned buildings across the street, that's
 7 an eyesore. A storage facility with
 8 debilitated buses and RVs prominently displayed
 9 at the front gate, that's an eyesore. What
 10 appears to -- what appears to be an abandoned
 11 metal fabrication building, that is an eyesore.
 12 These eyesores were created when the zoning was
 13 commercial or non-existing. So we're going to
 14 clean up these eyesores by going back to
 15 commercial zoning and create the same zoning
 16 that created some of them in the first place.
 17 I have also heard that basically, Zoey's Ice
 18 Cream is too expensive. We need a Stewart's to
 19 get cheap ice cream. Number one, you can't get
 20 a more home grown business than Zoey's. They
 21 have done an incredible job of enhancing the
 22 quality of life. They use milk right here from
 23 the Hudson Valley. They sell local products.
 24 Stewart is a large, privately owned corporation
 25 with a president, board of directors, human

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 2 resource department. I will support Zoey's and
 3 keep our dollars closer to home. Also, is
 4 there some provision in the town center code
 5 protecting businesses from this sort of thing?
 6 Finally, and I'm sorry it's so long. Finally,
 7 I have been told that we need to do this to
 8 reduce our taxes. I will concede that
 9 businesses are positive to the tax base. But
 10 so is open space farmland, and the 52
 11 businesses that are currently allowed in this
 12 area. I understand the Arlington school taxes
 13 are a burden. But that is an issue to battle
 14 with the school board. Changes to zoning to
 15 general business to commercial is not going to
 16 have any significant impact, if any, on your
 17 school taxes. But it will have an impact on
 18 your quality of life, traffic, pollution,
 19 environmental impacts, and loss of rural
 20 character. Rural character is the reason many
 21 of us moved here in the first place. Thank
 22 you.
 23 **MR. BELL:** Thank you. Other comments and
 24 questions? Ma'am.
 25 **MS. SURVIER:** Hi. I'm Jenna Survier [ph].

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 2 I live on Barmore Road. I would like to say,
 3 first of all, ditto to everything Peter Lucas
 4 said. I think it represents the thoughts and
 5 feelings of a lot of people here in the room
 6 tonight. In addition, I would just --
 7 **UNIDENTIFIED SPEAKER:** Could you speak up.
 8 **MS. SURVIER:** Oh, I'm sorry.
 9 In addition, I would like to just focus a
 10 bit more on two things. One, is why we all
 11 live here. We live here, because it's so
 12 beautiful. It's rural. We live in a
 13 community. And we like to think that the town
 14 represents the people. And as Peter's
 15 mentioned, most of us want a rural environment,
 16 and we want clusters. Yes, of course, we need
 17 business, and we need tax bases. But we would
 18 like that to be in cluster form. So I keep
 19 hearing that to develop east of the Taconic as
 20 being a good thing, a goal, and I don't
 21 understand that when there's already a lot of
 22 cluster businesses west of the Taconic where we
 23 could just increase that. The other issue is
 24 environmental. The environment matters. This
 25 is an opportunity for us to help the

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 2 environment by not increasing the commercial
 3 zoning and to -- to be specific to Stewart's.
 4 We have two huge supermarkets within a mile and
 5 a half of 55, and 82, which seems to
 6 accommodate everybody. I don't know who needs
 7 to go to a Stewart's or who needs an additional
 8 store at the corner of 55 and 82. The traffic
 9 would -- would be much more difficult, and we
 10 already have an issue with 55 and 82, which has
 11 been partly rectified in the last few years
 12 with traffic lights and different signals. But
 13 it's still a busy corner with a lot of turns.
 14 And also, we have enough gas stations. We are
 15 supposed to be going electric. Why do we need
 16 so many gas stations? There are gas stations
 17 up and down 82, south of 55, and there are gas
 18 stations all along 55. I think if anyone needs
 19 gas, there's plenty of places to find it. So
 20 I'm just having a hard time understanding why
 21 the board seemingly is in favor of this. We
 22 all live here. Don't you want it to be
 23 attractive, rural? Don't we want to set a tone
 24 for the town of Lagrange. I'm just flummoxed.
 25 Thank you.

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 2 **MR. BELL:** You're welcome. Thank you.
 3 Other comments and questions. Yes.
 4 **MS. GAMILS:** Hi, everyone. My name is
 5 Drew Gamils. It is nice to see you in person.
 6 It's been a long time.
 7 **MR. BELL:** It has.
 8 **MS. GAMILS:** So I just have a couple of
 9 comments on the SDGEIS that I would like to
 10 present to you this evening. But first off, I
 11 know a couple of residents submitted letters
 12 prior to this public hearing. I just want to
 13 confirm that those will be part of the record.
 14 If not, I can read them this evening if that
 15 would be --
 16 **MR. BELL:** No. We have all those. They
 17 will be included.
 18 **MS. GAMILS:** And those -- and those
 19 questions will be answered in the FEIS.
 20 **MR. BELL:** Correct.
 21 **MS. GAMILS:** Then I will spare that.
 22 So first off, the proposed rezoning is
 23 going to allow intense uses. The focus for
 24 commercial zoning allows gas stations, auto
 25 service uses, major auto repair facilities,

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 2 motels, and warehousing. Such high-intensity
 3 commercial uses are not compatible with the
 4 existing land uses in the area. The updated
 5 rezoning will place a strain on the town's
 6 resources and can be expected to cause traffic
 7 congestion and change the community character.
 8 I mean, right now, there are six gas stations
 9 along Route 55 within two miles of each other.
 10 And the focus of this commercial zoning is on
 11 more auto heavy uses. This area is not served
 12 by public water or sewer. And this is a major
 13 concern. It will be difficult for this area to
 14 prosper under commercial zoning designation
 15 where the town's infrastructure cannot support
 16 it. How will this be addressed? Rezoning
 17 certain properties in the Route 55 and 82 area
 18 to commercial zoning will incur strict tight
 19 development along Route 55 and divert
 20 commercial interest to locations outside the
 21 town center and hamlet districts. There are
 22 many of the same uses that are permitted in the
 23 general business and town center business
 24 district as are in the commercial strict. The
 25 town might want to consider differentiating

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 2 between these districts further. The
 3 commercial district will allow a series of uses
 4 primarily related to auto industry that are not
 5 esthetically pleasing or environmentally
 6 friendly. And the concern is that this will
 7 result in great harm to the Route 55 area. The
 8 length of the DGEIS is about 800 pages when you
 9 read the appendices. These pages are mostly
 10 filled with copies of other documents, most of
 11 which contain information totally unrelated to
 12 the actual rezoning. Whether intentional or
 13 not, the result is a diversion blocking a truly
 14 careful public review of the impacts. Studies
 15 were not conducted specifically for this
 16 rezoning. At some point, these parcels were
 17 declared nonconforming uses. Deemed not
 18 appropriate for the district. These changes
 19 were done in 2005 and there was a reason for
 20 that. Now, the town has changed its mind
 21 without a full review of the comprehensive
 22 plan. If the town believes that things have
 23 changed to such an extent where commercial
 24 zoning is now appropriate for this area, the
 25 town should do a complete update of the

