

**Town of LaGrange
2005 Comprehensive Plan Amendment
& Proposed Zoning changes
Draft Supplemental Generic Environmental
Impact Statement**

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 82 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. The parcels are identified in a table in Section 2 below.

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Executive Summary

In 2018, the Town Board of the Town of LaGrange commenced a strategic update to the 2005 Comprehensive Plan in order to provide development and land use guidance to several commercial areas along State Route 55. While much of LaGrange's focus and priority has been on investment in and building up Town Center, an idea that has existed since the 1970's, some of the smaller commercial areas have remained stagnant or otherwise seen little movement over the past 13 years. In 2009, an amendment to the Town's Plan included more detail on Town Center, including an illustrative plan that identified the desired land uses as well as a more clearly defined limit of that area. Despite these efforts, though some improvements have been made, the Town Center development has remained relatively dormant.

Accordingly, the Town began evaluating strategies to attract investment and development in the Town Center and surrounding areas, most notably the State Route 55 corridor from the Taconic State Parkway up to State Route 82 which consists of a variety of existing commercial businesses, vacant lands, and some scattered residential. Within this corridor, nineteen parcels are currently zoned as Town Center Business (TCB), General Business (GB), and Residential Low Density (RLD) and are the focus of the Comprehensive Plan and zoning map amendment subject to this SGEIS. Of these nineteen parcels, ten of them contain uses that are currently considered "non-conforming" compared with their current zoning designation, resulting in limitations on further development/improvements or redevelopment without the need for variances. Further, several of the current property owners have requested rezoning of their parcels from the TCB or GB Districts to the Commercial (C) District in order to better utilize their lands in relation to what they are currently used as. The intent of the Proposed Action is to consider amending the Comprehensive Plan and the Town Zoning Map to allow and attract more appropriate land uses in this corridor by rezoning them to the Commercial District. Such rezoning would also render several currently non-conforming lots zoning compliant, thereby encouraging reinvestment and improvement. It is submitted that these steps will provide an opportunity to expand upon the 2009 Town Center initiative and create more commercial opportunities in the corridor where they currently exist.

The purpose of this SGEIS is to evaluate at a conceptual level the future development activity that may occur in the event the Town amends the Comprehensive Plan and the Town Zoning Map to redesignate the parcels in the Study Area (as illustrated on Map 1, and discussed in Section 2 below), to the Commercial (C) District. The SGEIS would not replace any site-specific environmental review that would occur if a subsequent project is proposed if the Comprehensive Plan and Zoning Map amendments were adopted. This SGEIS builds upon the analysis and assessment of a Generic Environmental Impact Statement ("2019 GEIS") that was prepared by the Town Board in 2019, providing expanded assessment of potentially significant adverse impacts pertinent to the Proposed Action based on new, relevant information that was not previously considered or adequately considered. Additionally, during the preparation of the 2019 GEIS, a proposal was submitted to the Town seeking to rezone three parcels of land at the eastern edge of the Study Area to the Commercial District (commonly referred to as the "Stewarts Project"). The methodology utilized within this SGEIS seeks to re-assess and re-evaluate previous data, ensuring the information is not "stale" and update this data based on the current environment in terms of regulations, land use, and physical conditions. The SGEIS follows the same format as the 2019 GEIS with a description of action, description of the existing conditions, evaluation of

potentially significant adverse environmental impacts, alternatives, mitigation measures, other issues, and future actions.

In order to evaluate the potential future activity that could occur if the Proposed Action were undertaken, the Lead Agency took to following steps: (i) identified the existing pattern of development in the Study Area, including any environmental or regulatory constraints currently limiting the use and/or building footprint of lots; (ii) identified the reasonable “worst case” full build out in the Study Area if rezoned to the Commercial (C) District, including consideration of the environmental and regulatory constraints, which would not change; and (iii) determined whether the change in potential build out in the Study Area would result in any significant adverse environmental impacts, and if so, whether there were mitigation measures available to avoid or reduce to the maximum extent practicable such impacts.

Based upon this analysis, the SGEIS demonstrates that following change in build out within the Study Area could occur if the Proposed Action were undertaken:

- An additional 18 and 20 uses would be permitted or specially permitted within lands formerly zoned as Town Center Business (TCB) and General Business (GB).
- Minimum lot width (25 to 150 ft); side (0 to 20 ft), rear (6 to 60 ft), and residential district setbacks (25 to 30 ft); and maximum floor area (n/a to 60%) increase significantly in the rezoning from TCB to Commercial. Lot frontage (115 to 200 ft), maximum lot coverage (20 to 30%), maximum floor area (40 to 60%), total maximum lot coverage (50 to 70%) also increases in the rezoning from GB to Commercial.
- Decreases in maximum height (50 to 35 ft), front yard (48.5 to 45 ft), maximum lot coverage (85 to 30%), and total maximum lot coverage (90 to 70%) are noted in the rezoning from TCB to Commercial. Minimum lot size for residential uses is the only notable decrease in the rezoning from GB to Commercial.
- Effective developable area (taking into account the changes in lot coverage and setbacks) for the 19 parcels ranges from a decrease of 0.5 acres to an increase of 3.8 acres with the rezoning from TCB, GB, and RLD to Commercial.

The Lead Agency also identified, based upon public input during the SEQRA Scoping process, areas of environmental concern to be evaluated under the aforementioned methodology. These areas include land use and zoning, transportation, and water resources (floodplains, wetlands, and waterbodies), as well as expanded evaluation of groundwater (within context of water resources section), vegetation and fauna habitat, and cultural resources. Each impact area included an evaluation of this development potential compared with the local, State, and Federal regulations that apply to the parcels which, in almost every case, apply to the land regardless of what zoning district it is in.

Within each impact area, the following evaluation of impacts and mitigation conclusions were reached:

- Land Use and Zoning: An increase in the number of permitted uses is anticipated with the Proposed Action though the change in dimensional requirements (lot coverage and setbacks) balances this out with greater setbacks and less coverage in the Commercial District. Additionally, several parcels contain environmental constraints (*see water resources*) that further restrict or more tightly control the amount of developable land. These development

restrictions/controls would apply to the property regardless of the zoning designation. In addition, the additional commercial uses that are permitted as a result of the Proposed Action are already found within the corridor and, due to the current lot configurations with the proposed dimensional requirements taken in account and the environmental limitation, not all of the permitted uses would be feasible on every single property. With the variety of local, State and Federal regulations that pertain to water resource protection and the review processes in place, it is not anticipated that a significant adverse impact to pattern of future development in the Study Area would occur. Accordingly, no mitigation measures are anticipated as a result of the Proposed Action.

- **Transportation:** Utilizing a “worst case scenario” for development within the corridor, including additional data provided by traffic data with the proposed “Stewarts Project,” the State Route 55 corridor can adequately handle any increases in traffic and still maintain an acceptable level of service (LOS rating of “C” or “D”) according to transportation engineering and design standards – over 1,000 trips beyond those identified in the “worst case scenario” within the SGEIS would be needed in order to move the LOS to a rating of “E” and require possible roadway changes to accommodate the additional traffic. Additionally, regardless of the zoning designation of the parcels, development is permitted which would increase traffic volumes beyond its current state. Since the LOS under a “worst case scenario” would not result in significant adverse impacts upon area transportation conditions (including traffic operation, noise and air quality). Accordingly, no mitigation measures are anticipated as a result of the Proposed Action.
- **Water Resources:** For this impact area, four resources were looked at including wetlands, floodplains, waterbodies, and aquifers/groundwater. At least four parcels had some presence of any one (or more) of these environmental constraints that restricted the extent of future development, either with specific activities/uses prohibited or otherwise significantly regulated for resource protection. The most heavily constrained parcel was #3 (945946) with approximately 50% of the land subject to restrictions due to wetlands, waterbodies (Sprout Creek), and floodplains. The combination of local regulations for floodplains (Chapter 120), wetlands (Chapter 124), and waterbody buffers (Chapter 124 and 240-31); State regulations for wetlands (ECL Article 24), protected streams (ECL Article 15, Part 608) and groundwater (6 NYCRR Chapter 5, Part 596-599); and Federal regulations for wetlands and waterbodies under the Clean Water Act (Section 404) and groundwater (40 CFR Parts 280 & 281 provides an extensive array of regulatory authority over activities in effected lands that would apply regardless of the zoning designation, and would ensure that any development in the Study Area would maintain the health and safety of property owners in the vicinity As a consequence, no further mitigation measures are anticipated as a result of the Proposed Action.
- **Vegetation, Fauna and Habitat:** The presence or potential presence of several threatened, endangered, and State significant species within the Study Area were identified in the SGEIS according to current NYSDEC and US Fish and Wildlife Services (USFWS) databases. While there are no Town regulations pertaining to the protection of wildlife resources, the aforementioned regulations for water resources that are in place at the local, State, and Federal level provide habitat protections that are directly attributable to species protection and avoidance. As noted,

these regulations are feature-specific and apply to lands throughout the Town regardless of their zoning designation. Additionally, any development that is proposed within the Study Area would undergo an environmental screening and review that would require consultation with NYSDEC in conjunction with the NY Natural Heritage Program and USFWS to provide up-to-date information. Wildlife protection guidance is also available from USFWS, NYSDEC, and other regional agencies such as Hudsonia, Ltd. that can be referenced during the project review, development, and construction phases. These measures would ensure that any development in the Study Area would protect the wildlife and habitat within the Study Area. As a consequence, no mitigation measures are anticipated as a result of the Proposed Action.

- Cultural Resources: Within the Study Area only one listed resource (Taconic State Parkway) and one eligible resource (#1325 State Route 55) are found. As such, the State Historic Preservation Office (SHPO) has jurisdiction over these resources under Section 106 of Federal regulations, though the Town also has plan review authority under Chapter 240 for historic resources as mapping becomes available. During environmental screening of projects, consultation with SHPO would provide the level of effort required in order to protect the visual/aesthetic quality of these resources ranging from additional screening to viewshed analysis to design adaptations, for example. As these resources are protected at the State level and are feature-based, they would apply regardless of the zoning designation. These measures would ensure that any development in the Study Area would protect cultural resources. As a consequence, no mitigation measures are anticipated as a result of the Proposed Action.

Section 1.0 Overview

This document is being prepared for the Town of LaGrange as a Supplemental Draft Generic Environmental Impact Statement (SDGEIS). The purpose of this SDGEIS is to supplement the information contained in the 2019 GEIS dated April 5, 2019 (accepted November 28, 2018), by updating the 2019 GEIS with new information that was not previously considered in the GEIS and Findings Statement. New information not contained in the 2019 GEIS will be incorporated into the pertinent sections of this DSGEIS in redline; this version of 2019 GEIS is provided in Appendix F.

As the proposed action noted below encompasses several areas of the Town and does not pertain to any site-specific actions (e.g. development proposals), a DGEIS can be used to consider and examine broad-based actions such as comprehensive plans, amendments, and code revisions. This SDGEIS is a broad analysis of the proposed legislative actions and does not supplant any site-specific environmental analysis that would typically be required for any proposed development project as the adoption of the plan and code amendments will not directly result in any new construction or development. This SGEIS aims to provide guidance on future site-specific project reviews for parcels in the Project Location, by analyzing the full build-out potential under the proposed rezoning, comparing said buildout to the baseline condition (i.e., the pattern of development currently permitted), and determining if the “future build” conditions would result in any significant new impacts. If it is determined that the rezoning could result in new significant impacts, then the Lead Agency will identify measures, which could be incorporated into any subsequent proposed actions to avoid or mitigate the impact to the maximum extent practicable. The goal of the SGEIS is to identify impact thresholds, conditions and mitigation measures for future proposed actions in the area proposed to be rezoned, which if exceeded would require additional SEQRA review prior to the reviewing board taking action on the future proposed

project. Site specific environmental analysis for projects exceeding the thresholds and conditions identified herein would accurately study and mitigate any specific impacts identified by the reviewing agency for individual projects. Such site-specific studies are,not discussed under this DGEIS.

Minor adjustments to the draft amendments to these documents that may be considered as a result of the public review process would not necessarily require a full revision of this impact analysis. Instead, any recommended change(s) to the specific zoning regulations as a result of this process will be assessed to determine if it would warrant a revision or recalculation of this document, or if it would still fall under the global thresholds, scope and evaluations considered in this SDGEIS. Minor adjustments to the proposed action can be specifically addressed in the Final SGEIS (“FSGEIS”) and the lead agency’s Findings Statement that will be prepared at the conclusion of the environmental review process. This SDGEIS was prepared in accordance with the State Environmental Quality Review Act (SEQR) and its implementing regulations 6 NYCRR Part 617.

Section 2.0 Description of Action

The Proposed Action subject to this environmental review is the amendment to the Town’s 2005 Comprehensive Plan, recommending a change in future land use and development around the intersections of State Route 55 and the Taconic State Parkway and State Routes 82 and 55. Based on this amendment, revisions to the Zoning Map are also proposed to change 16 parcels on the east side of the Parkway from General Business (GB) to Commercial (C) and two (2) parcels on the west side of the Parkway from Town Center-Business (TC-B) to Commercial (C). In addition, a portion of a 68.5-acre parcel in the Residential Low Density (RLD) zoning district east of the Parkway, approximately 0.50 acres, would be rezoned to the Commercial (C) District. Sixteen of the nineteen parcels are situated within the GB zoning district, and the proposal is to amend the zoning map to designate them within the C zoning district. Interestingly, virtually the same site design standards apply to the GB and C zoning districts. (Town Code Section 240-39.)

The following properties east of the Taconic State Parkway are included in the proposed amendments, rezoned from General Business (GB, formerly C-2) to Commercial (C):

Tax Map ID	Parcel Address	Property Owner	Owner Address	Current Land Use (RPS/Assessor Land Use Code)
6460-02-945946	22 Taconic Center Lane	Page Park Associates	PO Box 792 Poughkeepsie, NY 12602	Health Spa (544)
6560-01-457972	1463 Route 55	Red Wing Properties, Inc.	675 Leetown Road Stormville, NY 12582	1 Family Residential (210)
6560-02-501968	1477 Route 55	KH Properties, LLC	1320 Route 44 Pleasant Valley, NY 12569	Commercial (400)
6560-02-515970	1489 Route 55	Steven Betancourt, Jr.	1489 Route 55 Lagrangeville, NY 12540	1 Family Residential (210)

Tax Map ID	Parcel Address	Property Owner	Owner Address	Current Land Use <i>(RPS/Assessor Land Use Code)</i>
6560-02-546974	1493 Route 55	Brian W. Page	100 Salt Point Tpke Poughkeepsie, NY 12603	Other Storage (449) - vacant commercial
6560-02-564958	Route 82 (unimproved)	Reuccio Tallini	1311 Hempstead Tpke Elmont, NY 11003	Vacant Commercial (330)
6560-02-601974	2295 Route 82	Joseph Kenneth Parsons, Jr.	2295 Route 82 Lagrangeville, NY 12540	2 Family Residential (220)
6560-02-546919	1502-1504 Route 55	Majac Enterprises, Inc	120 Northfield Ave Dobbs Ferry, NY 10522	Gas Station (432) - active
6560-02-541906	1498 Route 55	Ronald R. D'souza	9 Cross Road Lagrangeville, NY 12540	2 Family Residential (220)
6560-02-530919	1496 Route 55	Petro, Inc	47 Patrick Lane Poughkeepsie, NY 12603	Fuel Storage & Distribution (441)
6560-02-504909	1486 Route 55	ARCOS Construction Mgmt	1486 Route 55 Lagrangeville, NY 12540	1 Family Resid. (210) - contractor yard
6560-01-492906	1482 Route 55	RPLF LLC	1482 Route 55 Lagrangeville, NY 12540	Diner/Lunch (422)
6560-01-473908	1474 Route 55	Roger Realty, Inc.	1474 Route 55 Lagrangeville, NY 12540	Office Building (464) - contractor yard
6560-01-417899	1456 Route 55	John Page Development, LLC	1456 Route 55 Lagrangeville, NY 12540	Other Storage (449) - self-storage

The following properties west of the Taconic State Parkway are included in the proposed amendments to be rezoned from Town Center Business (TCB, formerly TC-B) to Commercial (C):

Tax Map ID	Parcel Address	Property Owner	Owner Address	Current Land Use <i>(RPS/Assessor Land Use Code)</i>
6460-02-802900	1215 Route 55	Jaclyn Sayegh	2537 Route 52 Hopewell Junction, NY 12533	Gas Station (432) - former/vacant

6460-02-823867	1220 – 1224 Route 55	Gasland Petroleum, Inc.	785 Broadway Kingston, NY 12401	Gas Station (432) - active
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The following properties east of the Taconic State Parkway are also included in the proposed amendments to be rezoned from the General Business (GB, formerly C-2) to Commercial (C) in connection with a proposal to develop a gasoline filling station and convenience store:

Tax Map ID	Parcel Address	Property Owner	Owner Address	Current Land Use <i>(RPS/Assessor Land Use Code)</i>
6560-02-592941	2292 Route 82	55-82 LaGrange LLC	315 N Broadway Sleepy Hollow, NY 10591	1 Family Residential (210) - vacant
6560-02-582930	1515-1519 Route 55	55-82 LaGrange LLC	315 N Broadway Sleepy Hollow, NY 10591	Education Facility (615) - vacant

A 0.50-acre portion of the following property east of the Taconic State Parkway is also included in the proposed amendments to be rezoned from Residential Low Density (RLD) to Commercial (C) in connection with the above-mentioned proposal to develop a gasoline filling station and convenience store:

Tax Map ID	Parcel Address	Property Owner	Owner Address	Current Land Use <i>(RPS/Assessor Land Use Code)</i>
6560-02-715980	2296 Route 82	Red Wing Properties, Inc.	675 Leetown Road Stormville, NY 12582	Mine/Quarry (720) - active

The intent of these amendments is to provide opportunities for future development in these areas where development has been stagnant or otherwise limited since the completion of the 2005 Comprehensive Plan and subsequent zoning code updates. Many of the uses that currently exist in these areas have existed for some time. Most are pre-existing, non-conforming with limitations on changes, expansion, or growth. Most of the parcels are more consistent with the uses and site development allowed in the Commercial district as compared to the General Business or the Town Center-Business district. The current use and development of the properties define community character and establish a de facto aspect of the Town’s Comprehensive Plan. The zoning map changes are designed to promote land use development patterns that still fit with the overall goals and policies of the Town and promote reasonable growth in the Town, taking into context shifts in economic and market changes since 2005. The Town is subject to state tax cap limitations on annual percentage increases in townwide tax levies. Consequently, it is more important to augment tax ratables which the proposed action purports to do. The roundabouts at Route 55 have mitigated Route 55 traffic. The full proposed text of the Comprehensive Plan amendments and the supporting proposed zoning map are included in Appendix C, in general, the amendments consist of the following changes:

- Updating the Land Use recommendations contained within Section 3.3 under item #3 to reflect the changes to the former Commercial 1 and 2 Districts and to recommend the Study Area parcels as being rezoned to Commercial rather than General Business
- Updating the Proposed Zoning Districts Map (Figure 3.4-1) to reflect the 19 properties within the Study Area zoned as Commercial (C)

It is well recognized that commercial development does not put excessive burden on public expenditures, but rather improves the public purse through enhanced tax ratables. The following general policies have guided the development of the proposed action:

- a. The Study Area is a traditional commercial center located at or near the intersection of two major state or county highways where visibility is key and commercial uses provide the “highest and best use” in terms of economic development.
- b. The majority of the existing businesses in the corridor are more consistent with a “Commercial” designation than they are with a “General Business” designation. By rendering these uses zoning compliant, owners will not have to obtain variances and other relief just to upgrade or modify the physical plant of their business operations. Eliminating this review requirement, in turn, would encourage investment and upgrades to existing businesses within the proposed rezoned area.
- c. The changes proposed support the comprehensive plan’s goals with respect to encouraging expansion of commercial development in these areas, and expansion of existing retail and commercial uses in these districts.
- d. It encourages a revitalization or redevelopment of properties in the district which have either become vacant or have not been able to perform updated design and services.
- e. Commercial development is permitted in each of the existing districts and the uses that are permitted within the proposed action are consistent with the current land uses in the subject area.

Based on the environmental review and analysis contained within this SDGEIS, the following benefits have been generally identified as a result of the proposed action:

- a. A reduction in the number of non-conforming uses in the town. [See Section 4.1, Land Use & Zoning Evaluation]
- b. An increase the variety of permitted commercial uses. [See Section 4.1, Land Use & Zoning Evaluation]
- c. Encourage commercial development and support opportunities for additional employment for local residents. [See Section 4.1, Land Use & Zoning Evaluation]
- d. Broaden opportunities for expanding the commercial tax base and thereby benefiting residential taxpayers by increasing the value and assessment of these underutilized or vacant lands and contributing to the overall value of the Town. [See Section 4.1, Land Use & Zoning Evaluation]

- e. Allow existing businesses to enhance their operation to remain successful, currently restricted due to non-conforming status. [See Section 4.1, Land Use & Zoning Evaluation]
- f. Provide expanded development opportunities on some properties without significant impact on school population or traffic. [See Section 4.2, Transportation Evaluation]
- g. Will not diminish adjacent property values as the existing properties are primarily commercial in nature and the corridor is overall characteristically commercial. [See Section 4.1, Land Use & Zoning Evaluation]
- h. Existing regulations at the local, State, and Federal levels provided enhanced protections to subsurface waters compared to earlier commercial development elsewhere in the Town. [See Section 4.3, Evaluation of Water Resources]
- i. No significant further drain on public facilities or services. [See Section 7.2, Irreversible and Irretrievable Commitment of Resources & Section 7.3, Growth Inducing Impacts, Cumulative and Secondary Impacts]
- j. No negative effect on living conditions in the neighborhood as the corridor is already primarily commercial in use. [See Section 4.1, Land Use & Zoning Evaluation]
- k. No negative impact on public safety. [See Section 7.2, Irreversible and Irretrievable Commitment of Resources & Section 7.3, Growth Inducing Impacts, Cumulative and Secondary Impacts]
- l. Not detrimental to environmentally sensitive areas as existing local, State, and Federal regulations provide significant buffering and development/operation standards for specific uses that could potentially impact environmental quality. [See Section 4.3, Evaluation of Water Resources]

Section 3.0 Environmental Setting – Existing Conditions

Section 3.1. Community and Regional Setting

The Town of LaGrange, in central western portion of Dutchess County, is located in the heart of the Mid-Hudson Valley region. Comprised of a land area of approximately 40 square miles, the Town generally consists of more dense development occurring to the west of the Taconic State Parkway and substantial undeveloped areas to the east and north, primarily due to natural resource constraints. With a population of approximately 15,577 people according to the 2019 U.S. Census American Community Survey (5-year estimates), the Town has been steadily growing since 1960, with a substantial spike between 1990 and 2000. While many of New York State’s metropolitan regions have been experiencing negative growth trends in recent years, the Hudson Valley area is growing, with some community’s subject to intense growth pressures. Several of LaGrange’s neighbors, including the Towns of Beekman, Union Vale, and Fishkill experienced significant growth during the 1990s and have continued to do so today. From a regional perspective, between 1990 and 2010, LaGrange’s growth rate was 18.5%, slightly ahead of Dutchess County’s overall growth rate of 14.7%.

Section 3.2. Existing Land Uses, Ownership, Zoning

The existing properties in the area subject to the proposed rezoning (“Study Area”) are all privately owned by various property owners as highlighted in the tables contained within in Section 2.0. Land

uses include single and two-family residential dwellings, gas stations, office building, health spa, storage facilities, general commercial, and vacant (land and improved lands). Lot sizes range in size from a quarter acre up to 21 acres. Three zoning districts exist in the subject area – Town Center Business (TCB) on the west side of the Taconic State Parkway and General Business (GB) and Residential Low Density (RLD) on the east side of the Parkway.

An analysis of the land use of each property in the Study Area (use classification codes as outlined by NYS Real Property Services (RPS) and utilized by local assessors for taxing evaluations) as well as the actual, current use of the property if it differs from the use classification code indicates the level of conformity with the existing zoning as noted in Table 3-1 below. The “zoning class” was determined based on the RPS use type or the current use and compared with the list of permitted uses for the existing zoning district each property is contained in (Chapter 240 Attachment A1 & A2).

“Conformance” indicates whether the use is in conformance (permitted/special permit) with the existing district or non-conforming (not permitted). Overall, 10 of the 19 properties are not permitted and therefore considered non-conforming.

TABLE 3-1: Property Use Conformance				
Tax Map ID	RPS Use Type	Current Use	Zoning Class	Conformance
945946	health spa	(same)	fitness center	conforms
457972	SF resid	(same)	SF dwelling	conforms
501968	commercial	Retail business	retail business	conforms
515970	SF resid	(same)	SF dwelling	conforms
546974	storage/vacant comm	Contractor yard	contractor yard	non-conform
564958	vacant comm	Unimproved vacant land	n/a ¹	n/a ¹
601974	2 fam resid	(same)	2 fam dwelling	non-conform
546919	gas station	(same)	gas mart	non-conform
541906	2 fam resid	(same)	2 fam dwelling	non-conform
530919	fuel storage/dist	(same)	N/A	non-conform
504909	SF resid	Contractor yard	contractor yard	non-conform
492906	diner	(same)	restaurant	conforms
473908	office	Contractor yard	contractor yard	non-conform
417899	other storage	self-storage	storage (self)	non-conform
592941	SF resid	Vacant bldg	SF dwelling	conforms
582930	ed facility	Vacant bldg	childcare center ²	conforms
802900	gas station	Vacant/inactive	gas station (dispensing)	non-conform
823867	gas station	(same)	gas mart	non-conform
715980	quarry	residential accessory bldg. ³	excavation operations	conforms

1: Property is currently vacant with no structures.

2: Former use of building was childcare center but has been vacant for significant time

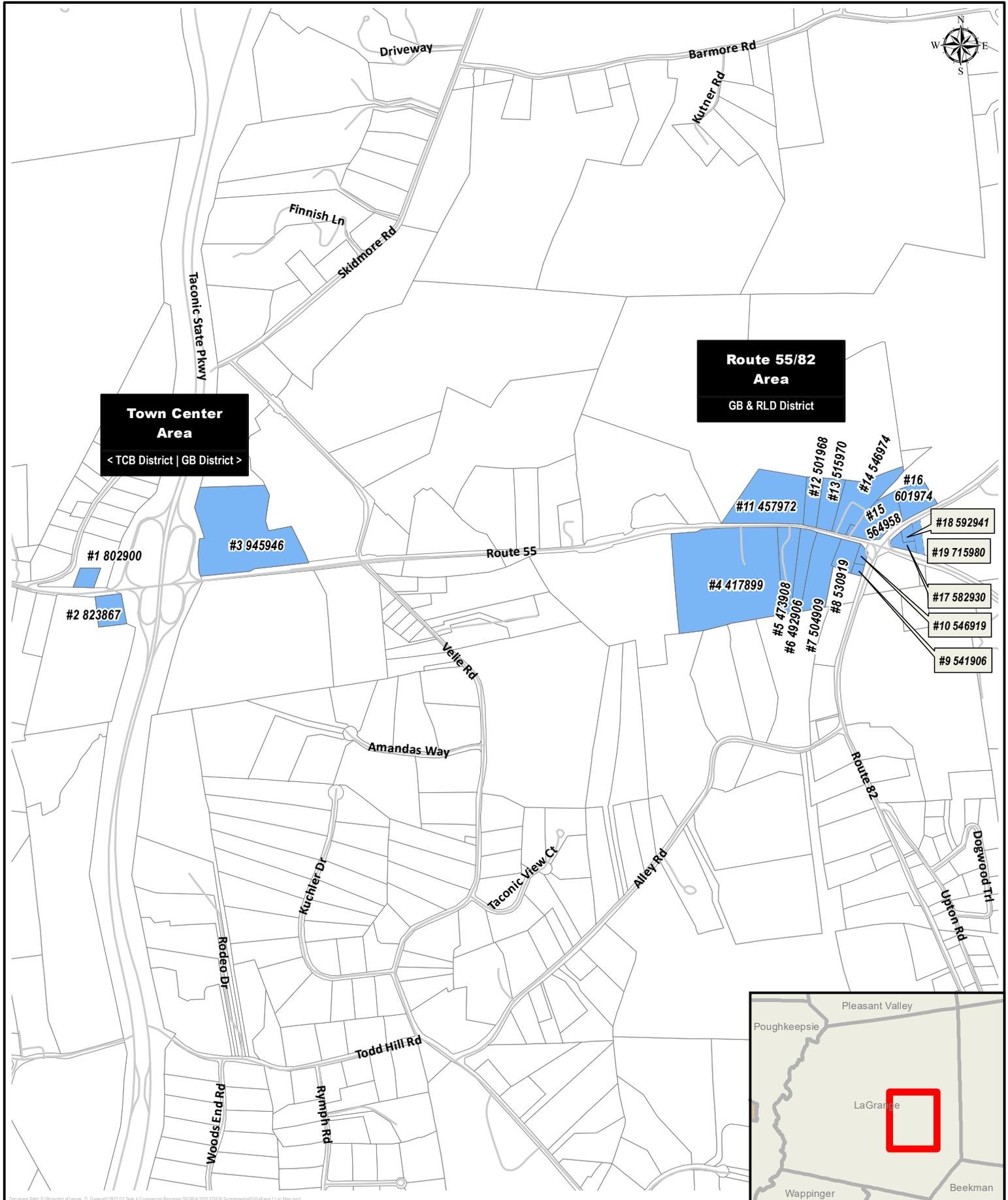
3: Structure associated with adjacent use, not quarry operation. Legality of structure in question (i.e. encroachment).

The intent/purpose of these Districts are as follows:

- **Town Center Business (TCB):** Mixed office, governmental, commercial and residential uses. It is one of the primary districts for adding to the multifamily housing stock in LaGrange. Located in Freedom Plains, this district will provide identity as well as functional coherence to the Town of LaGrange. The district will potentially benefit from the availability of public water and sewer facilities and from pedestrian linkages. Therefore, certain incentives are designed to encourage such development. To date, however, development of a public water and sewer facilities serving the parcels in the Study Area has not occurred. [Note: The intent of Town Center Residential (TCR) is the same as TC-B.]
- **General Business (GB):** Lower intensity uses. Business and commercial (GB) Districts are generally smaller in scale and form compared with the Commercial (C) Districts.
- **Residential Low Density (RLD):** Primarily for open space, low-density residential and agricultural uses. This district features many constraints to development, including steep slopes, mapped and unmapped wetlands, and shallow depth to bedrock. This area also has a relatively less developed road system and lacks public water and sewer infrastructure. Many residential uses rely on individual wells and septic systems. The minimum lot size in this district is 120,000 square feet.

The list of uses that are allowed within each district are outlined below with “P” indicating permitted, “SP” as special permit, “N” not permitted, “A” permitted only as accessory use, and “M” permitted only as a mixed use.