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 2 comprehensive plan. This is a piecemeal
 3 approach that is going to only hurt the
 4 community and the long-term viability of this
 5 municipality. As I said before, there are no
 6 specific reports in the SDGEIS that support the
 7 proposed rezoning. There is no updated or
 8 independent evaluation, for example, for the
 9 turtles. On March 25th, 2019, Hudsonia
 10 submitted a letter in response to the original
 11 DEGIS for the rezoning of the 16 parcels.
 12 Hudsonia listed several areas of concern about
 13 the Blanding's turtle and two rare plants known
 14 in the general area of the subject parcels.
 15 Five Angle Field Daughter [ph.] And the Schwab
 16 Cottonwood [ph.] There's no mention of these
 17 plants in the SDGEIS. The SDGEIS makes no
 18 mention of the examination of potential impacts
 19 to flora, including rare plants, that may occur
 20 on or near the subject parcels. In addition,
 21 Hudsonia referenced in its letter this time
 22 around -- Hudsonia made several references in
 23 this letter to things that the town might want
 24 to consider. That was the March 2019 letter.
 25 This time around, did the town consult the

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 2 Hudson Valley Natural Resource Mapper? Did
 3 they consult the New York Natural Heritage
 4 Program regarding file data on rare plants,
 5 animals, and habitats that could occur on or
 6 near the subject parcels? An inquiry to the
 7 NYNHP is standard for environmental reviews.
 8 Hunting this issue to future SEQRA review is
 9 not appropriate. In 2005, the town board
 10 adopted the town's comprehensive plan, and many
 11 stakeholders were involved in preparing this
 12 document. The town made significant efforts to
 13 obtain input from town residents, property
 14 owners, and other interested parties. The
 15 comprehensive plan indicates that many
 16 attendees were concerned about the form and
 17 placement of future commercial development.
 18 And some indicated that existing commercial
 19 development in the town, at that time, was
 20 adequate, and that the New York State Route 55
 21 was already congested as a result of existing
 22 commercial development, and that was 2005. The
 23 town has proceeded to amend the comprehensive
 24 plan without meeting with the community. It
 25 has been about 16 years since the town did a

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 2 complete update of its comprehensive plan. The
 3 town is supposed to periodically update the
 4 comprehensive plan as a whole. A review
 5 generally is appropriate every five years. The
 6 town has failed to look at the community as a
 7 whole and consider opinions and input from the
 8 residents. Again, this is a piecemeal approach
 9 that's going to hurt the community. Again, I
 10 also think it's important to note that since
 11 January 1st, 2019, the town has adopted 11
 12 local laws, specifically amending the zoning
 13 code. The town board is not thinking about
 14 this holistically and doing this with a
 15 complete review. It is going one step at a
 16 time to address little issues that are going to
 17 lead to problems for this community. I would
 18 recommend that the public hearing be continued.
 19 This is the biggest vacation week, besides
 20 maybe Christmas, and I think a lot of residents
 21 are not here to voice their concerns. I think
 22 it's important to note, as it says in the
 23 notice, that the public hearing will at least
 24 remain -- the public comment period will remain
 25 open for ten days after the close of the public

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 2 hearing. I think all residents should know
 3 that you have an opportunity to submit written
 4 comments if you are not comfortable speaking.
 5 You have more of an opportunity. So I just
 6 think it's important to note that many
 7 residents are concerned about this rezoning and
 8 its impact on the community, and are
 9 disappointed in the SEQRA review that has
 10 happened thus far. Thank you for this
 11 opportunity.
 12 **MR. BELL:** We've received comments from
 13 the public in a variety of ways. I think you
 14 said you were going to read some specific
 15 comments this evening. If you would like to
 16 give us copies of all that to make sure they
 17 are already in our files so that we don't miss
 18 anything. I would appreciate that.
 19 **MS. GAMILS:** I just have one copy of each
 20 letter, but I can submit that.
 21 **MR. BELL:** That's fine. I would be very
 22 surprised if we don't already have those. But
 23 I just -- I don't want to miss the opportunity
 24 since you have them. I will be happy to take
 25 those to make sure we didn't miss anything.

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 2 **MS. GAMILS:** Not a problem. This is just
 3 one copy.
 4 **MS. O'REILLY-RAO:** Thank you.
 5 **MS. GAMILS:** You're welcome. Here you go.
 6 **MR. BELL:** What I'm concerned about is
 7 somebody sending in an email form and
 8 potentially sending it to the wrong person who
 9 won't necessarily treat it as an official --
 10 **MS. O'REILLY-RAO:** I did have them, but I
 11 wasn't sure.
 12 **MS. GAMILS:** Great. Thank you.
 13 **MR. BELL:** Just want to make sure.
 14 **MS. GAMILS:** Better safe than sorry.
 15 **MR. BELL:** Others?
 16 **UNIDENTIFIED SPEAKER:** Can I hand this in
 17 as well, your -- what you --
 18 **MR. BELL:** You don't need to. He's got
 19 the verbatim. We have -- we have every comment
 20 is being captured word-for-word tonight.
 21 Other comments and questions?
 22 **MR. JESSUP:** I'll make the motion to close
 23 the public comments --
 24 **MR. BELL:** Hang on a second. Hang on a
 25 second. I want to ask that question multiple

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 2 times before we make sure that -- I want people
 3 to make sure they don't have any other -- yes,
 4 sir.
 5 **MR. JOHNSON:** Tracy Johnson, 144
 6 (inaudible) Road. I understand that when the
 7 Planet Fitness gym was put in, they had to
 8 drill a well, and it went down quite deep into
 9 the rock. And they actually had to hydrofrac
 10 to do the well in order to get a sufficient
 11 flow of water. So I think this is an example
 12 of how the water resources are very variable
 13 along the corridor. And I'm wondering if you'd
 14 allow a large amount of development in, say, an
 15 area around the Planet Fitness. How are they
 16 going to get enough water? Are they going to
 17 have to drill wells down too? And if that
 18 becomes impossible, is the town going to
 19 suddenly decide to extend water out there?
 20 Thank you.
 21 **MR. BELL:** Other questions, comments?
 22 Going twice.
 23 **MR. LUNA:** I have a comment.
 24 **MR. BELL:** Sure. Go ahead. We can be
 25 flexible about that.

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 2 **MR. LUNA:** I was looking at this land that
 3 we have, and my largest concern was that the
 4 change of town center to three parcels --
 5 **MR. BELL:** Two.
 6 **MR. JESSUP:** No, potentially three on that
 7 side. On the --
 8 **MR. BELL:** Two on the south side?
 9 **MR. JESSUP:** There are two properties on
 10 the south side.
 11 **MR. BELL:** Those weren't combined?
 12 **MR. LUNA:** No.
 13 **MR. JESSUP:** No.
 14 **MR. BELL:** Okay. We are talking about the
 15 same ones. I thought they --
 16 **MR. JESSUP:** Yes. There is actually three
 17 on the south side.
 18 **MR. LUNA:** I would ask if you could remove
 19 those from this zoning.
 20 **MR. BELL:** Okay. All right. Yes, ma'am.
 21 **UNIDENTIFIED SPEAKER:** Just to clarify,
 22 the last date for written comments to be
 23 received by the board would be what date?
 24 **MR. BELL:** I'm going to ask the town
 25 board.

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 2 MR. ACKERMAN: Ten days.
 3 MR. BELL: Ten days from today or the
 4 close of the public hearing.
 5 MR. JESSUP: Nancy's question, Is it ten
 6 business days or ten calendar days, correct,
 7 Nancy?
 8 MR. BELL: Calendar days.
 9 UNIDENTIFIED SPEAKER: Calendar. Okay.
 10 MR. RYAN: Ten calendar days. And there
 11 is going to be another public hearing.
 12 MS. O'REILLY-RAO: Up to Saturday the 4th
 13 is ten days. I'm sorry. Saturday, September
 14 4th is ten days.
 15 MR. BELL: So that's the answer to that
 16 question. Anyone else?
 17 I have a motion to close the public
 18 hearing. Do I have a second?
 19 MR. RYAN: I'll second that.
 20 MR. BELL: All in favor? Aye.
 21
 22 (A chorus of "ayes.")
 23
 24 MR. BELL: All opposed. Carried.
 25 Two reminders, written comments accepted

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 2 up until September 4th. And there will be at
 3 least one more public hearing. I highly
 4 recommend people who are interested just
 5 checking out the website periodically, call the
 6 town clerk's office to ask when next things
 7 are. Before the next public hearing, that will
 8 be advertised 30 days, or is it less than that,
 9 the comprehensive plan --
 10 MR. ACKERMAN: I think it's ten days.
 11 MR. BELL: So I think it's at least ten
 12 days before the meeting. I'm asking, because
 13 there's two different requirements out of state
 14 law depending on the nature of the public
 15 hearing. That's why I asked. That's going to
 16 be ten days. And for board meetings in
 17 general, the agenda for the upcoming meeting is
 18 published on Fridays for the following
 19 Wednesday. In addition to that, if you are
 20 Internet and website savvy, you can go on our
 21 -- our town website, and there is an ability to
 22 subscribe to notices that you are interested
 23 in. If you subscribe to town board agendas and
 24 those kinds of things, you can either specify
 25 when anything is published on that topic, you

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 2 will either get an email or a text about it.
 3 So that's a way that you don't have to keep
 4 looking and you can be tapped on the shoulder
 5 when something of interest comes in as well. I
 6 highly recommend that you do that. Thank you.
 7
 8
 9 (Time noted: 7:48 p.m.)
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1
 2 C E R T I F I C A T E
 3
 4
 5 I, Douglas F. Colavito, a Certified Court
 6 rter and Notary Public of the State of New York,
 7 ereby certify that the transcript of the
 8 going proceedings, taken at the time and place
 9 esaid, is a true and correct transcription of my
 10 hand notes.
 11
 12
 13
 14
 15 -----
 16 DOUGLAS F. COLAVITO
 17
 18
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 21
 22
 23
 24
 25

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2 TOWN BOARD
TOWN OF LAGRANGE, NEW YORK
3 -----X
4 ROUTE 55/82
5 -----X
6 August 25, 2021
7 Town of Lagrange Town Hall
120 Stringham Road
Lagrangeville, New York 10901
8 7:07 p.m.
9
10
11 BEFORE:
ALAN BELL, Chairman
12 JOSEPH LUNA
EDWARD JESSUP
13 RICHARD RYAN
14
15
16 PRESENT:
PAUL ACKERMAN, ESQ., Town Attorney
17 CHRISTIE O'REILLY-RAO, Town Clerk
18
19 FOR THE APPLICANT:
DAVID COOPER, ESQ.
20 Zarin & Steinmetz
81 Main Street
21 White Plains, New York 10601
(Not present)
22
23
24
25

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1 ROUTE 55/82
2 answer questions at this time just because that
3 is not really provided for in the SEQRA law.
4 So this is really just an opportunity for the
5 public to comment.
6 MR. BELL: All right. Thank you. As a
7 clarification for those of you who may not be
8 as familiar with the lingo. SEQRA is an
9 acronym that stands for the State --
10 MR. RYAN: Environmental.
11 MR. BELL: -- Environmental Quality Review
12 Act. And in layman's terms, that's the
13 environmental review process associated with
14 changes to laws, projects, and anything in
15 front of the -- most of the board. It's a
16 state requirement that is part of the process
17 where environmental impacts are -- are
18 considered. And as the attorney stated, the
19 process at this point of the public hearing is
20 to gather input from the public. And the
21 process following that is for the -- the town,
22 which means the town board, its consultants,
23 and any other folks who might want to
24 participate in the process to hear those
25 concerns, to analyze the -- the seriousness of

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1 ROUTE 55/82
2 MR. BELL: Next up is the main event, the
3 public hearing for the Route 55/82 Corridor
4 rezoning. Do I have a motion to open the
5 public hearing?
6 MR. JESSUP: So moved.
7 MR. RYAN: And I'll second.
8 MR. BELL: Second by Richie. All in
9 favor?
10
11 (A chorus of "ayes.")
12
13 MR. ACKERMAN: I just want to make one
14 comment.
15 MR. BELL: Okay.
16 MR. RYAN: So this is a public hearing
17 pursuant to SEQRA.
18 MR. BELL: Right.
19 MR. RYAN: So the public is allowed to
20 comment on this. The comments will be
21 recorded, and there's going to be an
22 opportunity for the town to respond to those in
23 writing in a formal document. I just want to
24 say that it's probably not in the best interest
25 of the board to get into a back and forth or to

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1 ROUTE 55/82
2 the concerns, and address those comments in
3 writing in a -- in a formal environmental
4 assessment document. And so this is the piece
5 of the process where we gather our input from
6 the town.
7 UNIDENTIFIED SPEAKER: Just to be clear --
8 just to be clear, we are going to make
9 comments.
10 MR. BELL: That's correct.
11 UNIDENTIFIED SPEAKER: And you are not
12 going to respond.
13 MR. BELL: Not at this time.
14 UNIDENTIFIED SPEAKER: And --
15 MR. BELL: The process is to gather those,
16 perform some degree of analysis on the
17 concerns, and then address them and respond to
18 them formally in writing.
19 UNIDENTIFIED SPEAKER: And when will that
20 be?
21 MR. BELL: It will be at a future meeting.
22 And I can't tell you which date it is, because
23 it depends entirely on the amount of
24 information we get, and the amount of work
25 that's required to put together the written

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 2 document.
 3 **UNIDENTIFIED SPEAKER:** Will that response
 4 be an email to the people in the town?
 5 **MR. BELL:** No. It will be -- it will be
 6 in the form of a document, which will be made
 7 available to the public on our website or by
 8 any other request that comes in. And it will
 9 be accepted in the town clerk's office, and
 10 there will be a future meeting scheduled for
 11 its review and potential acceptance by this
 12 board.
 13 **UNIDENTIFIED SPEAKER:** Or decline.
 14 **MR. BELL:** Or decline. That's why I said
 15 potential acceptance.
 16 **UNIDENTIFIED SPEAKER:** That was my
 17 question. So the public does have access to
 18 the answers --
 19 **MR. BELL:** Correct. Correct. And by the
 20 way, the chances are very, very high that we
 21 will accept the document. Because the nature
 22 of the document, that is not whether this
 23 action will take place or not. It's simply our
 24 response to and our assessment of the
 25 environmental impacts. So that document is