TABLE 3-2: Existing Zoning District Uses				
Use	TCB	GB	RLD	C
Accessory Structure	P	P	A	P
Adult-oriented Business	N	N		N
Ambulance Service (private)	N	N		P
Auto audio installation service	N	N		P
Auto body shop and collision repair	N	N		N
Auto brake service	N	N		P
Auto car wash (automated)	N	N		P
Auto car wash (self-service)	N	N		P
Auto detailing service	N	N		P
Auto diagnostic service	N	N		SP
Auto towing service (light duty)	N	N		P
Auto towing service (medium duty)	N	N		N



Document Path: C:\Projects\LaGrange, NY - General\2017\01\Task 4\General\Planning\2020\2020-01-01\2020 Supplemental GIS Map 1 Loc Map.mxd



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CHECKED:	GWB
SCALE:	1"=1,200'
PROJ. #:	12977.02

Map 1- Location Map
 Comp. Plan/Zoning Amendments
 Town of LaGrange, Dutchess County, New York

TABLE 3-2: Existing Zoning District Uses				
Use	TCB	GB	RLD	C
Auto towing service (heavy duty)	N	N		N
Auto muffler service	N	N		P
Auto quick lube and oil change	N	N		P
Auto repair (major)	N	N		SP
Auto sales (new car dealership)	N	N		P
Auto sales (used car dealership)	N	N		N
Auto state inspection service	N	N		P
Auto tire sales and service	N	N		P
Auto transmission service	N	N		N
Bank and financial institutions	P	P		P
Barber, beauty salon, nail salon	P	P		P
Bed & Breakfast	N	SP	SP	N
Cemetery	P	N	SP	N
Childcare center	SP	SP		P
Clubhouse	P	SP		N
Commercial kennel	N	SP	SP	SP
Conference center	P	N		P
Contractor's yard	N	N		P
Convenience store	P	P		P
Dance studio	P	P		P
Drive-in restaurant	SP	SP		SP
Drive-through service facility	A, SP	A, SP		A, SP
Dry cleaning and laundry service	P	P		P
Educational services	P	P		P
Essential services	P	P	P	P
Excavation or removal of earth, topsoil, sand, gravel, clay, or stone; soil and stone crushing, washing and processing operation	N	N		N

TABLE 3-2: Existing Zoning District Uses				
Use	TCB	GB	RLD	C
Farming/Farm	N	N	P	N
Farm stand	P	N		N
Fast food restaurant	M	SP, M		SP
Fitness center/gymnasium	P	P		P
Food service business	P	P		P
Funeral parlor	P	SP		P
Gas station (fuel dispensing only)	N	N		SP
Gas mart	N	N		SP
Hotel	SP	SP		P
Indoor Theater	P	SP		P
Inn	P	SP		SP
Laboratory (testing & research)	N	N		SP
Land trust facility	P	P		P
Laundromat (self service)	N	P		P
Library	P	P		P
Light industry	N	N		SP
Livery/taxi service	N	N		P
Lumber yard (outdoor)	N	N		N
Medical and dental office	P	SP		P
Motel	N	N		SP
Museum	P	SP		P
Nightclub	SP	N		P
Office	P	P		P
Outdoor sports/recreation	SP	SP	SP	SP
Passive recreation	P	P		P
Place of public assembly	SP	P		P
Civic buildings and place of public assembly, e.g. community buildings, churches, schools	P	P	SP	P
Pharmacy	P	P		P
Print shop	P	P		P
Private school	SP	AP		SP
Public swimming pool	N	A		A
Radio and television stations	N	N		N

TABLE 3-2: Existing Zoning District Uses				
Use	TCB	GB	RLD	C
Residential health-care facilities, adult homes and group homes (congregate housing)	SP	SP	P	SP
Single-family dwelling	SP	P	P	N
Townhouse	P	N	N	N
Two-family dwelling	N	N	N	N
Multifamily dwelling	P	N	N	N
Rental apartment	N	N	N	N
Accessory apartment	SP	N	A, SP	N
Detached accessory apartment	SP	N	A, SP	N
Carriage unit	SP	N	N	N
Residential mixed use	M	M, SP		N
Home occupation	A, SP	A	A	A
Restaurant	SP	P		P
Retail business	P	P		P
Retail sale of products of horticulture, as well as hand tools, fertilizer, seeds, bulbs, and other material customarily used in horticulture on parcels of 5 acres or more	SP	P	SP	P
Skating rink	N	N		N
Stables, riding establishments and clubs	N	SP	SP	N
Storage (self service)	N	N		P
Summer day camp	N	SP		SP
Tavern, bar and pub	P	SP		SP
Tennis club	N	N		N
Theaters	P	SP		SP
Veterinary clinic	SP	SP		SP
Veterinary office	P	P		P
Warehousing and wholesale goods	N	N		SP
Wireless telecommunications facilities	SP	SP	SP	SP
Solar panels (roof mounted)	A	A	A	A

TABLE 3-2: Existing Zoning District Uses				
Use	TCB	GB	RLD	C
Solar panels (ground mounted)	A, SP	A, SP	A, SP	A, SP
Solar farms	N	P, SP	P, SP	P, SP
Swimming pool	P	P	A	P
Pool house/cabana	A, SP	A, SP	A	A, SP
Outdoor kitchen	A	A	A	A
Outdoor fuel burning device	N	N	SP	N
Tennis/sport court	A	A	A	A
Second kitchen			A, SP	
Adaptive Reuse			SP	
Farming			P	

The schedule of dimensional requirements for each parcel (bulk and coverage) within each district are outlined below.

TABLE 3-3: Existing Zoning District Area Requirements				
	TCB	GB	RLD	C
Minimum single-family residential lot area (SF)	N/A	40,000	120,000	30,000
Single-family residential with public sewers	6,000	N/A	120,000	N/A
Townhouse lot area (square feet) with public sewers	2,500	N/A	N/A	N/A
Minimum width of lot along building line (feet)	25	150	200	150
Minimum width of lot at any point	25	50	150	50
Minimum dimension of building square on lot (feet)	N/A	100	200	100
Minimum lot frontage on Town right-of-way line (feet)	25	75	100	75
Minimum lot frontage on county or state highway	25	115	225	200
Maximum number of stories of a building	3	3	3	3
Maximum height of a building or structure (feet)	50	35	35	35
Minimum dimensions (in feet) from center line of NYS Route 55	48.5-58.5	N/A	N/A	N/A

TABLE 3-3: Existing Zoning District Area Requirements				
	TCB	GB	RLD	C
Front yard, state or county road	48.5-58.5	45	90	45
Front yard, Town road	NOTE 1	40	55/80	40
Rear yard	6	20	40	20
Side yard	0	20	40	20
Residential district boundary line	25	30	30	30
Maximum lot coverage by buildings as percent of lot area	85%	20%	10%	30%
Maximum floor area of buildings as percent of lot area	N/A	40%	20%	60%
Maximum total lot coverage as percent of lot area (buildings, structures, outdoor deposit, paving)	90%	50%	15%	70%
Minimum floor area of dwelling unit (square feet)	500	N/A	1200	N/A
Minimum floor area of apartment	500	500	N/A	N/A

The individual parcels are further outlined on the following pages and highlighted in Map 1, Location Map (stars denote a nonconforming use).

<p>Parcel #1*</p>	<p>1215 State Route 55/Lot Number – 802900</p> 
<p>Existing Land Use Description & History</p>	<p>Existing property consists of a vacant, former gas station (pumps removed) with canopy and convenience store structure still remaining though deteriorating (broken/missing windows); in 2004 the existing land use was commercial. Following the 2005 Comprehensive Plan the property was rezoned to Town Center Business and considered a continuing non-conforming in use. The business has been shut down since 2010 and it was determined by the Town that the property had lost its non-conformity in use status on March 4, 2013, meaning that any redevelopment of this lot would likely require substantial demolition costs. No signage exists and the existing pavement is ripped up due to removal of underground tanks. NYS DEC bulk storage database notes that the site (3-413615) is unregulated/closed as of 1993 with four underground PBS tanks removed July 1992. The property is minimally maintained, and no mapped environmental features are noted on the site.</p>

<p>Parcel #2*</p>	<p>1220-1224 State Route 55/Lot Number – 823867</p>
	<p>The 2004 land use was commercial on the front lot with a vacant rear lot; both lots have since been consolidated into one. Following the 2005 Comprehensive Plan the property was zoned to Town Center Business and considered a continuing non-conforming in use. The former “front” lot consists of an active gas station (Shell) with five pumps, canopy, and a detached 1-1/2 story convenience store. Three active underground PBS tanks are registered and in service on the site (3-410659) with five previous tanks removed in the past; NYS DEC registration expires 01/13/2022. The site is landscaped with site lighting and three access points serve the property. A mix of woods and scrub vegetation surrounds the site where the former “rear” property was; no mapped environmental features are noted on the site. The property owner submitted an application to expand the use to include a Dunkin Donuts in 2013 but was denied as an expansion of a non-conforming use.</p>

<p>Parcel #3</p>	<p>22 Taconic Center Lane/Lot Number - 945946</p> 
<p>Existing Land Use Description & History</p>	<p>In 2004 the existing land use was commercial on the “front” lot with the “rear” lot vacant. Following the 2005 Comprehensive Plan, the “front” property was zoned as C-2 (now GB) and the “rear” as R-120 (now RLD); these parcels have since been consolidated into one with rezoning approval by the Town Board to C-2 (GB) in 2010. The site is referred to as “Taconic Center” and it contains a single-story, standalone building (Planet Fitness franchise) surrounded by parking, but predominantly located in the front. A single entrance provides access to the site from State Route 55. A small stormwater pond exists on the southeastern corner of the parking lot and a gravel parking area is found at the southwest corner.</p> <p>Cleared lands exist at the south end of the property adjacent to the access road with the remaining areas consisting of a mix of forest and scrub-brush vegetation. Compared with other properties subject to this SGEIS, this site is the most constricted due to the presence of floodplains, wetlands, and Sprout Creek (with Town regulated buffer zone) located on the eastern side of the property, thereby limiting the amount of developable land – additional information is found in subsequent sections.</p> <p>A site plan is on file for a mixed-use development with an environmental review (SEQRA) performed on full site development with permitted uses in the C-2 District; a negative declaration was granted on 7/20/2010, though full site plan approval for complete build out of the site was not granted. The mixed-use site plan utilized a private well water supply and a package wastewater treatment plant; the building is currently served by this supply and a subsurface wastewater disposal system. The existing building and use, parking, and stormwater improvements were approved on October 2010 with no other applications for additional site development submitted to the Town since that time. In 2015, the property owner requested the Town consider rezoning the parcel to C-1 (now C) to entice more businesses to the site.</p>

Parcel #4*	1456 State Route 55/Lot Number - 417899
	

Existing Land Use Description & History	<p>In 2004 the existing land use was commercial as an existing storage facility with an approved site plan and zoned C-1. Following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB) and considered a continuing non-conforming in use. This property consists of a multi-unit self-storage facility with an open storage area at the south end for vehicles and miscellaneous materials. Access to the site is provided by a single driveway and the frontage is secured with fencing. Site lighting is limited to the entrance and landscaping buffers the property from State Route 55. The western end of the site is elevated above the roadway due to topography, coming up to grade at the entrance. Beyond the existing open storage areas to the south, the remainder of the property consists of trees and scrub vegetation; no mapped environmental features are noted on the site.</p> <p>It was identified in 2015 that the site had expanded beyond its approved site plan and was in violation with additional RV storage and construction equipment. Subsequently, the property owner applied for an amended site plan to rectify the violation, but it was suspended due to it being an expansion of a non-conformity when the construction yard moved into the rear of the lot. The site has remained stagnant with no amended site plan.</p>
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<p>Parcel #5*</p>	<p>1474 State Route 55/Lot Number – 473908</p> 
<p>Existing Land Use Description & History</p>	<p>In 2004 the existing land use was commercial as a construction yard and zoned C-1. Following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB) and considered a continuing non-conforming in use. The existing use, still a construction company, is set back significantly from State Route 55 and is screened by landscaping. Several structures exist on the site including an office building and a larger 1-1/2 story storage building. Vehicle, materials, and other equipment is stored throughout the narrow site with an access road providing egress from Route 55 and through to the south end of the developed portion of the property. The remainder of the site is vegetated with woods and scrub vegetation; no mapped environmental features are noted on the site. In 2010, the property owner submitted for amended site plan to obtain a roof over an existing porch. The ZBA granted an area variance based on the site being a legal non-conforming use. The PB approved the amended site plan in 2010.</p>

Parcel #6	1482 State Route 55/Lot Number – 492906 
Existing Land Use Description & History	<p>In 2004, the existing land use was commercial as a restaurant and zoned C-1; following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB).</p> <p>This narrow lot consists of a 2-1/2 story commercial building housing a deli and parking lot with a single access driveway. From 1997 to now, there have been various restaurants, bars, and delis on the site with periods of closure in between active uses. The remainder of the site is vegetated with woods and scrub vegetation; no mapped environmental features are noted on the site.</p>

<p>Parcel #7*</p>	<p>1486 State Route 55/Lot Number - 504909</p> 
<p>Existing Land Use Description & History</p>	<p>In 2004 the existing land use was single-family residential and zoned R-120 (now RLD); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB). In 2014, the parcel was purchased and converted to a construction yard which resulted in a violation that exists today; the construction (contractor) yard is considered a continuing non-conforming in use.</p> <p>This property consists of a 1-1/2 story, one-family residential dwelling that is setback from State Route 55 and screened from the roadway by significant trees and vegetation. According to property records, a detached garage also exists on the site with trees and vegetation making up the remainder; no mapped environmental features are noted on the site.</p>

Parcel #8*	1496 State Route 55/Lot Number - 530919 
Existing Land Use Description & History	In 2004 the existing land use was commercial; following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB) and considered a continuing non-conforming in use. The property contains two, large aboveground fuel oil storage and distribution tanks as well as a refueling/distribution station. A single driveway provides access to the site and trees screen most of the property from the roadway. No mapped environmental features are noted on the site.

<p>Parcel #9*</p>	<p>1498 State Route 55/Lot Number – 541906</p>
	 <p>View from State Route 55 (top) and State Route 82 (below)</p>
<p>Existing Land Use Description & History</p>	<p>In 2004, the existing land use was residential as a two-family and zoned R-120 (now RLD); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB) and considered a continuing non-conforming in use.</p> <p>The property consists of a 2-1/2 story dwelling set back behind the existing gas station/convenience store at the corner of State Route 55 & 82. Though the property has frontage on State Route 82, access is provided by a driveway on Route 55 between the gas station and fuel storage site that appears to be split between these two parcels; security fencing separates the property from the fuel storage site. Vegetation is mainly found on the east side of the site adjacent to Route 82; no mapped environmental features are noted on the site.</p>

<p>Parcel #10*</p>	<p>1502-1502 State Route 55/Lot Number – 546919</p>  <p>View from State Route 55 (top) and State Route 82 (following page)</p>
<p>Existing Land Use Description & History</p>	<p>In 2004, the existing land use was commercial (gas station); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB) and considered a continuing non-conforming in use. A two-pump gas station with canopy and convenience store are found at this site. Three active underground PBS tanks are registered and in service on the site (3-172073) with five previous tanks removed in the past; NYS DEC registration expires 11/10/2020. Wide access drives are found on both State Route 55 and 82 with a larger parking area surrounding the structures. Vegetation is limited to minimal maintained lawn and some landscaping (trees/shrubs); no mapped environmental features are noted on the site.</p>

<p>Parcel #11</p>	<p>0 State Route 55/Lot Number - 457972</p> 
<p>Existing Land Use Description & History</p>	<p>In 2004, the existing land use was residential and zoned R-120 (now RLD); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB).</p> <p>The property consists of a one-family residential dwelling that is accessed by a long driveway with distance and significant vegetation obscuring any structures from the roadway. According to property records several structures exist including a house and several garages/sheds/outbuildings. A small, unnamed tributary of Sprout Creek is located at the northern and western edge of the property with a mapped floodplain adjoining it. The majority of the site consists of trees and other scrub/shrub vegetation which would require significant site preparation thereby limiting the development potential. An application for the parcel has been submitted to the Town for consideration to subdivide the parcel into three (3) lots for the single-family residence and two future commercial lots – no action has yet been taken.</p>