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 2 almost certainly going to be accepted one way
 3 or the other. What we do as a result of that
 4 analysis is a different thing.
 5 **UNIDENTIFIED SPEAKER:** And you have
 6 several more public hearings on that.
 7 **MR. BELL:** We'll have at least one more
 8 public hearing after this one, yes.
 9 Do I have a motion to open the public
 10 hearing?
 11 **MR. RYAN:** So moved.
 12 **MR. JESSUP:** I think it was already --
 13 **MR. BELL:** Okay. So if there are any
 14 public comments, please raise your hand and
 15 wait to be recognized. I'm going to start with
 16 the gentleman over here who came up to ask the
 17 question. I believe your question was whether
 18 the change in the zoning status takes
 19 single-family homes from being a permitted use
 20 and makes it a non-permitted use. And I
 21 believe the answer to that question is yes.
 22 **UNIDENTIFIED SPEAKER:** Yes. I'm just
 23 trying to make sure I understand what I'm
 24 reading.
 25 **MR. BELL:** And by the way, if I may, to

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 2 return to the comment, the previous thing, that
 3 would make that parcel move to the
 4 classification of a pre-existing nonconforming
 5 use. And what that means is, it's -- it's --
 6 it's technically a nonconforming use. But when
 7 they exist when that change is made, that
 8 doesn't mean that those things can't be used
 9 anymore. It just means that they are
 10 technically no longer conforming with the code.
 11 But that doesn't mean that people have to move
 12 out and sell their house or tear it down and
 13 build a business or anything. That's not the
 14 impact --
 15 **UNIDENTIFIED SPEAKER:** It just means no
 16 future people. You can't -- you can't add
 17 additional single-family dwellings.
 18 **MR. BELL:** To existing lots, right.
 19 That's correct. You can't build -- you would
 20 not -- after the -- if -- if this change took
 21 place, the one lot in the entire collection
 22 that is actually a vacant lot would not be able
 23 to have somebody build a single-family home on
 24 it. That's correct.
 25 **UNIDENTIFIED SPEAKER:** Do you know how

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 2 many -- so the single-family homes that already
 3 exist are not going to be effected?
 4 **MR. BELL:** That's correct.
 5 **UNIDENTIFIED SPEAKER:** Okay.
 6 **MR. BELL:** That's correct. It doesn't
 7 have any effect on existing single-family
 8 homes. And as I said, of all the lots that are
 9 involved in this action, there's only one
 10 that's currently vacant. So that lot, the
 11 owner would not be able to put a single-family
 12 home on. That's correct.
 13 **UNIDENTIFIED SPEAKER:** So if one of those
 14 single-family units that currently exists, if
 15 they sell their house, or want to sell it, does
 16 it affect that, at all, if they were going to
 17 move out, or if they are deceased and new
 18 people --
 19 **MR. BELL:** You are asking whether the fact
 20 that it's nonconforming would affect the value
 21 of the sale of the house? I've never heard --
 22 I've never heard of that.
 23 **UNIDENTIFIED SPEAKER:** For future use.
 24 They would be able to sell the house and all
 25 that.

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 2 **MR. BELL:** Correct. It doesn't affect any
 3 of those things.
 4 And now, I'm going to interrupt myself
 5 just for a second to point out that when we
 6 said before we wouldn't be responding, if
 7 somebody is going to be asking me a direct
 8 factual question, then that may be something
 9 that I would answer just in terms of clarifying
 10 what it is you're looking at and helping you
 11 understand the process or the details of
 12 something. But what he -- what I think our
 13 attorney is suggesting is we are not going to
 14 engage in a debate about the importance and the
 15 validity of the concerns. That's what the
 16 purpose of the analysis that takes place
 17 afterward is. It's for us to thoughtfully
 18 consider this, and look at the concerns,
 19 perform a studies and analysis of what we think
 20 is appropriate, and address them formally in a
 21 written comment. Sir, I think you had your
 22 hand up. Thank you. Did I answer all your
 23 questions?
 24 **UNIDENTIFIED SPEAKER:** For now.
 25 **MR. BELL:** Perfect.

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 2 that an expansion of more than 50 percent would
 3 not be allowed?
 4 **MR. ACKERMAN:** Correct.
 5 **MR. BELL:** I believe that's correct. That
 6 goes back to the previous -- and again, it's
 7 interesting that it happened this way. The
 8 previous one we were talking about, if you
 9 recall, there was a discussion about whether
 10 nonconforming uses could be expanded by up to
 11 50 percent or not, and whether we should make
 12 that a smaller number. The current
 13 nonconforming use says that you can expand a
 14 nonconforming use by 50 percent. I guess,
 15 technically, that would mean if somebody wanted
 16 to build an expansion to their house, it would
 17 be limited by 50 percent. And the reason I
 18 said "technically" is I frankly have never
 19 heard of this coming up before with a home.
 20 Almost always, that law is interpreted with
 21 respect to commercial properties. I don't -- I
 22 don't ever remember the issue even surfacing
 23 before with respect to a single-family home.
 24 Next. Anyone else? Peter, you want to
 25 come up?

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 2 **UNIDENTIFIED SPEAKER:** It's a continuation
 3 of a previous question.
 4 **MR. BELL:** If you could come up so that we
 5 can hear. Make sure that we capture it. We
 6 are capturing the comments on tape. And if you
 7 are talking back there, you are probably not
 8 going to get captured by the mic.
 9 **UNIDENTIFIED SPEAKER:** In continuation of
 10 the previous question. Is it possible to do
 11 major upgrades to a house if it's
 12 nonconforming?
 13 **MR. BELL:** My understanding is that it
 14 that it doesn't effect single-family homes in
 15 any meaningful way. Is that true? Is that
 16 your feeling as well?
 17 **MR. RYAN:** The only time it affects it is
 18 if the house is demolished, and they couldn't
 19 build a new one or an expansion of the
 20 nonconforming use.
 21 **MR. BELL:** Right. Other questions and
 22 comments?
 23 **UNIDENTIFIED SPEAKER:** Did I just --
 24 **MR. BELL:** Sorry.
 25 **UNIDENTIFIED SPEAKER:** Did I understand