Parcel #12	1477 State Route 55/Lot Number - 501968
	
Existing Land Use Description & History	<p>In 2004, the existing land use was residential and zoned R-120 (now RLD); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB).</p> <p>An existing commercial business is found at this property, The Pools Guys Pool & Spa, with an approved site plan on record in 2011. A 1-1/2 story structure and parking lot with single access driveway takes up approximately two-thirds of the property with the remainder consisting of trees and other scrub/shrub vegetation; no mapped environmental features are noted on the site.</p>

Parcel #13	1489 State Route 55/Lot Number – 515970
	
Existing Land Use Description & History	<p>In 2004, the existing land use was single-family residential and zoned R-120 (now RLD); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB).</p> <p>The site contains a 2-1/2 story, one-family residential dwelling with two access points on Route 55. The property is fenced and consists of a mix of maintained lawn, mature trees, and scrub/shrub vegetation. No mapped environmental features are noted on the site.</p>

<p>Parcel #14*</p>	<p>1493 State Route 55/Lot Number – 546974</p>
	
<p>Existing Land Use Description & History</p>	<p>In 2004, the existing land use was commercial; following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB).</p> <p>A single-story commercial structure exists on the property with fencing along the frontage; a u-shaped driveway provides access with two points of ingress on Route 55. The building is vacant (build to suit sign posted on fence) with the site being used in the past for temporary storage of utility trailers and other construction/utility materials associated with public utility work by Central Hudson; there is currently no temporary storage as of the date of this document. The building is in a state of neglect with missing doors and windows and has been vacant for at least 17 years. Approximately half of the property is developed (maintained lawn, pavement, building) and the other half consists of trees and scrub/shrub vegetation. Though a small unnamed creek does not run through the property, some of the floodplain that abounds it is located on the northern 0.9-acre portion of the site, limiting development potential.</p>

Parcel #15	0 State Route 82/Lot Number – 564958
	
Existing Land Use Description & History	<p>In 1981, this parcel was subdivided off of a larger Red Wing parcel (mining property/company). In 2004, the existing zoning was R-120 (now RLD); following the 2005 Comprehensive Plan, the property was changed to C-2 (now GB). This vacant parcel contains no structures and consists of heavy vegetation; no mapped environmental features are noted on the site.</p>

<p>Parcel #16*</p>	<p>2295 State Route 82/Lot Number - 601974</p> 
<p>Existing Land Use Description & History</p>	<p>In 2004, the existing land use was single-family residential and zoned as R-120 (now RLD). The Town Board approved a rezoning of this parcel to GB (former C-2) based on the property owner’s request to have the parcel match the surrounding zoning. Recent real property classifications indicate the property as two-family residential, deeming the property as non-conforming. Several structures exist on the site including a 2-1/2 story dwelling and several outbuildings. Woods and other vegetation surrounding the majority of the site; no mapped environmental features are noted on the site.</p>

Parcel #17	1515-1519 Route 55/Lot Number - 582930 
Existing Land Use Description & History	<p>In 2004, the existing land use was an educational facility/daycare and zoned as GB. The parcel is current vacant and has been for sale under various realtors since approximately 2008. Several structures exist on the site including a 2-1/2 story dwelling and an outbuildings. The property is fenced along the roadway and contains a former playground area, parking lot and open/maintained lawn; no mapped environmental features are noted on the site. A pending application for a commercial gas station and convenience store is being considered for this site as well as parcels 18 and a 0-5 acre portion of parcel 19, subject to rezoning.</p>

Parcel #18	2292 Route 82/Lot Number - 592941
	
Existing Land Use Description & History	<p>In 2004, the existing land use was single-family residential and zoned as GB. Only one structure exists on the site (yellow barn is on adjacent property) consisting of a 1-1/2 story dwelling, currently vacant and for sale. The property consists of maintained lawn and also contains a walkway connecting the property to parcel #17/582930; no mapped environmental features are noted on the site. The property was likely utilized in conjunction with the educational/daycare facility (parcel 17). A pending application for a commercial gas station and convenience store is being considered for this site as well as parcels 17 and a 0-5 acre portion of parcel 19, subject to rezoning.</p>

<p>Parcel #19</p>	<p>2296-2332 Route 82/Lot Number - 715980</p> 
<p>Existing Land Use Description & History</p>	<p>In 2004, the existing land use of the entire parcel was mine/quarry and zoned as R-120 (now RLD). The overall parcel consists of an active mine/quarry operation and this structure was part of a small-scale retail business portion of the mine, offering residential and small business purchases of material. Currently, this portion of the business is not active. Outside of the mined area, the property consists of cleared lands adjacent to the mine and heavy woods; floodplains and wetlands are found further east of this area within the remaining 68.5 acres, though no features are within the area subject to the proposed action. A commercial gas station and convenience store is being considered for a 0-5 acre portion of this site as well as parcels 18 and 19, subject to rezoning.</p>

Section 3.3. Buildings/Structures

As noted above, a variety of land uses exist in the area with buildings that include residential dwellings, storage buildings, and commercial and office buildings. These structures range in height from single story to two stories and up to approximately 62,500 square feet in size (mini-warehouse/storage facility).

Section 3.4. Infrastructure/Transportation Network

Water and sewer utilities are mainly private systems (well and septic) with only the two properties west of the Taconic State Parkway (parcels #1 & 2) in the Study Area having public water. Natural gas, electric service, and telecommunications are all available as well. Within the Study Area, State Route 55 serves as a principal arterial and State Route 82 serves as a major collector with the Taconic State Parkway providing high-volume transportation as a principal arterial expressway beyond the region. Other roadways function as local roads maintained by the Town and County.

In 2019, the average annual daily traffic (AADT) of State Routes 55 and 82 were 14,216 and 7,320/7,464 (north/south of Route 55), respectively, east of the Parkway. State Route 55 west of the parkway had an

AADT of 17,308 in 2019. Both of these roadways are designated truck routes in addition to serving personal automobiles. According to 2019 NYSDOT figures, only six (6) percent of the total traffic in 2019 was estimated to be truck traffic for both Routes 55 and 82 (887 and 444). Ambient and daytime noise levels for these areas have not been measured, though according to the Federal Highway Administration (FHWA), typical high traffic noise ranges from 70 to 80 db(A) at a distance of 50 feet from the highway; noise generated from a conversation between two people standing three feet apart, by comparison, is usually in the 60-65 dB(A) range. Diesel trucks and noisy urban daytime environments can reach 80 dB(A). It can be assumed that these noise ranges are found along the Route 55 and 82 corridors given the most current AADT traffic volumes with occasional peaks due to periodic truck traffic.

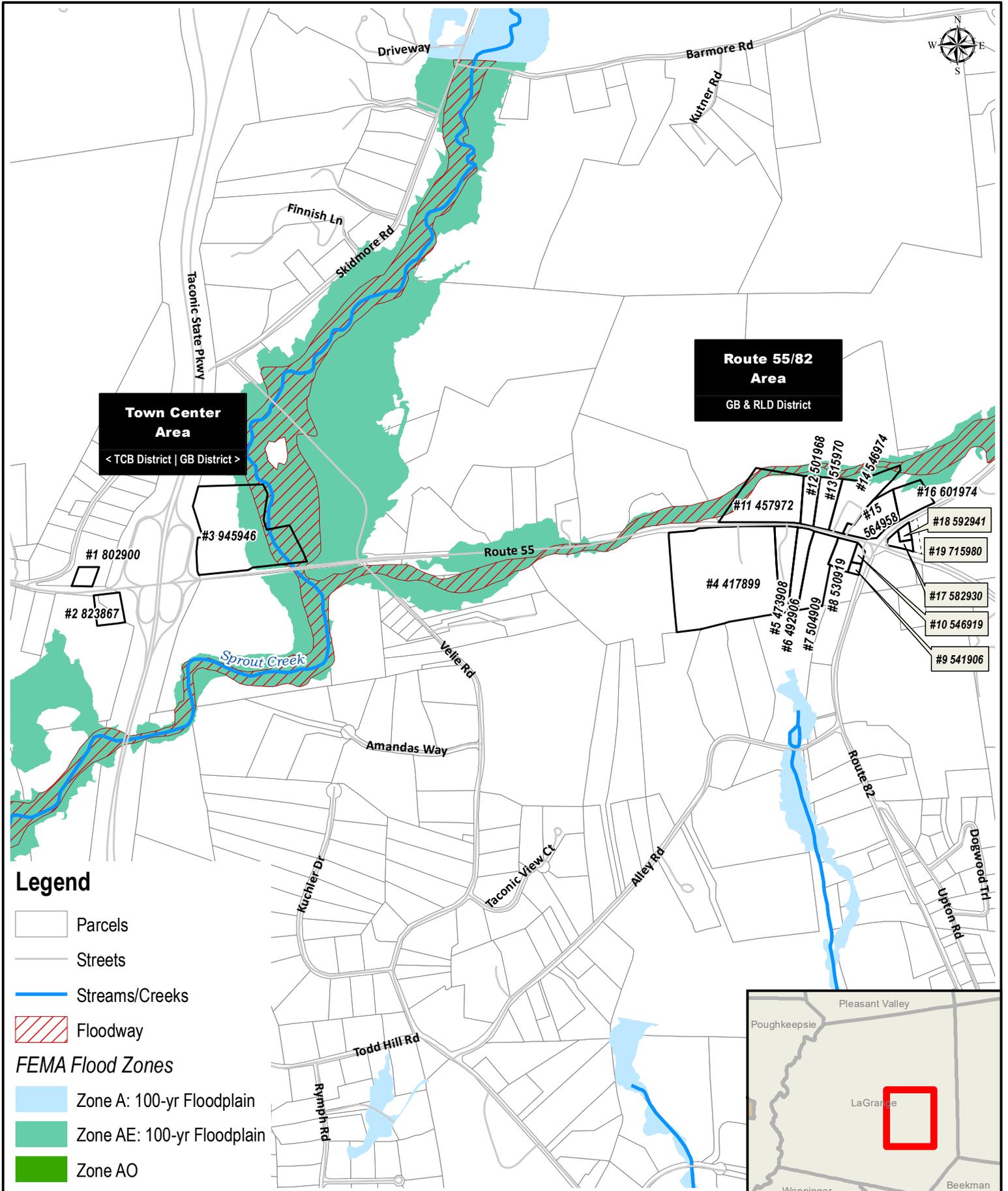
Section 3.5. Natural Resources

A number of waterbodies exist in the area including wetlands and floodplains as a result of the presence of Sprout Creek and other tributaries (see Maps 2-4). With the exception of a few parcels, namely parcel #3, 11, 14, and 16, these water resources are primarily found outside of the Study Area or immediately adjacent to it. Parcel #3 contains the greatest combination of these resources including wetlands (NYSDEC and Federal), floodplains/floodway, and Sprout Creek. Sprout Creek is one of the major waterbodies found within the Town of LaGrange, running in a southerly direction beginning in Millbrook, NY and eventually joins with Fishkill Creek outside of the Town prior to ending in the Hudson River. The creek is not only an important local resource in terms of watershed drainage, but it is also a key recreational asset as only one of a few trout creeks within Dutchess County, with an annual stocking program as well as the presence of native, wild trout; the creek is classified by the NYSDEC as C(T) – best usage for fishing and designated trout waters). As a result, the environmental health of the creek is an important aspect not only in LaGrange, but to the County overall. The creek is not on the 303(d) list of impaired waters but is regularly monitored by the NYSDEC for aquatic biology health/quality; a monitoring site (13-SPRO-10.6) is located just north of Todd Hill Road south of the project area. This monitoring is part of the DEC's water quality assessment which uses a four-tiered system of impact categorization to assign a "Biological Assessment Profile" – non-impacted, slightly impacted, moderately impacted and severely impacted, with the latter indicating very poor water quality and the biological community limited to only a few tolerant species. The most recent assessment (September 10, 2002) indicates the creek is "slightly impacted" indicating that:

"Metrics reflect good water quality. The biological community is slightly, but not significantly altered from the pristine state. Water quality is usually not limiting to fish, shellfish, and wildlife survival, but may be limiting to fish propagation, especially sensitive coldwater fish taxa." (NYSDEC Fact Sheet on Assessment of Water Quality Impact in Streams and Rivers)

According to the *Natural Resources Management Plan for the Fishkill Creek Watershed (2013)*, the likely cause for the water quality rating is non-point nutrient enrichment from sources including, but not limited to, sewer treatment plant effluents, faulty septic systems, and agricultural operations that were not following best management practices.

Along with Sprout Creek, several other water features exist throughout the Study Area in proximity to or adjacent to the creek including FEMA-designated, 100-year floodplains and floodways and NYSDEC-regulated and Federal-regulated (US Army Corps of Engineers) wetlands. As noted, these resources are predominantly centered around Sprout Creek (and consequently encumbering a significant portion of



Legend

- Parcels
- Streets
- Streams/Creeks
- Floodway

FEMA Flood Zones

- Zone A: 100-yr Floodplain
- Zone AE: 100-yr Floodplain
- Zone AO

Source: Data: © Prepared by: T. J. Gorman/1/30/17 03 Top X Commercial Property SECR43000 F00E Supplemental/03 Map 3 Floodplains