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1 ROUTE 55/82
 2 **MR. LUCAS:** Peter Lucas [ph.]. 330
 3 Skidmore Road.
 4 Let's see. A couple of questions. How
 5 does the zoning change fit into the town of
 6 Lagrange open space plan? Not looking for an
 7 answer. Just trying to get this on the record.
 8 **MR. BELL:** Okay.
 9 **MR. LUCAS:** In the plans -- in the open
 10 space plan, there was a community survey where
 11 82 percent of the residents said it was very
 12 important to consider rural character and open
 13 space resources in the town of Lagrange. In
 14 fact, only three percent said it was not
 15 important. In the open space plan, the vision
 16 map, Route 55 east of the Taconic State Parkway
 17 was specifically identified as a scenic road to
 18 preserve as the gateway to the town center from
 19 the east. Also, in that same vision map, Route
 20 82 is specifically targeted as an important
 21 scenic roadway to preserve. The map also
 22 identifies natural areas, greenway corridors
 23 and trails that are priorities. In that, the
 24 wetlands along 82, the Sprout Creek Corridor,
 25 and Red Wing Trail System have all been

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 2 identified as priorities in our open space
 3 plan. How does this zoning change fit into the
 4 town's comprehensive plan, and is the open
 5 space plan part of the town's comprehensive
 6 plan?
 7 Has the town consulted hydrologist
 8 concerning our aquifers and how they may be
 9 effected by this change. The open space plan
 10 discusses aquifers to supply water, not only to
 11 those of us on wells, but also to the town's
 12 water supply, which is also sourced from wells.
 13 It explains the importance of aquifer recharge
 14 areas and difference between the primary and
 15 secondary area. It also explains the
 16 importance of buffer land adjacent to the
 17 recharge area. So the open space plan, the
 18 water resources map, it shows primary recharge
 19 areas both north and south of Route 55 in the
 20 proposed rezoning area. It also shows primary
 21 recharge areas along Route 82. Surrounding
 22 these recharge areas are upland areas that
 23 drain into this area. Some of these areas are
 24 quite steep and offer little chance for the
 25 surface water to filter before entering the

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 2 recharge area. Now, I don't know if there's a
 3 simple way to say this. But in the DSGEIS
 4 report -- how do you guys say that?
 5 **MR. BELL:** You got it.
 6 **MR. LUCAS:** Okay. It appears that the
 7 water expert has (inaudible) and water
 8 filtration and town water systems. A
 9 hydrologist is a scientist that could actually
 10 provide more in-depth answers to many concerns
 11 about our ground water and how to preserve it
 12 for future generations. For instance, how long
 13 would it take a spill of oil, gas, hydraulic
 14 fluid, or other solvents used in the oil
 15 industry to reach our groundwater, which are
 16 now all possibilities in the rezoning.
 17 When an oil truck crashed off Route 82, by
 18 the time the clean-up crew got there, the oil
 19 was gone. There was nothing for them to clean
 20 up. It already absorbed into the soil. How is
 21 that going to effect our long-term water
 22 viability? What typically runs off of the gas
 23 stations and impervious services into the
 24 drainage water each year, and how can that
 25 effect groundwater? Will the steep slope --

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 2 will the steep slope to the south of Route 55
 3 be allowed to be blasted away, because it does
 4 not appear to be suitable for commercial
 5 development. Where will the runoff go? There
 6 is a creek to the north of 55, which runs into
 7 the Sprout Creek which runs into a larger
 8 aquifer recharge area west of the Taconic State
 9 Parkway that refills our aquifer. New York
 10 City has vast amounts of protected lands around
 11 their reservoirs to prevent contamination. Our
 12 aquifers are our reservoirs. How is it that we
 13 get by with a few hundred feet buffer, and
 14 that's sufficient for the long-term viability
 15 of our aquifers? Is it a good idea to put
 16 commercial industries in exactly the recharge
 17 areas or on upland adjacent to these areas that
 18 can eventually affect our water quality?
 19 Nature preserves and natural habitat finished
 20 in the top three priorities in the community
 21 survey. The importance of intact natural
 22 habitat is critical to the survival of new
 23 species. Privatization of land through poorly
 24 planned development has had a catastrophic
 25 effect on many animals' ability to survive.

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 2 But Hudsonia, an institute for research,
 3 education, and technical assistance in the
 4 environmental sciences has conducted an
 5 extensive study of the Sprout Creek Corridor,
 6 and conducted and concluded it was rich in
 7 biodiversity, which includes endangered
 8 species. Biodiversity is an important aspect
 9 for a healthy community. How will the zoning
 10 change prevent further fragmentation of the
 11 intact land trusts left in the town of
 12 Lagrange? While it's inappropriate to hire an
 13 environmental engineer for development, will
 14 the town also consider hiring an environmental
 15 scientist with the knowledge of flora and fauna
 16 to consult with in order to provide a larger
 17 picture of the fragile ecosystem in this
 18 corridor. You, as the town board, are charged
 19 with the ability to change zoning, but you also
 20 have constraints. In Section 240-101 of the
 21 town code, criteria for making zoning changes,
 22 it states you must determine whether there is
 23 substantial reason why a property owner cannot
 24 use -- let me read that. Why the property
 25 cannot be used according to the existing

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 2 zoning. A landowner stating that he is unable
 3 to develop his or her land is not a substantial
 4 reason. There could be a host of explanations
 5 for that. Maybe he wants too much money for
 6 the property. Maybe he's just not a good
 7 business person. There are currently 52
 8 possible uses allowed in this area. Are the
 9 current landowners that are requesting a zoning
 10 change saying they can't develop any of these
 11 52 uses? One of the uses allowed is just a
 12 dwelling. You can't build a house. It just
 13 doesn't seem like they are really restricted.
 14 What specifically can the town board identify
 15 as a substantial reason why the property is not
 16 suitable for development using the existing
 17 zoning? The same code also states that the
 18 town board must determine where the proposed
 19 change will constitute a grant of special
 20 privilege to an individual landowner. That's
 21 contrast with the public welfare. There is one
 22 landowner with several properties in this area
 23 of concern. The landowner has considerable
 24 influence as he has several businesses in the
 25 town of Lagrange and most directly benefit from

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 2 areas of the town that have those things. If
 3 this is something that you desire or that one
 4 desires, they certainly can move closer to
 5 those, as opposed to changing it for the rest
 6 of us. The code asks whether the proposed
 7 change will create excessive traffic congestion
 8 or otherwise affect public safety. In reading
 9 Mike Kelly's [ph.] Comments to the board back
 10 in 2004 when you were coming up with the
 11 comprehensive plan, he had major concerns about
 12 the traffic back then. It is unfathomable that
 13 today, that this will not affect the traffic.
 14 It's already nearly impossible to turn west
 15 (inaudible) on 55 during certain times of the
 16 day. Does the board think that 55 can safely
 17 accept more traffic than it's current state?
 18 In the DSGEIS report, there is a section that
 19 explains the history of each property. In the
 20 report, Parcel Number 4 is identified as paid
 21 storage. In 2005, following rezoning to its
 22 current general business designation, the
 23 property became a legal nonconforming property,
 24 something we have been talking a lot about
 25 today. However, in 2015, paid storage began