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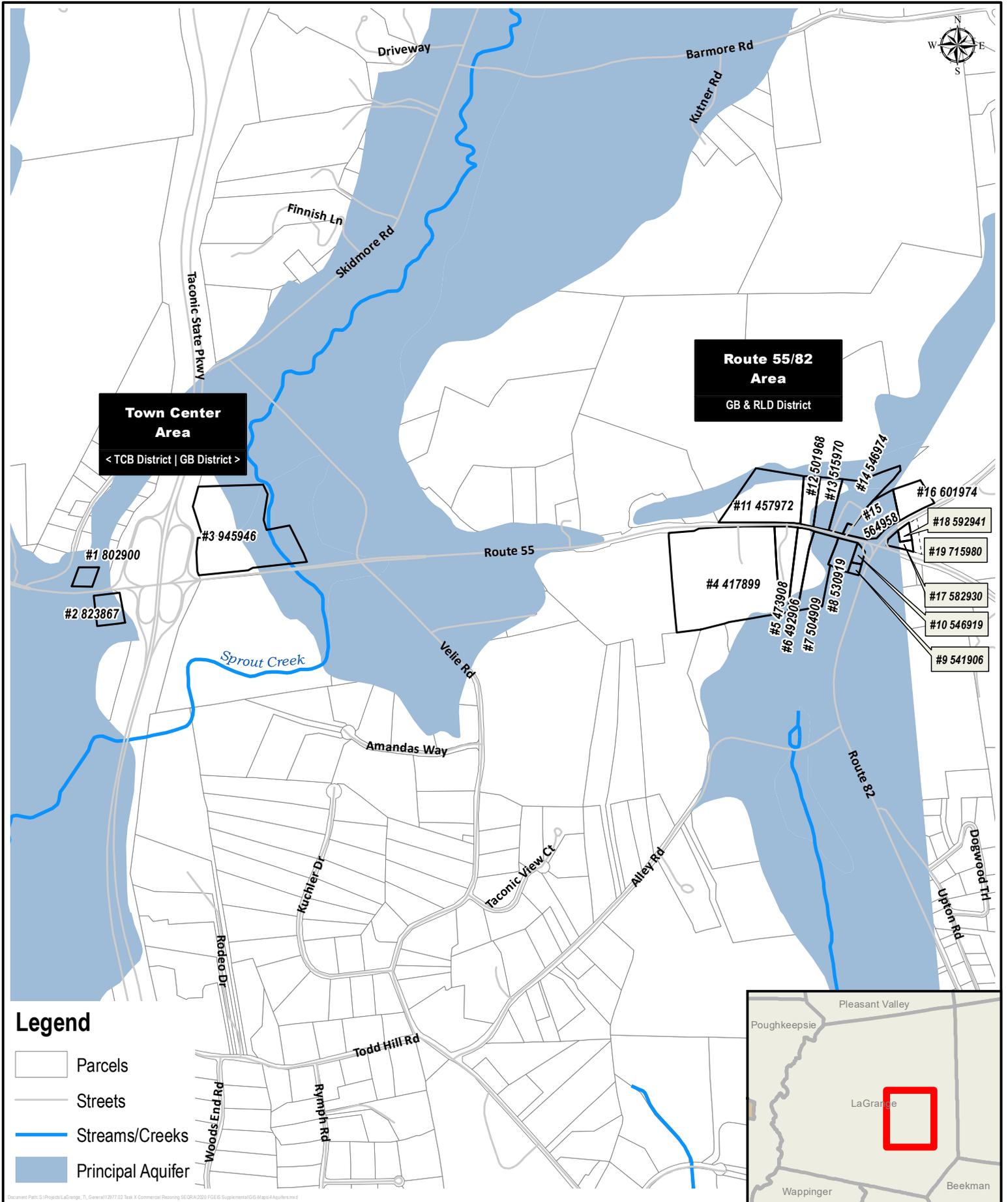
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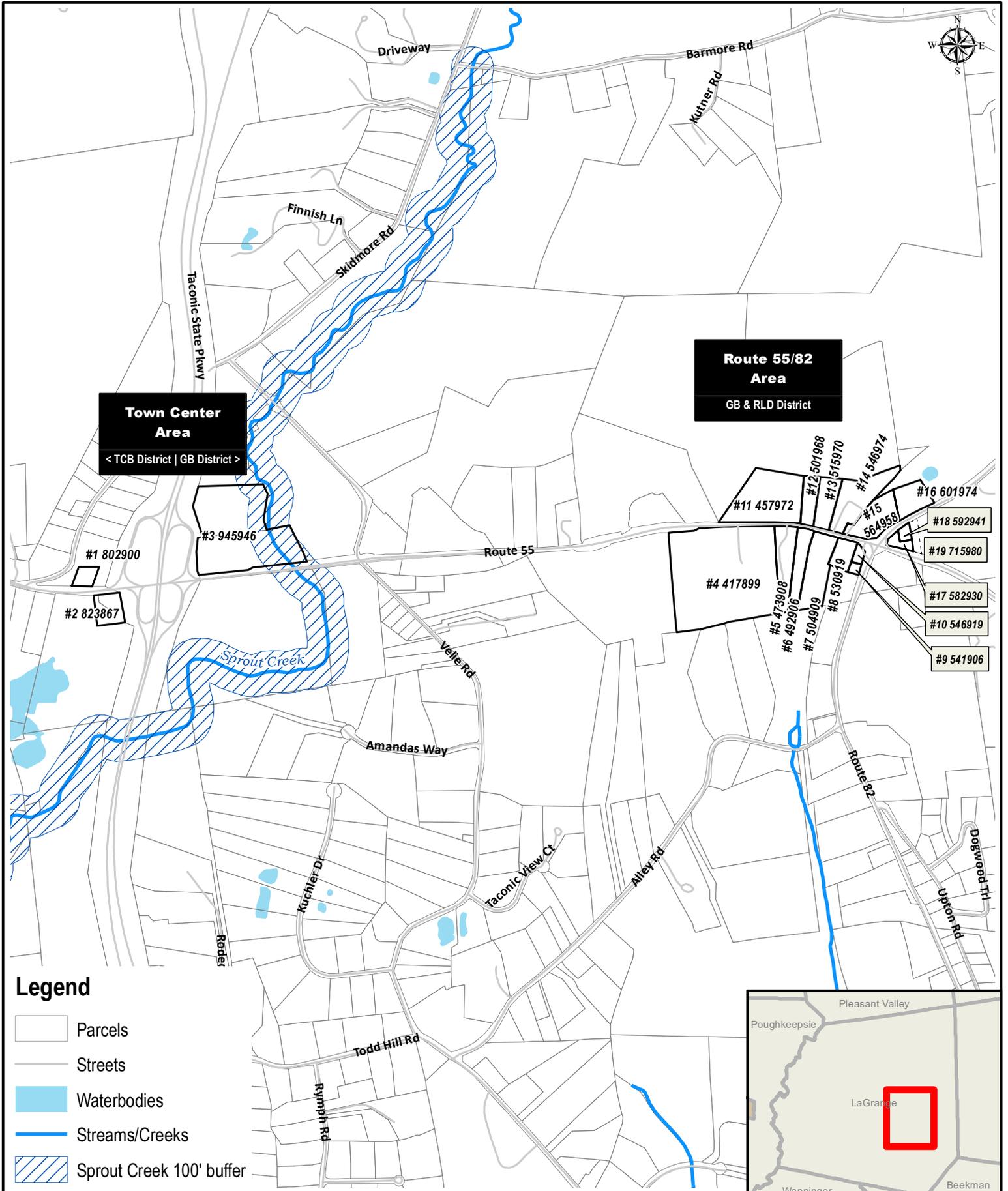
DATE:	01/01/21
DRAWN:	JWS
CHECKED:	GWB
SCALE:	1"=1,200'
PROJ. #:	12977.02

Map 3 - Floodplains

Comp. Plan/Zoning Amendments

Town of LaGrange, Dutchess County, New York





Source: Data: © Prepared by: T. J. Gannon/1/30/11 03 Task X Commercial Rezoning SEQR 4/2010 F008 Supplemental GIS Map of Revised Document



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Map 5 - Waterbodies

Comp. Plan/Zoning Amendments

Town of LaGrange, Dutchess County, New York



parcel #3), but also in the northwestern corner of Route 55 and 82 along the northern edges of parcels #11-14 and 16 in the Study Area.

Properties that contain NYSDEC-regulated wetlands are subject to review and permitting under Title 23 of Article 71 of the NYS Environmental Conservation Law (ECL) – Article 24, Freshwater Wetlands; disturbance of these wetlands is highly regulated as well as a 100-foot buffer area beyond the delineated boundary. While the NYSDEC regulates wetlands greater than 12.4 acres in size, other wetlands of a smaller size are covered under US Army Corps of Engineers under Section 404 of the Clean Water Act as well as at the local level through Chapter 124 of the LaGrange Town Code. Development within floodplains is regulated under Town Code Chapter 120, which provides for a review and permitting structure that outlines building and site standards as well as requiring technical evaluation(s) by professional engineers to ensure no additional flooding impacts beyond base levels. Additional permitting and regulatory details for floodplains and wetlands are found in Sections 4.3.1 and 4.3.2, respectively, of this SGEIS.

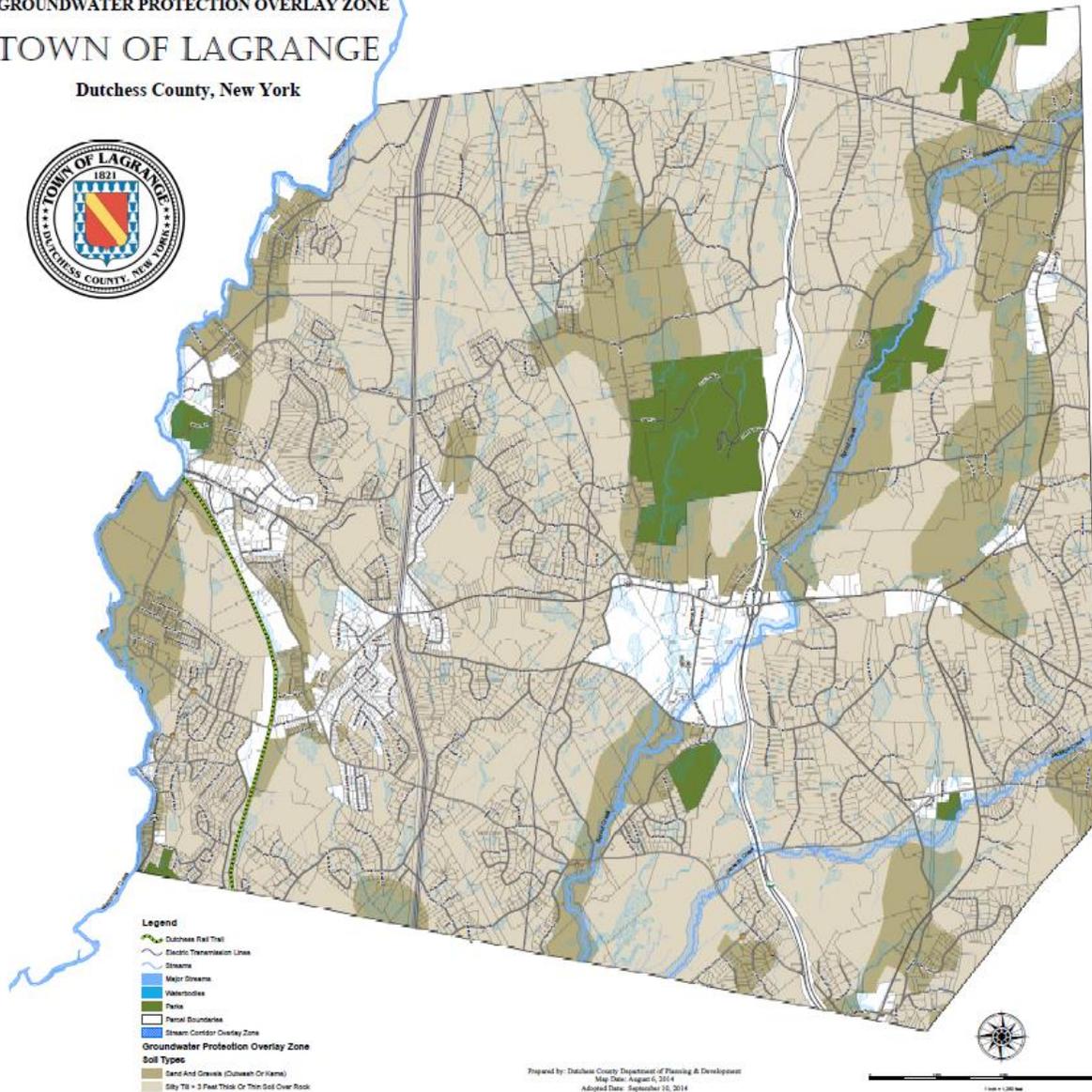
A principal aquifer is also found within the Study Area, encompassing Sprout Creek and the Route 82 corridor – this aquifer extends north and south through the remainder of the Town. According to NYSDEC, principal aquifers are “aquifers known to be highly productive or whose geology suggests abundant potential water supply, but which are not intensively used as sources of water supply by major municipal systems at the present time.” This aquifer is used by individual property owners (private wells) with each well owner being responsible for treatment, maintenance, and testing. By comparison, primary or sole-source aquifers are highly productive groundwater sources that are used as a water supply for major municipal water systems, serving multiple properties and under the jurisdiction of a local government, including treatment, maintenance, and testing; there are no primary or sole-source aquifers found in the Town of LaGrange. There are no reported significant contamination issues with this aquifer. Additional details with respect to random private well quality testing undertaken by Dutchess County Department of Health in 2008 are found in Section 4.4.

As noted in Section 4.4, Chapter 240-31.G of the Town Code regulates development and land uses within a groundwater protection zone (see “GROUNDWATER PROTECTION OVERLAY ZONE” map on following page), shown as a dark or light brown shaded area. These regulations provide restrictions on specific new uses where public water and sewer exists, specifically underground tanks less than 1,100 gallons. Tanks over this capacity are subject to NYSDEC permitting under 6 NYCRR Chapter 5.

GROUNDWATER PROTECTION OVERLAY ZONE

TOWN OF LAGRANGE

Dutchess County, New York



Section 3.6. Cultural Resources

According to the NYS Historic Preservation Office's (SHPO) Cultural Resource Information System (CRIS), there is only one listed cultural resource in the Study Area. The Taconic State Parkway, a National Register listed historical resource (02NR05036), traverses the Town of LaGrange and bisects State Route 55; the Parkway was initially designated as a State scenic byway in 1992. Within the Town, the only interchange from the Parkway is at State Route 55 with a significant cloverleaf design that is screened with a dense mix of evergreen and deciduous trees; the Parkway crosses Route 55 via a decorative stone overpass.

There are no other listed or eligible resources within the project area, though #1325 State Route 55, located east of Veile Road and outside of the Study Area, is noted as being eligible by SHPO. As part of the standard environmental review process, projects that are within or contiguous to listed or eligible

resources or within sensitive archeological areas are to coordinate development with SHPO. The scale and proximity of the development will determine the level of follow-up and mitigation required for cultural resource protection, which could include, but not be limited to Phase 1A/B survey, resource documentation, or resource protection and listing.

Section 3.7. Wildlife Resources

The NYS Department of Environmental Conservation (NYSDEC) and the US Fish and Wildlife Service (USFWS) both maintain databases that provide mapping and guidance for the presence of endangered, threatened, and rare species. The mapping provided by these agencies provide general locations for areas in which environmental conditions may be present to support these species and/or habitats may exist in the vicinity. The actual presence of these species is dependent upon completed studies by biologists where conditions exist to support them. According to these databases, the general area that encompasses the Study Area and extending well throughout the entirety of the Town of LaGrange could potentially support the Indiana Bat (*Myotis sodalis*, NYS/Federal Endangered) and the Bog Turtle (*Clemmys muhlenbergii*, Federal Threatened/NYS Endangered) – no critical habitats for either of these species is identified in either database.

As part of the standard environmental review process, these databases would be consulted, and the results included in documentation. Site-specific studies may be warranted based on the scale and extent of any proposed development regardless of the zoning district and eventual construction work would be subject to best management practices to avoid impacts to species or their habitats, i.e., seasonal tree removal for bats and wetland disturbances for turtles.

Beyond NYSDEC and USFWS, *Hudsonia, Ltd.*, a Hudson Valley-based non-profit environmental research insitute, has conducted various wildlife studies that have included the proposed project area. Specifically, their *2019 Significant Habitats in the Fishkill and Sprout Creek Corridors* has indicated that habitat conditions exist along various locations of Sprout Creek for the wood turtle (*Clemmys insculpta*, NYS Special Concern) and Blandings Turtle (*Emydoidea blandingii*, NYS Threatened). Further studies specifically centered around the Blandings Turtle (*2009 Blandings Turtle Habitats in Southern Dutchess County*) have identified a significant number of core habitats with none within the Study Area and the closest found just south of Town Center; a 200-meter priority zone extends from this core habitat up to the TSP with a 1,000-meter conservation zone and 2,000-meter area of concern extending beyond that. The conservation zone encompasses the majority of the project area with the area of concern taking up all of the Town of LaGrange. While several types of ecological habitats exist throughout the Town of LaGrange and along the Sprout Creek corridor, the only area in which there are State-designated significant natural communities is the *Appalachian oak-hickory forest* found on the west side of the TSP, north of Route 55 and extending north up to Mountain Road; this resource is not found in the Study Area.

Section 4.0 Evaluation of Potential Significant Adverse Environmental Impacts

The Town of LaGrange determined that a strategic scope of evaluation of the potential significant adverse environmental impacts associated with the proposed action based on key elements would be undertaken. In order to identify potential impacts associated with the Proposed Action, the Lead Agency: (i) identified the existing conditions in the Study Area (i.e., the Baseline Conditions); (ii) identified the potential full build out under the proposed rezoning of the Study Area to the C District;

and (iii) determined if the change in development potential could result in a pattern of development that may result in any new significant impacts. The scope of analysis covered the following impact areas:

- Land Use and Zoning
- Transportation (volumes, trip ends)
- Water Resources (Floodplains, Wetlands, Waterbodies, Groundwater)
- Vegetation, Fauna and Habitat
- Cultural Resources (including historic)

Regardless of what type of development is proposed in the future, there are various environmental encumbrances that would be a significant influencing factor both in terms of internal site constraints and external influence on the road network and water quality. These constraints were considered when identifying the build out potential of the Study Area if the Proposed Action were adopted.