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 2 this change. How is this zoning change to
 3 benefit the public welfare, especially in light
 4 of the fact that it does not appear to conform
 5 with the comprehensive plan or the open space
 6 plan? Has there been an outcry from the
 7 community for more automotive businesses, tire
 8 shops, auto dealerships? Let's see. The code
 9 also asks whether a change will create a
 10 drainage problem negatively impacting
 11 subsurface water resources. As we discussed
 12 earlier, again, we didn't have the correct
 13 consultant for this guidance? A hydrologist
 14 versus someone who works at a water treatment
 15 plant. The code asks whether the change will
 16 adversely influence living conditions in the
 17 neighborhood. Allen, I know we even talked
 18 about this. I know that you have stated that
 19 you were the board member living closest to the
 20 zoning change and would welcome it. I would
 21 put forth that most of us that choose to live
 22 in this area that is zoned low-density with
 23 numerous protective open spaces, farmland,
 24 parks, would not like to live near Jiffy Lube,
 25 muffler shops, auto repair centers. There are

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 2 storing RV's, buses, construction equipment in
 3 violation of the current zoning. This
 4 violation is still going on today. What
 5 actions has the town taken to correct this
 6 violation that has continued for the last seven
 7 years? Will the zoning change directly benefit
 8 this landowner who has been violating our
 9 current law for the last seven years? Would we
 10 be rewarding someone who is breaking our laws?
 11 Is the town board aware that many of the
 12 vehicles stored at this storage facility on the
 13 grass, which is obviously a permeable surface?
 14 Anything that leaks goes directly into the
 15 soil. The town board id also -- is it that if
 16 the town board is unable or unwilling to
 17 enforce the current zoning, why would we want
 18 to allow even more potentially hazardous
 19 businesses to operate in the sensitive
 20 corridor? How many -- this is sort of what we
 21 talked about before. Basically, how many legal
 22 nonconforming businesses can expand to their
 23 legal allowances in this area? How many legal
 24 nonconforming businesses want to expand beyond
 25 this allowance? Would some -- would some now

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 2 legal conforming properties now become
 3 non-legal conforming properties, which you
 4 explained they would. So we are not going to
 5 get any more conforming properties. Perhaps
 6 you will, but whatever is legal now,
 7 conforming, we know could become nonconforming
 8 or could be, such as a single-family. And this
 9 is the last thing. I just sort of, you know,
 10 talking to different town people and board
 11 members (inaudible) perception and try to
 12 understand reality. Here's what I heard. I
 13 heard from folks trying to get them to come to
 14 this meeting. It doesn't matter what you say.
 15 You guys made up your mind. You never listen
 16 to us. That's a perception. That's what I
 17 heard. A town official told me he had spoken
 18 to some people that were against the zoning
 19 change. And after speaking to them, they came
 20 to support the change. Of course, my reaction
 21 is, What did they say? I was told the town
 22 just wants to clean up the corner and put a
 23 Stewart's gas station. That's partially true.
 24 But it also includes 19 other properties.
 25 Here's a little prospective. When I drove to

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 2 What I do know is that the real eyesore are
 3 these massive oil tanks, which are perfectly
 4 legal as nonconforming businesses and will not
 5 change. The old oil -- the abandoned oil or
 6 abandoned buildings across the street, that's
 7 an eyesore. A storage facility with
 8 debilitated buses and RVs prominently displayed
 9 at the front gate, that's an eyesore. What
 10 appears to -- what appears to be an abandoned
 11 metal fabrication building, that is an eyesore.
 12 These eyesores were created when the zoning was
 13 commercial or non-existing. So we're going to
 14 clean up these eyesores by going back to
 15 commercial zoning and create the same zoning
 16 that created some of them in the first place.
 17 I have also heard that basically, Zoey's Ice
 18 Cream is too expensive. We need a Stewart's to
 19 get cheap ice cream. Number one, you can't get
 20 a more home grown business than Zoey's. They
 21 have done an incredible job of enhancing the
 22 quality of life. They use milk right here from
 23 the Hudson Valley. They sell local products.
 24 Stewart is a large, privately owned corporation
 25 with a president, board of directors, human

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 2 Middletown to get my Covid vaccine, I noticed
 3 an incredible amount of automotive businesses
 4 that seemed to be in a very short distance. It
 5 looked horrible, and it would be completely out
 6 of place in this rezoned area. When I got
 7 home, I Google mapped it. I learned in
 8 a .2-mile stretch, that's less than a
 9 quarter-mile, there were eight automotive
 10 businesses, tire discount center, Middletown
 11 Auto Service, NAPA Auto Parts, First Class Auto
 12 Alignment & Repair, Meineke Muffler, Auto
 13 Alignment World, Gulf Gas Station, and Diamond
 14 Auto Interior. It looked like it sounded,
 15 horrible. This is the reality that we are
 16 opening ourselves up to. One person said the
 17 parcel is too small to put an auto dealership.
 18 Can't they be combined? The answer is
 19 probably. I was told that the opposition is
 20 some gas station that doesn't want competition.
 21 He is buying up gas stations and he wants to
 22 keep Stewart's out so he doesn't have any
 23 competition. The good news is we have plenty
 24 of other places we can get gas. I don't --
 25 that gas station. I never go there anyway.

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 2 resource department. I will support Zoey's and
 3 keep our dollars closer to home. Also, is
 4 there some provision in the town center code
 5 protecting businesses from this sort of thing?
 6 Finally, and I'm sorry it's so long. Finally,
 7 I have been told that we need to do this to
 8 reduce our taxes. I will concede that
 9 businesses are positive to the tax base. But
 10 so is open space farmland, and the 52
 11 businesses that are currently allowed in this
 12 area. I understand the Arlington school taxes
 13 are a burden. But that is an issue to battle
 14 with the school board. Changes to zoning to
 15 general business to commercial is not going to
 16 have any significant impact, if any, on your
 17 school taxes. But it will have an impact on
 18 your quality of life, traffic, pollution,
 19 environmental impacts, and loss of rural
 20 character. Rural character is the reason many
 21 of us moved here in the first place. Thank
 22 you.
 23 MR. BELL: Thank you. Other comments and
 24 questions? Ma'am.
 25 MS. SURVIER: Hi. I'm Jenna Survier [ph].

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 2 I live on Barmore Road. I would like to say,
 3 first of all, ditto to everything Peter Lucas
 4 said. I think it represents the thoughts and
 5 feelings of a lot of people here in the room
 6 tonight. In addition, I would just --
 7 **UNIDENTIFIED SPEAKER:** Could you speak up.
 8 **MS. SURVIER:** Oh, I'm sorry.
 9 In addition, I would like to just focus a
 10 bit more on two things. One, is why we all
 11 live here. We live here, because it's so
 12 beautiful. It's rural. We live in a
 13 community. And we like to think that the town
 14 represents the people. And as Peter's
 15 mentioned, most of us want a rural environment,
 16 and we want clusters. Yes, of course, we need
 17 business, and we need tax bases. But we would
 18 like that to be in cluster form. So I keep
 19 hearing that to develop east of the Taconic as
 20 being a good thing, a goal, and I don't
 21 understand that when there's already a lot of
 22 cluster businesses west of the Taconic where we
 23 could just increase that. The other issue is
 24 environmental. The environment matters. This
 25 is an opportunity for us to help the

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 2 environment by not increasing the commercial
 3 zoning and to -- to be specific to Stewart's.
 4 We have two huge supermarkets within a mile and
 5 a half of 55, and 82, which seems to
 6 accommodate everybody. I don't know who needs
 7 to go to a Stewart's or who needs an additional
 8 store at the corner of 55 and 82. The traffic
 9 would -- would be much more difficult, and we
 10 already have an issue with 55 and 82, which has
 11 been partly rectified in the last few years
 12 with traffic lights and different signals. But
 13 it's still a busy corner with a lot of turns.
 14 And also, we have enough gas stations. We are
 15 supposed to be going electric. Why do we need
 16 so many gas stations? There are gas stations
 17 up and down 82, south of 55, and there are gas
 18 stations all along 55. I think if anyone needs
 19 gas, there's plenty of places to find it. So
 20 I'm just having a hard time understanding why
 21 the board seemingly is in favor of this. We
 22 all live here. Don't you want it to be
 23 attractive, rural? Don't we want to set a tone
 24 for the town of Lagrange. I'm just flummoxed.
 25 Thank you.