The Town's 2005 Comprehensive Plan outlined policies, goals, actions, and recommended land uses for their vision for the future of the community. The concept of a "town center" has existed since the 1970's and was noted in the 2005 Plan. In 2009, an amendment to the Plan expanded upon that idea with an illustrative concept that included more detail on a formal Town Center, identifying the desired land uses as well as a more clearly defined limit of that area. This concept plan, provided below, highlights the long-term vision for creating a true Town Center in LaGrange and has been actively sought after, though a significant time period of more than nine years has passed between the public hearing on the Draft Environmental Impact Statement and the submission of an FEIS. Despite these efforts, though some improvements have been made, the Town Center development has remained relatively dormant.

While Town Center is an important component of LaGrange and the design objectives of the corresponding districts seek to create a well-designed mixed-use area, it should be noted that the original illustrative plan extended west to east from Lauer Road/Freedom Road to Stringham Road and north to south from State Route 55 down to Todd Hill Road. Beyond these areas, especially to the east near parcels #1 (1215 Route 55) and #2 (1220-1224 Route 55), creating a walkable, mixed-use area close to a major intersection with eight (8) access points is not likely to occur given the combination of vehicle speeds, circulation, safety, and the overall character of the interchange area.

In addition, these parcels are approximately 1,200 feet from the roundabout on State Route 55 that identifies the eastern end of Town Center Illustrative Plan. 1,200 feet is beyond a comfortably safe walking distance from the commercial core of a Town Center, particularly given traffic conditions along Route 55.



In general, the Proposed Action will provide more opportunities for development within the Study Area, which includes 18-20 more commercial uses compared to the existing zoning districts. Of the 19 total lots, only one is undeveloped (no structures or improvements) with the remaining 18 lots subject to redevelopment of some level. Although additional commercial uses are permitted or specially permitted, lot dimensional requirements (i.e., lot size, setbacks, lot coverage) also factor into the extent

and breath of development upon in each lot. The most significant of these changes is with the lot coverage by buildings/impervious area in which there is a 20-45% reduction with the Town Center Business to Commercial and a 10-20% increase with the General Business to Commercial change. Setbacks are also much greater in the Commercial district compared to the Town Center Business and General Business districts. The lot configurations and sizes of parcels #1, 10, and 18 make them virtually undevelopable under any of the zoning districts as their developable area (accounting for setbacks and lot coverage) are under 0.5 acres. Taking into account the environmental constraints as noted above and further detailed in the sections below, the actual developable land is further reduced or otherwise significantly restricted on parcels #3, 11, 14, and 16 by as much as 50%; this would be the case for either the existing zoning districts or the proposed rezoning. Parcel #3 is the most encumbering property in the Study Area as it contains floodplains, wetlands, streams, and is within the aquifer overlay zone with between 3-5 acres of land unable to be developed or subject to significant regulation of the total 6.48 acres of developable land under the current zoning and 4-6 acres regulated of the total 9.08 acres of developable land.

Parcel	Lot No	Total Development Area Minus Setbacks and Lot Coverage (Acre)			Development Area Subject to Add'l Dev Restrictions (Acre)								
		Existing Zoning	Proposed Zoning	Difference	Floodplains		Wetlands		Streams		Aquifer		
					Existing Zoning	Proposed Zoning	Difference	Existing Zoning	Proposed Zoning	Difference	Existing Zoning	Proposed Zoning	Difference
TCB													
1	802900	0.53	0.30	-0.23	N/A	N/A		N/A	N/A		-	-	
2	823867	1.31	0.82	-0.48	N/A	N/A		N/A	N/A		-	-	
GB													
3	945946	6.48	9.08	2.59	3.21	4.50	1.29	1.67	2.34	0.67	2.17	3.03	0.87
4	417899	9.52	13.33	3.81	N/A	N/A		N/A	N/A		N/A	N/A	
5	473908	0.97	1.36	0.39	N/A	N/A		N/A	N/A		N/A	N/A	
6	492906	0.63	0.88	0.25	N/A	N/A		N/A	N/A		N/A	N/A	
7	504909	1.45	2.03	0.58	N/A	N/A		N/A	N/A		N/A	N/A	
8	530919	0.40	0.56	0.16	N/A	N/A		N/A	N/A		N/A	N/A	
9	541906	Note 1	Note 1		Note 1	Note 1		Note 1	Note 1		Note 1	Note 1	
10	546919	0.04	0.06	0.02	N/A	N/A		N/A	N/A		N/A	N/A	
11	457972	2.85	3.99	1.14	0.49	0.69	0.20	N/A	N/A		N/A	N/A	
12	501968	0.49	0.68	0.20	N/A	N/A		N/A	N/A		N/A	N/A	
13	515970	0.73	1.02	0.29	N/A	N/A		N/A	N/A		N/A	N/A	
14	546974	1.58	2.21	0.63	0.29	0.40	0.11	N/A	N/A		N/A	N/A	
15	564958	1.03	1.44	0.41	N/A	N/A		N/A	N/A		N/A	N/A	
16	601974	0.68	0.95	0.27	0.10	0.15	0.04	N/A	N/A		N/A	N/A	
17	582930	Note 2	Note 2		Note 2	Note 2		Note 2	Note 2		Note 2	Note 2	
18	592941	0.06	0.09	0.02	N/A	N/A		N/A	N/A		N/A	N/A	
RLD													
19	715980	Note 3	Note 3		Note 3	Note 3		Note 3	Note 3		Note 3	Note 3	

Note 1: Does not meet min lot frontage requirements; therefore is considered undevelopable
 Note 2: Due to the configuration of the lot, the parcel is undevelopable under current setbacks.
 Note 3: 715980 is proposed to be resubdivided. On its own, the parcel is 100% undevelopable.

Section 4.1. Land Use & Zoning Evaluation

Existing Conditions

As noted in Section 2.0, the proposed action would rezone the parcels in the Study Area from General Business (GB), Town Center – Business (TC-B), and a small portion of the Residential Low Density (RLD) to Commercial (C). The purpose of the Proposed Action is to provide a greater opportunity for revitalization and redevelopment of the parcels in the Study Area, a significant number of them being underutilized or non-conforming under their current zoning designation. Several property owners have requested their properties to be rezoned in order to better utilize their lands.

The properties consist of a mix of uses ranging from vacant land to gas stations to residential to active warehousing as outlined in Table 4-1 below and Table 3.1 in Section 3.2. All together, these parcels constitute approximately 68.0 acres of land or 0.2 percent of the total land area (24,786.5 acres) of the Town of LaGrange. It should be noted that the 68.0 acres does not take into account the full 68.5 acres of parcel #19 (715980) as the proposed project for that site as currently proposed in an application to the Planning Board will consist of a 0.5-acre subdivision of land to be rezoned to Commercial and leaving the remaining 67.5 acres as RLD for the active mine/quarry operation.

Parcel	Lot Number	Lot Size (acre)	Land Use Code	Land Use Description	Zoning Code	Parcel Number	Parcel Address	Owner	Roll Section	Comment
1	802900	0.87	330*	Vacant Commercial	TCB	133400-6460-02-802900-000	1215 Route 55	M Spiegel & Sons Oil Corp.	1	Unused, NC
2	823867	1.81	432	Gas Station	TCB	133400-6460-02-823867-000	1220-1224 Route 55	Gasland Petroleum Inc.	1	NC
3	945946	14.47	544	Health Spa	C2	133400-6460-02-945946-000	22 Taconic Center Ln	Page Park Associates LLC	1	
4	417899	21.00	449	Other Storage	C1	133400-6560-01-417899-000	1456 Route 55	John Page Development	1	NC
5	473908	2.81	464	Office Building	C1	133400-6560-01-473908-000	1474 Route 55	Roger Realty Inc	1	NC
6	492906	2.03	442	Diner/Lunch	C1	133400-6560-01-492906-000	1482 Route 55	RPLF LLC	1	
7	504909	3.05	449*	Other Storage	C1	133400-6560-02-504909-000	1486 Route 55	ARCOS Construction Management	1	NC
8	530919	1.27	441	Fuel Store & Dist.	C1	133400-6560-02-530919-000	1496 Route 55	Petro Inc.	1	NC
9	541906	0.24	220	2 Family Residential	C1	133400-6560-02-541906-000	1498 Route 55	D'souza, Ronald & Rasalie M	1	NC
10	546919	0.32	432	Gas Station	C1	133400-6560-02-546919-000	1502-1504 Route 55	Majac Enterprises Inc	1	NC
11	457972	6.76	210	1 Family Residential		133400-6560-01-457972-000	???? Route 55	Red Wing Properties	1	
12	501968	1.53	400	Commercial	C2	133400-6560-02-501968-000	1477 Route 55	KH Properties LLC	1	
13	515970	2.28	210	1 Family Residential	C2	133400-6560-02-515970-000	1489 Route 55	Betancourt, Steven Jr	1	
14	546974	4.04	330*	Vacant Commercial	C1	133400-6560-02-546974-000	1493 Route 55	Page, Brian W	1	Unused, NC
15	564958	3.00	330	Vacant Commercial	C1	133400-6560-02-564958-000	??? Route 82	Tallini, Reuccio & Muzzio & Sisto	1	Vacant Land
16	601974	2.00	220	2 Family Residential	R120	133400-6560-02-601974-000	2295 Route 82	Parsons, Joseph Kenneth & Geodi	1	NC
17	582930	0.56	615	Educational Fac.	C1	133400-6560-02-582930-000	1515-1519 Route 55	55-82 LaGrange LLC	1	Unused
18	592941	0.39	210	1 Family Residential	C1	133400-6560-02-592941-000	2292 Route 82	55-82 LaGrange LLC	1	Unused
19	715980	68.50	720	Mining & Quarrying	C1	133400-6560-02-715980-000	2296-2332 Route 82	Red Wing Properties	1	Unused

*Table 4-1: Baseline parcel data (*indicates difference from County property records, reflecting current conditions/property use). Zoning code noted above is from County records and differs from Town Zoning Districts. Those parcels that are “non-conforming” are noted as “NC” in the comment column.*

The current land use and zoning of each of these parcels within the Study Area remains as records currently indicate. A further examination of the land uses adjoining and within the vicinity of the Study Area indicates that they consist of the following:

- Immediately adjacent to parcel #1 and #2 (west of TSP), the lands are classified as vacant with the Parkway right-of-way as community services. North of parcel #1 is residential lands and further west are a mix of commercial, community service, and residential uses.
- Adjacent to parcel #3 (east of TSP) are vacant lands and the Parkway right-of-way as community services.
- Between the Route 55/TSP intersection and the Route 55/82 intersection, the lands consist of larger lots classified as commercial, industrial, vacant, and large lot residential (between 1 and 25 acres in size).

- Parcels adjacent to parcels #11-19 in the Route 55/82 intersection consist of large vacant lands, industrial (existing mine/quarry), commercial, recreation/entertainment, and large lot residential (2-25 acres)

Seventeen (17) of the (19) nineteen parcels are located east of the Taconic State Parkway within the General Business (GB) District, which, according to the intent of the district under §240-24F of the Town's Zoning Code is *"for lower-intensity uses. Business and commercial (GB) Districts are intentionally smaller in scale in form compared with the Commercial (C) Districts."* According to the list of permitted and specially permitted uses in Schedule A2 of Chapter 240, Zoning, of the Town Code, approximately half of these uses are not currently permitted, including gas stations (gas mart), other storage (warehousing or storage/self-storage), two-family residential dwelling, fuel storage & distribution, and contractor's yard. The two properties on the west side of the Parkway (#1 – 1215 Route 55 and #2 – 1220-1224 Route 55) are zoned for Town Center-Business which is intended *"for mixed office, governmental, commercial and residential uses. They are the primary districts for adding to the multifamily housing stock in LaGrange. Located in Freedom Plains, these districts will provide identity as well as functional coherence to the Town of LaGrange. The districts will potentially benefit from the availability of public water and sewer facilities and from pedestrian linkages. Therefore, certain incentives are designed to encourage such development."*

Impact Evaluation

Table 4-2 on the following pages provide a comparison of the permitted uses within each existing zoning district versus those that are permitted by the new zoning district for the parcels; additional uses that are permitted under the new zoning are highlighted as well as those that are not permitted under the new zoning. . For simplicity of review and evaluation, these were categorized as permitted (permitted – P, special permit – SP, permitted as accessory – A, permitted as mixed use – M) or not permitted (N). A total of 103 different uses are outlined in Schedule A2, with around 57-58 uses permitted in the Town Center Business (TCB) and General Business (GB) Districts. Changing the subject parcels to Commercial (C) would result in an additional 18-19 uses permitted, many of which are currently found in the area and have been since the completion of the 2005 Plan, bringing them into compliance and providing development opportunities that are consistent with the community character of the area. It should be noted that the change from RLD to C zoning pertains to the 0.5-acre parcel that is proposed to be resubdivided and included with the proposed project at parcel #17 (582930) and #18 (592941).

Despite the addition of several automobile-centric uses in the Commercial District compared to General Business and Town Center-Business, the areas proposed for rezoning are concentrated in nodal areas, following the development goals of the Comprehensive Plan to develop in a nodal fashion and avoid typical strip development. In addition, several properties are already significantly developed (i.e. parcel #4, 1456 State Route 55 and parcel #10, 1502-1504 State Route 55) and/or contain a variety of environmental constraints limiting additional development as highlighted in later sections (i.e. parcel #3, 22 Taconic Center Lane). The additional permitted/special permitted uses that are allowed by the Proposed Action would match the land use characteristics that are currently found in the corridor and do not significantly differ from current land uses.

Table 4-2: Use Comparison

Use	Existing		Proposed		Existing		Proposed	
	TCB	C	GB	C	RLD	C		
Accessory Structure	P	P	P	P	A	P		
Adult-oriented Business	N	N	N	N		N		
Ambulance Service (private)	N	P	N	P		P		
Auto audio installation service	N	P	N	P		P		
Auto body shop and collision repair	N	N	N	N		N		
Auto brake service	N	P	N	P		P		
Auto car wash (automated)	N	P	N	P		P		
Auto car wash (self-service)	N	P	N	P		P		
Auto detailing service	N	P	N	P		P		
Auto diagnostic service	N	SP	N	SP		SP		
Auto towing service (light duty)	N	P	N	P		P		
Auto towing service (medium duty)	N	N	N	N		N		
Auto towing service (heavy duty)	N	N	N	N		N		
Auto muffler service	N	P	N	P		P		
Auto quick lube and oil change	N	P	N	P		P		
Auto repair (major)	N	SP	N	SP		SP		
Auto sales (new car dealership)	N	P	N	P		P		
Auto sales (used car dealership)	N	N	N	N		N		
Auto state inspection service	N	P	N	P		P		
Auto tire sales and service	N	P	N	P		P		
Auto transmission service	N	N	N	N		N		
Bank and financial institutions	P	P	P	P		P		
Barber, beauty salon, nail salon	P	P	P	P		P		

Key:  Additional use permitted
(P=permitted, SP=special permitted, A=accessory permitted, M=mixed use permitted)
 Not permitted

Table 4-2: Use Comparison

Use	Existing	Proposed	Existing	Proposed	Existing	Proposed
	TCB	C	GB	C	RLD	C
Bed & Breakfast	N	N	SP	N	SP	N
Cemetery	P	N	N	N	SP	N
Child care center	SP	P	SP	P		P
Clubhouse	P	N	SP	N		N
Commercial kennel	N	SP	SP	SP	SP	SP
Conference center	P	P	N	P		P
Contractors yard	N	P	N	P		P
Convenience store	P	P	P	P		P
Dance studio	P	P	P	P		P
Drive-in restaurant	SP	SP	SP	SP		SP
Drive-through service facility	A, SP	A, SP	A, SP	A, SP		A, SP
Dry cleaning and laundry service	P	P	P	P		P
Educational services	P	P	P	P		P
Essential services	P	P	P	P	P	P
Excavation or removal of earth, topsoil, sand, gravel, clay, or stone; soil and stone crushing, washing and processing operation	N	N	N	N		N
Farming/Farm	N	N	N	N	P	N
Farm stand	P	N	N	N		N
Fast food restaurant	M	SP	SPM	SP		SP
Fitness center/gymnasium	P	P	P	P		P
Food service business	P	P	P	P		P
Funeral parlor	P	P	SP	P		P
Gas station (fuel dispensing only)	N	SP	N	SP		SP
Gas mart	N	SP	N	SP		SP
Hotel	SP	P	SP	P		P
Indoor Theater	P	P	SP	P		P
Inn	P	SP	SP	SP		SP
Laboratory (testing & research)	N	SP	N	SP		SP
Land trust facility	P	P	P	P		P
Laundromat (self service)	N	P	P	P		P
Library	P	P	P	P		P
Light industry	N	SP	N	SP		SP
Livery/taxi service	N	P	N	P		P
Lumber yard (outdoor)	N	N	N	N		N
Medical and dental office	P	P	SP	P		P

Key: Additional use permitted
(P=permitted, SP=special permitted, A=accessory permitted, M=mixed use permitted)
 Not permitted

Table 4-2: Use Comparison

Use	Existing	Proposed	Existing	Proposed	Existing	Proposed
	TCB	C	GB	C	RLD	C
Motel	N	SP	N	SP		SP
Museum	P	P	SP	P		P
Nightclub	SP	P	N	P		P
Office	P	P	P	P		P
Outdoor sports/recreation	SP	SP	SP	SP	SP	SP
Passive recreation	P	P	P	P		P
Place of public assembly	SP	P	P	P		P
Civic buildings and place of public assembly, e.g. community buildings, churches, schools	P	P	P	P	SP	P
Pharmacy	P	P	P	P		P
Print shop	P	P	P	P		P
Private school	SP	SP	AP	SP		SP
Public swimming pool	N	A	A	A		A
Radio and television stations	N	N	N	N		N
Residential health-care facilities, adult homes and group homes (congregate housing)	SP	SP	SP	SP	P	SP
Single-family dwelling	SP	N	P	N	P	N
Townhouse	P	N	N	N	N	N
Two-family dwelling	N	N	N	N	N	N
Multifamily dwelling	P	N	N	N	N	N
Rental apartment	N	N	N	N	N	N
Accessory apartment	SP	N	N	N	A, SP	N
Detached accessory apartment	SP	N	N	N	A, SP	N
Carriage unit	SP	N	N	N	N	N
Residential mixed use	M	N	M, SP	N		N
Home occupation	A, SP	A	A	A	A	A
Restaurant	SP	P	P	P		P
Retail business	P	P	P	P		P
Retail sale of products of horticulture, as well as hand tools, fertilizer, seeds, bulbs, and other material customarily used in horticulture on parcels of 5 acres or more	SP	P	P	P	SP	P

Key: Additional use permitted
(P=permitted, SP=special permitted, A=accessory permitted, M=mixed use permitted)
 Not permitted

Table 4-2: Use Comparison

Use	Existing		Proposed		Existing		Proposed	
	TCB	C	GB	C	RLD	C		
Skating rink	N	N	N	N		N		
Stables, riding establishments and clubs	N	N	SP	N	SP	N		
Storage (self service)	N	P	N	P		P		
Summer day camp	N	SP	SP	SP		SP		
Tavern, bar and pub	P	SP	SP	SP		SP		
Tennis club	N	N	N	N		N		
Theaters	P	SP	SP	SP		SP		
Veterinary clinic	SP	SP	SP	SP		SP		
Veterinary office	P	P	P	P		P		
Warehousing and wholesale goods	N	SP	N	SP		SP		
Wireless telecommunications facilities	SP	SP	SP	SP	SP	SP		
Solar panels (roof mounted)	A	A	A	A	A	A		
Solar panels (ground mounted)	A, SP	A, SP	A, SP	A, SP	A, SP	A, SP		
Solar farms	N	P, SP	P, SP	P, SP	P, SP	P, SP		
Swimming pool	P	P	P	P	A	P		
Pool house/cabana	A, SP	A, SP	A, SP	A, SP	A	A, SP		
Outdoor kitchen	A	A	A	A	A	A		
Outdoor fuel burning device	N	N	N	N	SP	N		
Tennis/sport court	A	A	A	A	A	A		
Second kitchen					A, SP			
Adaptive Reuse					SP			

Key: Additional use permitted
(P=permitted, SP=special permitted, A=accessory permitted, M=mixed use permitted)
 Not permitted

<i>Not permitted</i>	45	27	47	27	5	27
<i>Permitted</i>	58	76	56	76	98	76
<i>Change</i>		18		20		-22

Table 4-3 on the following pages highlight the differences between the dimensional requirements (bulk and area) in the districts, with increases, decreases, and no net changes highlighted accordingly. As the proposed action entails only updates to the zoning map, no changes to the existing bulk and area regulations are proposed. A comparison of the General Business (GB) and Commercial (C) districts highlights only a few differences, with the latter generally allowing 10-20 percent more building area though also requiring a larger lot with more frontage and width in order to accommodate any future uses. Lot coverage increases from 20/50% to 30/70% for building area and overall impervious surfaces (paving, building, and other structures), respectively. The difference in area regulations between the Town Center-Business (TC-B) and Commercial (C) districts are more pronounced by comparison, requiring more lot frontage and therefore larger lots. However, a closer review reveals that this also includes a 20-45% reduction in lot coverage (building area and overall impervious surfaces), larger setbacks (less buildable area), and lower maximum heights, yielding less development capacity on for smaller lots and reflecting the lower density differences between the TC-B and C districts. A further impact analysis of the development potential for each parcel is provided under the *Impact Evaluation* subsection below. As explained in more detail below, the proposed rezoning amounts to a significant reduction in developable land in the Study Area.

In addition to regulations pertaining to use and bulk and area dimensions, each district also has in place specific design standards as outlined in Article III (Special Zoning District Provisions), subsections §240-35 (Town Center) and §240-39 (Commercial and General Business). As outlined in the Town Center standards, the general intent is to “*create walkable, highly integrated, multifunctional public and private spaces, through a network of connected streets, sidewalks, and uses. Structures in the TCB District are generally to have two to three stories, with retail on the ground floor and office or residential uses above;*” this is in line with the illustrative plan that is contained in the 2005 Comprehensive Plan. As further noted in §240-35, the objectives of the design principles are to create a traditional Main Street area.

Utilizing the information contained in the subsection above, a generalized buildout analysis for the subject properties was developed to identify the amount of developable land available under the existing and proposed zoning districts, taking into account setbacks and other site limitations including buffers, restricted areas, etc. by local or other regulations (see Section 4.3 for additional regulatory restrictions related to water features). This evaluation does not take into account variances could be sought and or if land can be resubdivided, rather than it is a straight evaluation of parcels as they stand.

For this evaluation, the following development restrictions were utilized to provide the “Base Development Area” for the existing zoning districts and the “Proposed Base Development Area” for the proposed rezoning:

	TCB	GB	RLD	C
Front Setback	48.5	45	90	45
Side Setback	0	20	40	20
Rear Setback	6	20	40	20
Max. Lot Coverage as % of Total Lot Area	90	50	15	70
Min. Lot Frontage on State Routes	25	115	225	200
Min. Width of Lot at any point	25	50	150	50

Table 4-3: Area Comparison

	TCB	C	GB	C	RLD	C
Minimum single-family residential lot area (SF)	N/A	30,000	40,000	30,000	120,000	30,000
Single-family residential with public sewers	6,000	N/A	N/A	N/A	120000	N/A
Townhouse lot area (square feet) with public sewers	2,500	N/A	N/A	N/A	N/A	N/A
Minimum width of lot along building line (feet)	25	150	150	150	200	150
Minimum width of lot at any point	25	50	50	50	150	50
Minimum dimension of building square on lot (feet)	N/A	100	100	100	200	100
Minimum lot frontage on Town right-of-way line (feet)	25	75	75	75	100	75
Minimum lot frontage on county or state highway	25	200	115	200	225	200
Maximum number of stories of a building	3	3	3	3	3	3
Maximum height of a building or structure (feet)	50	35	35	35	35	35
Minimum dimensions (in feet) from center line of NYS Route 55	48.5-58.5	N/A	N/A	N/A	N/A	N/A
Front yard, state or county road	48.5-58.5	45	45	45	90	45
Front yard, Town road	NOTE 1	40	40	40	55/80	40
Rear yard	6	20	20	20	40	20
Side yard	0	20	20	20	40	20
Residential district boundary line	25	30	30	30	30	30
Maximum lot coverage by buildings as percent of lot area	85%	30%	20%	30%	10%	30%
Maximum floor area of buildings as percent of lot area	N/A	60%	40%	60%	20%	60%
Maximum total lot coverage as percent of lot area (buildings, structures, outdoor deposit, paving)	90%	70%	50%	70%	15%	70%
Minimum floor area of dwelling unit (square feet)	500	N/A	N/A	N/A	1200	N/A
Minimum floor area of apartment	500	N/A	500	N/A	N/A	N/A

Increase
Decrease
No Change

NYS Route 55

NOTE 1
 Required depth of sidewalk and landscaping measured out from edge of pavement N/A

Required depth of sidewalk and landscaping measured out from center line of NYS Route 55 23.5-28.5

Front yard — minimum from sidewalk 10

Front yard — maximum from sidewalk 20

Following the compilation of the base development area (existing and proposed), the following additional development regulations were applied based on local, State, County, or Federal regulations as indicated herein. For each of these elements, if no development activity (e.g. construction, excavation) is permitted, it is indicated as such, otherwise applicants may submit for special permits in order to determine the extent of development that may occur based on the project that is proposed. It is generally assumed that given the restrictions and standards that exist for these special permits that the “impacted areas” would not allow 100% of the land to be developed or utilized.

- Sprout Creek 200-foot buffer (§240-31B) – no construction activity without special permit
- NYSDEC wetlands and 100-foot buffer – no construction activity permitted without permit (compensatory measures required for any disturbances)
- Federal wetlands – no construction activity permitted without permit (compensatory measures required for any disturbances)
- FEMA floodplains and floodways – floodplain development permit
- Automobile filling station, 500-foot setback from surface water, drainage channel, or environmentally sensitive area – special permit

The Table on page 47 provides a comparison of and highlights the differences in developable area of the parcels (maximum lot coverage after accounting for setbacks) under the existing and proposed zoning districts. The proposed rezoning from General Business (GB) to Commercial (C) will result in an increase in the developable area (between 0.02 and 3.81 acres +/-) taking into account the increase in the maximum lot coverage with the greatest increase noted for parcels #3 (2.59 acres) and #4 (3.81 acres +/-). However, the change between Town Center Business (TCB) and Commercial (C) would result in a decrease in the potential developable area of 0.23 and 0.48 acres for parcels #1 and #3, respectively. Further evaluation of the build out potential indicates that eight of the 19 parcels have less than an acre of developable land, five of them are between 1-3 acres, and three are between 3 and 14 acres. Three of the parcels are technically undevelopable under the existing or proposed zoning due to frontage requirements (#9), lot configuration (#17), or size (#19).

Taking into account the additional development restrictions brought on by the previously noted environmental resources and their associated regulations (wetlands, floodplains, stream corridors, and aquifers) which would apply irrespective of the zoning the potential developable area for those parcels that contain these features is further restricted regardless of the zoning district that they fall under, existing or proposed. Those restrictions associated with wetlands are the most restrictive with complete avoidance required or significant compensatory measures required (e.g., 1:1 creation for disturbance), followed by aquifers and stream corridors which restrict certain activities or require more strict permitting by State/Federal agencies. Floodplain development is permitted provided certain standards are met and professional engineering review provides a certified “no net impact” to current conditions. Specific regulations pertaining to each of these development restrictions are provided in Appendix D.

Mitigation Considerations

The rezoning from TCB and GB to Commercial (C) Development will result in a greater amount of developable land and an increase in the number of permitted uses. The regulations that are currently in place for the Commercial District do provide a level of protection in terms of lot coverage and setbacks. In addition, other development restrictions reduce the developable area further for the sole purpose of the protection of sensitive environmental features. Other qualitative regulations are included in the zoning code for non-residential development such as buffering and screening in order to lessen development impacts to adjacent properties. Noted in later sections, maintenance, inspection, and other standards exist at the State and Federal level for bulk petroleum storage in the case of Gasoline Filling Stations. With either the existing districts in place or the proposed rezoning to Commercial, commercial development can occur which can impact environmental features regardless.

While there are additional commercial uses that are permitted under the Commercial District that were not previously permitted under the TCB, GB, or RLD Districts, only five of the parcels provide sufficient developable land (more than two acres) for viable commercial development as they stand without significant variances or potential resubdivision to accommodate larger development. The largest parcel, (#3) is also the most hampered by environmental constraints. Strict adherence to buffering, screening, and other development standards will help to protect environmental features and promote development that is compatible with the surrounding uses.

The design standards for the Commercial and General Business districts under §240-39 are intended to encourage *“commercial development 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.”* The standards, which overlap the GB and C zones, also encourage development that fosters pedestrian activity and quality design but take into consideration the greater reliance on vehicles and vehicle movement as these areas are catered to lower density, rural transition environments. Overall, the design principles and objectives of the Commercial and General Business districts are very similar and share a number of standards including streetscape, planning board review processes, site standards, and architectural standards.

The proposed zoning map changes are limited to a relatively localized area of the Town along state highways. They will encourage a variety of commercial uses in these areas. Additionally, the amendments will bring existing uses into conformance, fostering growth and long-term success of these areas in a fashion that better reflects their historical function and use. As development is proposed for these various properties, the Town will continue to utilize the existing design standards, site plan review, and approval processes to control the extent and design of development.

Section 4.2. Transportation Evaluation

Existing Conditions

The current land uses of the parcels were identified using real property data available from the Dutchess County ParcelAccess online application and cross-referenced with Town documents, were matched up with appropriate land use codes found in the Institute of Transportation Engineers (ITE) Trip Generation

Manual (10th edition, most current version) to determine the daily average rate of vehicles for a land use of that type. The ITE Manual remains the premiere reference document for analyzing estimated peak hour and daily site traffic volumes for a particular land use, using thousands of data points throughout the country. The manual provides calculations for theoretical daily trips generated based on the size of the structures on each parcel. This is the baseline data to determine the extent of potential impact of any future rezoning and/or development (See also Table 3-1 and Map 1).

The table for Existing Daily Vehicle Trips, shown below, indicates the approximate trip generations for each parcel - in total, these existing uses constitute approximately 2,977 daily trips.