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 2 **MR. BELL:** You're welcome. Thank you.
 3 Other comments and questions. Yes.
 4 **MS. GAMILS:** Hi, everyone. My name is
 5 Drew Gamils. It is nice to see you in person.
 6 It's been a long time.
 7 **MR. BELL:** It has.
 8 **MS. GAMILS:** So I just have a couple of
 9 comments on the SDGEIS that I would like to
 10 present to you this evening. But first off, I
 11 know a couple of residents submitted letters
 12 prior to this public hearing. I just want to
 13 confirm that those will be part of the record.
 14 If not, I can read them this evening if that
 15 would be --
 16 **MR. BELL:** No. We have all those. They
 17 will be included.
 18 **MS. GAMILS:** And those -- and those
 19 questions will be answered in the FEIS.
 20 **MR. BELL:** Correct.
 21 **MS. GAMILS:** Then I will spare that.
 22 So first off, the proposed rezoning is
 23 going to allow intense uses. The focus for
 24 commercial zoning allows gas stations, auto
 25 service uses, major auto repair facilities,

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 2 motels, and warehousing. Such high-intensity
 3 commercial uses are not compatible with the
 4 existing land uses in the area. The updated
 5 rezoning will place a strain on the town's
 6 resources and can be expected to cause traffic
 7 congestion and change the community character.
 8 I mean, right now, there are six gas stations
 9 along Route 55 within two miles of each other.
 10 And the focus of this commercial zoning is on
 11 more auto heavy uses. This area is not served
 12 by public water or sewer. And this is a major
 13 concern. It will be difficult for this area to
 14 prosper under commercial zoning designation
 15 where the town's infrastructure cannot support
 16 it. How will this be addressed? Rezoning
 17 certain properties in the Route 55 and 82 area
 18 to commercial zoning will incur strict tight
 19 development along Route 55 and divert
 20 commercial interest to locations outside the
 21 town center and hamlet districts. There are
 22 many of the same uses that are permitted in the
 23 general business and town center business
 24 district as are in the commercial strict. The
 25 town might want to consider differentiating

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 2 between these districts further. The
 3 commercial district will allow a series of uses
 4 primarily related to auto industry that are not
 5 esthetically pleasing or environmentally
 6 friendly. And the concern is that this will
 7 result in great harm to the Route 55 area. The
 8 length of the DGEIS is about 800 pages when you
 9 read the appendices. These pages are mostly
 10 filled with copies of other documents, most of
 11 which contain information totally unrelated to
 12 the actual rezoning. Whether intentional or
 13 not, the result is a diversion blocking a truly
 14 careful public review of the impacts. Studies
 15 were not conducted specifically for this
 16 rezoning. At some point, these parcels were
 17 declared nonconforming uses. Deemed not
 18 appropriate for the district. These changes
 19 were done in 2005 and there was a reason for
 20 that. Now, the town has changed its mind
 21 without a full review of the comprehensive
 22 plan. If the town believes that things have
 23 changed to such an extent where commercial
 24 zoning is now appropriate for this area, the
 25 town should do a complete update of the

1 ROUTE 55/82
 2 Hudson Valley Natural Resource Mapper? Did
 3 they consult the New York Natural Heritage
 4 Program regarding file data on rare plants,
 5 animals, and habitats that could occur on or
 6 near the subject parcels? An inquiry to the
 7 NYNHP is standard for environmental reviews.
 8 Hunting this issue to future SEQRA review is
 9 not appropriate. In 2005, the town board
 10 adopted the town's comprehensive plan, and many
 11 stakeholders were involved in preparing this
 12 document. The town made significant efforts to
 13 obtain input from town residents, property
 14 owners, and other interested parties. The
 15 comprehensive plan indicates that many
 16 attendees were concerned about the form and
 17 placement of future commercial development.
 18 And some indicated that existing commercial
 19 development in the town, at that time, was
 20 adequate, and that the New York State Route 55
 21 was already congested as a result of existing
 22 commercial development, and that was 2005. The
 23 town has proceeded to amend the comprehensive
 24 plan without meeting with the community. It
 25 has been about 16 years since the town did a

1 ROUTE 55/82
 2 comprehensive plan. This is a piecemeal
 3 approach that is going to only hurt the
 4 community and the long-term viability of this
 5 municipality. As I said before, there are no
 6 specific reports in the SDGEIS that support the
 7 proposed rezoning. There is no updated or
 8 independent evaluation, for example, for the
 9 turtles. On March 25th, 2019, Hudsonia
 10 submitted a letter in response to the original
 11 DEGIS for the rezoning of the 16 parcels.
 12 Hudsonia listed several areas of concern about
 13 the Blanding's turtle and two rare plants known
 14 in the general area of the subject parcels.
 15 Five Angle Field Daughter [ph.] And the Schwab
 16 Cottonwood [ph.] There's no mention of these
 17 plants in the SDGEIS. The SDGEIS makes no
 18 mention of the examination of potential impacts
 19 to flora, including rare plants, that may occur
 20 on or near the subject parcels. In addition,
 21 Hudsonia referenced in its letter this time
 22 around -- Hudsonia made several references in
 23 this letter to things that the town might want
 24 to consider. That was the March 2019 letter.
 25 This time around, did the town consult the

1 ROUTE 55/82
 2 complete update of its comprehensive plan. The
 3 town is supposed to periodically update the
 4 comprehensive plan as a whole. A review
 5 generally is appropriate every five years. The
 6 town has failed to look at the community as a
 7 whole and consider opinions and input from the
 8 residents. Again, this is a piecemeal approach
 9 that's going to hurt the community. Again, I
 10 also think it's important to note that since
 11 January 1st, 2019, the town has adopted 11
 12 local laws, specifically amending the zoning
 13 code. The town board is not thinking about
 14 this holistically and doing this with a
 15 complete review. It is going one step at a
 16 time to address little issues that are going to
 17 lead to problems for this community. I would
 18 recommend that the public hearing be continued.
 19 This is the biggest vacation week, besides
 20 maybe Christmas, and I think a lot of residents
 21 are not here to voice their concerns. I think
 22 it's important to note, as it says in the
 23 notice, that the public hearing will at least
 24 remain -- the public comment period will remain
 25 open for ten days after the close of the public

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1 ROUTE 55/82
 2 hearing. I think all residents should know
 3 that you have an opportunity to submit written
 4 comments if you are not comfortable speaking.
 5 You have more of an opportunity. So I just
 6 think it's important to note that many
 7 residents are concerned about this rezoning and
 8 its impact on the community, and are
 9 disappointed in the SEQRA review that has
 10 happened thus far. Thank you for this
 11 opportunity.
 12 **MR. BELL:** We've received comments from
 13 the public in a variety of ways. I think you
 14 said you were going to read some specific
 15 comments this evening. If you would like to
 16 give us copies of all that to make sure they
 17 are already in our files so that we don't miss
 18 anything. I would appreciate that.
 19 **MS. GAMILS:** I just have one copy of each
 20 letter, but I can submit that.
 21 **MR. BELL:** That's fine. I would be very
 22 surprised if we don't already have those. But
 23 I just -- I don't want to miss the opportunity
 24 since you have them. I will be happy to take
 25 those to make sure we didn't miss anything.

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1 ROUTE 55/82
 2 **MS. GAMILS:** Not a problem. This is just
 3 one copy.
 4 **MS. O'REILLY-RAO:** Thank you.
 5 **MS. GAMILS:** You're welcome. Here you go.
 6 **MR. BELL:** What I'm concerned about is
 7 somebody sending in an email form and
 8 potentially sending it to the wrong person who
 9 won't necessarily treat it as an official --
 10 **MS. O'REILLY-RAO:** I did have them, but I
 11 wasn't sure.
 12 **MS. GAMILS:** Great. Thank you.
 13 **MR. BELL:** Just want to make sure.
 14 **MS. GAMILS:** Better safe than sorry.
 15 **MR. BELL:** Others?
 16 **UNIDENTIFIED SPEAKER:** Can I hand this in
 17 as well, your -- what you --
 18 **MR. BELL:** You don't need to. He's got
 19 the verbatim. We have -- we have every comment
 20 is being captured word-for-word tonight.
 21 Other comments and questions?
 22 **MR. JESSUP:** I'll make the motion to close
 23 the public comments --
 24 **MR. BELL:** Hang on a second. Hang on a
 25 second. I want to ask that question multiple

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1 ROUTE 55/82
 2 times before we make sure that -- I want people
 3 to make sure they don't have any other -- yes,
 4 sir.
 5 **MR. JOHNSON:** Tracy Johnson, 144
 6 (inaudible) Road. I understand that when the
 7 Planet Fitness gym was put in, they had to
 8 drill a well, and it went down quite deep into
 9 the rock. And they actually had to hydrofrac
 10 to do the well in order to get a sufficient
 11 flow of water. So I think this is an example
 12 of how the water resources are very variable
 13 along the corridor. And I'm wondering if you'd
 14 allow a large amount of development in, say, an
 15 area around the Planet Fitness. How are they
 16 going to get enough water? Are they going to
 17 have to drill wells down too? And if that
 18 becomes impossible, is the town going to
 19 suddenly decide to extend water out there?
 20 Thank you.
 21 **MR. BELL:** Other questions, comments?
 22 Going twice.
 23 **MR. LUNA:** I have a comment.
 24 **MR. BELL:** Sure. Go ahead. We can be
 25 flexible about that.

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1 ROUTE 55/82
 2 **MR. LUNA:** I was looking at this land that
 3 we have, and my largest concern was that the
 4 change of town center to three parcels --
 5 **MR. BELL:** Two.
 6 **MR. JESSUP:** No, potentially three on that
 7 side. On the --
 8 **MR. BELL:** Two on the south side?
 9 **MR. JESSUP:** There are two properties on
 10 the south side.
 11 **MR. BELL:** Those weren't combined?
 12 **MR. LUNA:** No.
 13 **MR. JESSUP:** No.
 14 **MR. BELL:** Okay. We are talking about the
 15 same ones. I thought they --
 16 **MR. JESSUP:** Yes. There is actually three
 17 on the south side.
 18 **MR. LUNA:** I would ask if you could remove
 19 those from this zoning.
 20 **MR. BELL:** Okay. All right. Yes, ma'am.
 21 **UNIDENTIFIED SPEAKER:** Just to clarify,
 22 the last date for written comments to be
 23 received by the board would be what date?
 24 **MR. BELL:** I'm going to ask the town
 25 board.

1 ROUTE 55/82
 2 MR. ACKERMAN: Ten days.
 3 MR. BELL: Ten days from today or the
 4 close of the public hearing.
 5 MR. JESSUP: Nancy's question, Is it ten
 6 business days or ten calendar days, correct,
 7 Nancy?
 8 MR. BELL: Calendar days.
 9 UNIDENTIFIED SPEAKER: Calendar. Okay.
 10 MR. RYAN: Ten calendar days. And there
 11 is going to be another public hearing.
 12 MS. O'REILLY-RAO: Up to Saturday the 4th
 13 is ten days. I'm sorry. Saturday, September
 14 4th is ten days.
 15 MR. BELL: So that's the answer to that
 16 question. Anyone else?
 17 I have a motion to close the public
 18 hearing. Do I have a second?
 19 MR. RYAN: I'll second that.
 20 MR. BELL: All in favor? Aye.
 21
 22 (A chorus of "ayes.")
 23
 24 MR. BELL: All opposed. Carried.
 25 Two reminders, written comments accepted

1 ROUTE 55/82
 2 will either get an email or a text about it.
 3 So that's a way that you don't have to keep
 4 looking and you can be tapped on the shoulder
 5 when something of interest comes in as well. I
 6 highly recommend that you do that. Thank you.
 7
 8
 9 (Time noted: 7:48 p.m.)
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1 ROUTE 55/82
 2 up until September 4th. And there will be at
 3 least one more public hearing. I highly
 4 recommend people who are interested just
 5 checking out the website periodically, call the
 6 town clerk's office to ask when next things
 7 are. Before the next public hearing, that will
 8 be advertised 30 days, or is it less than that,
 9 the comprehensive plan --
 10 MR. ACKERMAN: I think it's ten days.
 11 MR. BELL: So I think it's at least ten
 12 days before the meeting. I'm asking, because
 13 there's two different requirements out of state
 14 law depending on the nature of the public
 15 hearing. That's why I asked. That's going to
 16 be ten days. And for board meetings in
 17 general, the agenda for the upcoming meeting is
 18 published on Fridays for the following
 19 Wednesday. In addition to that, if you are
 20 Internet and website savvy, you can go on our
 21 -- our town website, and there is an ability to
 22 subscribe to notices that you are interested
 23 in. If you subscribe to town board agendas and
 24 those kinds of things, you can either specify
 25 when anything is published on that topic, you

1
 2 C E R T I F I C A T E
 3
 4
 5 I, Douglas F. Colavito, a Certified Court
 6 rter and Notary Public of the State of New York,
 7 hereby certify that the transcript of the
 8 going proceedings, taken at the time and place
 9 esaid, is a true and correct transcription of my
 10 thand notes.
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 DOUGLAS F. COLAVITO

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