Existing Daily Vehicle Trip Generations										
Parcel	Town Land Use Code	Town Land Use Description	ITE Land Use Code	ITE Land Use Description	Rate type (Vehicle Trip Ends per)	Weekday Average	Weekend Average	Daily Average Rate	Variable	Daily Trips Generated
1	330*	Vacant comm	944	Gasoline/Service Station	Vehicle Fueling Position	172.01	174.53	172.73	UNUSED	0
2	432	Gas Station	944	Gasoline/Service Station	Vehicle Fueling Position	172.01	174.53	172.73	8 Pumps	1382
3	544	Health Spa	492	Health/Fitness Club	1000 Sq. Ft. GFA	21.28	25.52	22.49	20,000 Sq. Ft.	450
4	449	Other Storage	151	Mini-Warehouse	1000 Sq. Ft. GFA	1.51	1.92	1.63	62,200 Sq. Ft.	101
5	464	Office Building	180	Specialty Trade Contractor	1000 Sq. Ft. GFA	10.22	-	10.22	5,500 Sq. Ft.	56
6	442	Diner/Lunch	932	High-Turnover (Sit-Down) Restaurant	1000 Sq. Ft. GFA	112.18	133.51	121.32	1,700 Sq. Ft.	206
7	449*	Other Storage	180	Specialty Trade Contractor	1000 Sq. Ft. GFA	9.44	9.045	9.33	90 Sq. Ft.	1
8	441	Fuel Store & Dist.	170	Utility	1000 Sq. Ft. GFA	13.24	-	13.24	800 Sq. Ft.	11
9	220	2 Family Residential	220	Multifamily Housing (Low-Rise)	Dwelling Units	7.32	7.21	7.29	2 Dwelling	15
10	432	Gas Station	944	Gasoline/Service Station	Vehicle Fueling Position	172.01	174.53	172.73	4 Pumps	691
11	210	1 Family Residential	210	Single-Family Detached Housing	Dwelling Units	9.44	9.045	9.33	1 Dwelling	9
12	400	Commercial	890	Furniture Store	1000 Sq. Ft. GFA	6.3	6.915	6.48	3,500 Sq. Ft.	23
13	210	1 Family Residential	210	Single-Family Detached Housing	Dwelling Units	9.44	9.045	9.33	1 Dwelling	9
14	330*	Vacant comm	151	Mini-Warehouse	1000 Sq. Ft. GFA	1.51	1.92	1.63	UNUSED	0
15	330	Vacant comm	-	VACANT PARCEL	-	-	-	0	UNUSED	0
16	220	2 Family Residential	220	Multifamily Housing (Low-Rise)	Dwelling Units	7.32	7.21	7.29	2 Dwelling	15
17	615	Educational Fac.	565	Daycare Facility	1000 Sq. Ft. GFA	47.62	6.03	35.74	UNUSED	0
18	210	1 Family Residential	210	Single-Family Detached Housing	Dwelling Units	9.44	9.045	9.33	UNUSED	0
19	720	Mining & Quarrying	-	VACANT/UNUSED PORTION	-	-	-	-	UNUSED	0

Table 4-3: Existing Daily Vehicle Trip Generation (*indicates difference from County property records, reflecting current conditions/property use)

By comparison, the 2019¹ estimated Average Annual Daily Traffic (AADT) for State Route 55, as obtained from the NYSDOT Traffic Data website, east of the Taconic State Parkway (TSP) to State Route 82 (1.33 miles) is 14,216 and west of the Parkway to County Road 21 (0.87 miles) is 17,308. Due to the higher density, variety of existing development, and greater level of infrastructure investment found in Town Center, the traffic volumes are larger as expected for the segment of State Route 55 west of TSP.

Impact Evaluation

As shown in Table 4-1, currently, 15 of the 19 parcels in the subject area are developed to some extent (i.e. an occupied or active building is found on-site), resulting in four parcels with approximately 8.6 acres of developable/redevelopable lands. Of these properties, two of them have improvements to the extent that they could potentially be re-activated (gasoline/service station, mini-warehouse), without taking into account existing zoning regulations, leaving a 3.0-acre parcel as the only undeveloped property (parcel #15, unknown address - parcel number 6560-02-564974). Parcel #15, consisting of a proposed 0.5 acres of land, is proposed to be subdivided from the larger 68.5-acre property (active mine), though this portion of the property is not an active part of the mining operation and consists of a vacant barn/garage structure that appears to have been part of the single-family residential dwelling

¹ Due to the ongoing COVID-19 Pandemic, the 2020 AADT counts for Route 55 were not utilized. It is assumed that any counts taken during the Pandemic would not reflect normal operating conditions on Route 55.

located to the south. If the three aforementioned parcels were re-activated, the existing daily trip generation from Table 4-3 above would be increased by approximately 698 daily trips bringing the total to 3,677 (from 2,977), constituting a 5 percent increase on State Route 55 from the existing AADT noted above.

There are a number of different uses that could be developed on the remaining 3.0-acre parcel (parcel # 15, noted previously) using the existing zoning regulations. Given the visibility of the property as a corner site and using typical development trends, a free-standing discount store (ITE code 815), related to the "Retail Business" permitted use in the General Business District, would be the highest impact from a traffic evaluation and impact perspective. Utilizing a 15 percent building footprint (16,000 SF) taking into account setbacks, pavement, and required building coverage, this would add approximately 906 additional daily trips to the area, bringing the total daily trips from full build-out/activation of the area to 4,581.

Currently, there is only one proposed development within the project area consisting of a four-pump gas station and a 3,695 SF convenience store encompassing three properties - #17 (582903, 0.56 acres), #18 (592941, 0.39 acres), and the subdivided portion of #19 (715980, 0.5 acres subdivided). Potential trip generation associated with the project has been provided by the applicant, utilizing the 9th and 10th Edition ITE Trip Generation Manual, for Land Use Code 853, "Convenience Market with Gasoline Pumps." As a result, taking into account pass-by trips, the new net trips generated by the proposed project would be 55 (weekday AM), 68 (weekday PM), and (63 Saturday midday). Assuming that this project moves forward, this would remove three of the parcels from the total development potential and replace them with a single development.

Depending on what kind of development is envisioned for the remaining parcels, many different assumptions could be made. As noted, there is one empty parcel and two parcels that have structures on them but aren't currently being used at this time (any proposed developments under consideration by the Town notwithstanding). Each parcel could be re-developed with a separate business or potentially multiple parcels could be combined to make room for a large business. A list of potential uses (Table 4-4) and their corresponding Daily Trips Generated was developed, using a "worst case scenario" approach for the various permitted or specially permitted uses in the proposed rezoning district – Commercial (C). The "worst case scenario" envisions the use that would likely generate the most traffic for the size of the property, assuming development occurs on a single property and no other resubdivisions take place. The daily trips were calculated by assuming an average size for a business of that type.

ITE Code	Description	Rate type (Vehicle Trip Ends per)	Weekday Average	Weekend Average	Daily Average Rate	Assumption of Variable	Daily Trips Generated	Pass-by Trip Percentage	Additional Trips on Rte 55
310	Hotel	Rooms	8.36	7.07	7.99	150 Rooms	1199	5%	1139
320	Motel	Rooms	3.35	-	3.35	100 Rooms	335	5%	318
435	Multipurpose Recreational Facility	1000 Sq. Ft. GFA	28.64	-	28.64	20,000 Sq. Ft.	573	15%	487
488	Soccer Complex	Fields	71.33	404.88	166.63	2 fields	333	15%	283
492	Health Fitness Club	1000 Sq. Ft. GFA	21.28	25.52	22.49	20,000 Sq. Ft.	450	25%	338
620	Nursing Home	Beds	3.64	2.37	3.28	150 Beds	492	5%	467
630	Clinic	1000 Sq. Ft. GFA	38.16	-	38.16	15,000 Sq. Ft.	572	15%	486
640	Animal Hospital/Veterinary	1000 Sq. Ft. GFA	21.50	-	21.50	6,000 Sq. Ft.	129	15%	110
710	General Office Building	1000 Sq. Ft. GFA	9.74	1.46	7.37	40,000 Sq. Ft.	295	10%	266
720	Medical-Dental Office Building	1000 Sq. Ft. GFA	34.80	5.00	26.28	15,000 Sq. Ft.	394	20%	315
812	Building Materials and Lumber Store	1000 Sq. Ft. GFA	18.05	38.06	23.77	40,000 Sq. Ft.	951	30%	666
813	Free-Standing Discount	1000 Sq. Ft. GFA	50.70	59.95	53.34	125,000 Sq. Ft.	6668	20%	5334
815	Free-Standing Discount Store	1000 Sq. Ft. GFA	53.12	65.49	56.65	80,000 Sq. Ft.	4532	25%	3399
816	Hardware/Paint Store	1000 Sq. Ft. GFA	9.14	-	9.14	12,000 Sq. Ft.	110	30%	77
817	Nursery (Garden Center)	1000 Sq. Ft. GFA	68.10	119.76	82.86	20,000 Sq. Ft.	1657	25%	1243
840	Automobile Sales	1000 Sq. Ft. GFA	27.84	36.99	30.45	15,000 Sq. Ft.	457	20%	366
850	Supermarket	1000 Sq. Ft. GFA	106.78	172.05	125.43	40,000 Sq. Ft.	5017	40%	3010
862	Home Improvement	1000 Sq. Ft. GFA	30.74	56.26	38.03	80,000 Sq. Ft.	3042	40%	1825
881	Pharmacy/Drugstore with Drive Through Window	1000 Sq. Ft. GFA	109.16	80.23	100.89	15,000 Sq. Ft.	1513	45%	832
890	Furniture Store	1000 Sq. Ft. GFA	6.30	6.92	6.48	40,000 Sq. Ft.	259	50%	130
899	Liquor Store	1000 Sq. Ft. GFA	101.49	-	101.49	2,000 Sq. Ft.	203	60%	81
912	Drive-in Bank	1000 Sq. Ft. GFA	100.03	59.22	88.37	3,000 Sq. Ft.	265	35%	172
930	Fast Casual Restaurant	1000 Sq. Ft. GFA	315.17	318.62	316.16	4,000 Sq. Ft.	1265	40%	759
934	Fast-Food Restaurant with Drive-Through Window	1000 Sq. Ft. GFA	470.95	544.35	491.92	4,000 Sq. Ft.	1968	50%	984
937	Coffee/Donut Shop with Drive-Through Window	1000 Sq. Ft. GFA	820.38	-	820.38	2,000 Sq. Ft.	1641	70%	492
945	Gasoline/Service Station with Convenience Market	Vehicle Fueling Position	205.36	-	205.36	32 pumps	6572	70%	1972
947	Self Service Car Wash	Wash Stall	108.00	132.80	115.09	8 stalls	921	60%	368
949	Car Wash and Detail Center	Wash Stall	156.20	-	156.20	10 stalls	1562	55%	703
950	Truck Stop	1000 Sq. Ft. GFA	455.53	-	455.53	12,000 Sq. Ft.	5466	65%	1913

Table 4-4: Proposed Potential Daily Vehicle Trip Generation

Any new development may add to the AADT values for Route 55. Depending on the type of business anticipated to be developed, some of the daily trips would come from traffic that already travels through that corridor (pass-by trips) and some of the daily trips would generate new and additional traffic on Route 55. The proposed Potential Use Daily Vehicle Trips table has a column of assumed approximate percentage of trips that would come from vehicles that already travel on State Route 55. That allows the calculation of new traffic that theoretically would be added to the daily traffic on State Route 55 after subtracting the trips generated from existing businesses being replaced.

The numbers from the proposed Potential Use Daily Vehicle Trips (Table 4-4) can be used to determine any potential traffic increases based on the anticipated rezoning and development, though the scenario above represents the most significant. Within the Town’s zoning code, §240-27 outlines the list of permitted uses for each district, with those in the non-residential districts (TCB, H, MGH, GH, GB, C, and I) provided in Schedule A2. A review of the permitted land uses in the existing (Town Center Business/TCB, General Business/GB, Residential Low Density/RLD) and proposed zoning district (Commercial/C) highlights the differences in uses between the two which can then be compared to the ITE uses in Table 4-4.

The “worst case scenario” given the proposed zoning map change to Commercial (C) would be the development of a Free-standing discount commercial store (ITE code 813) at 125,000 SF, resulting in approximately 5,334 additional trips. (It should be noted, however, that in order for this to occur, it would entail the resubdivision of approximately 14 acres of land (utilizing the 20% building coverage after setbacks and pavement), thus combining several smaller lots together to provide the necessary mass and the subsequent demolition of numerous existing structures.)

The current configuration of State Route 55 on the east side of the Taconic State Parkway consists of a two-lane roadway with dedicated turn lanes at the intersection of the Parkway, Veile Road, and State Route 82. The Highway Design Manual (HDM) provides reference on level of service (LOS) based on the AADT and roadway speed; a 2018 speed study highlighted the 85th percentile speed at 55 MPH. Given the existing AADT of the roadway (14,216) and this reference information, this section of State Route 55 could handle up to 14,300 vehicles per day (VPD) to maintain a LOS of C or better; up to 20,600 VPD would be LOS “D” and beyond that would be LOS “E” or lower. West of the Taconic State Parkway, the improvements by NYS DOT on State Route 55, including lane reconfigurations and the three roundabouts, were undertaken in anticipation of full build out of Town Center as shown in the illustrative plan, providing sufficient capacity for future volumes.

Noise associated with typical traffic conditions (automobiles and truck traffic) is typically in the 80-84 dB level according to US EPA and National Institutes of Health metrics and is associated with transport and movement of products, goods, and people, with a sound level of 60-70 dB starting to create a condition of significant noise effect and a prolonged exposure above 85 dB leading to increases in hearing loss. Several factors can influence the impact of noise including distance from the source, surrounding terrain, ambient sound levels, time of day, wind direction, temperature and humidity. Most noticeable is where sound increases above ambient noise levels. Concentrating truck traffic on designated haul routes can increase the frequency of this exposure and possibly duration; with most impacts, the extended duration of exposure magnifies the risk. State Routes are considered truck roads and therefore permitted haul routes.

In conjunction with potential noise impacts, increases in traffic can also include potential impacts to air quality from an increase in emissions/exhaust, which can generally consist of one or more the following pollutants of national concern (USEPA): carbon monoxide, sulfur dioxide, nitrogen dioxide, particulate matter, lead, and ozone. The USEPA and NYSDEC, locally, regulate air quality standards through State and National Ambient Air Quality Standards under the Clean Air Act as well as under Article 16 of State Environmental Conservation Law. At the State level, NYSDEC issues permits for air emissions at stationary sources, runs local monitoring, and enforces a vehicle inspection and maintenance (I/M). The latter is a key element of the State that seeks to decrease and maintain lower emissions of light-duty (i.e. personal) vehicles as well as heavy-duty diesel vehicles in conjunction with the NYS DMV; emissions inspections are required of all motor vehicles.

In terms of air monitoring stations, Currently, there are no stations within the Study Area to provide ambient/base air quality levels. The nearest stationary NYSDEC monitoring station is in Newburgh followed by Millbrook. Beyond these stations, NYSDEC leads and assists in special, community-requested studies as resources allow through their Community Air Quality initiative. There have been no screening assessments, special studies, or community air screenings undertaken in LaGrange. There are two NYSDEC-registered air facilities in the vicinity of the Study Area, including Precision Air Body

(2187 State Route 55) and Red Wing Sand and Gravel (2296-2332 State Route 82), neither of which have any violations and both maintaining up-to-date registrations.

Regardless of this, it can be generally assumed that increases in vehicular traffic may lead to increases in mobile source emissions. Generally, carbon monoxide (CO) is the most prevalent pollutant associated with vehicles and increased concentrations can be expected where large numbers of motor vehicles are present, including intersections where traffic delays are common during peak times. With the amount of potential additional traffic that could be generated under the worst-case scenario noted above, the service levels of the roadway and intersections would not be anticipated to decrease to such a level that it would result in significantly longer traffic delays and thereby increase long-term, local pollutant levels out of compliance with State and National Ambient Air Quality Standards.

Mitigation Considerations

From a traffic management and operations perspective, it is generally accepted that a LOS of “C” or “D” is the preferred level for a roadway, indicating that the facility is built accordingly and balances volume and capacity to an adequate level. Given the “worst case” development scenario outlined above, the potential addition of 5,334 would raise the AADT of the eastern leg of State Route 55 to approximately 19,095 VPD, bringing the roadway to a LOS “D” rating, but still maintaining an adequate ratio of volume to capacity. As development projects for these parcels come to fruition in the future, various roadway improvements may need to be considered on a case-by-case basis, subject to detailed review by the NYS DOT with supplemental information to this GEIS as necessary. These improvements may include, but not be limited to:

- Left or right turn lanes added to individual driveways, and/or;
- If there are parcels that would benefit from a left-turn lane, a two-way center turn lane may be warranted, and/or;
- The addition of traffic signals at specific sites, especially if some of the parcels are combined into a larger parcel, and/or;
- Controlling access with a center raised median and roundabouts similar to what was done on the west side of State Route 55.

Rezoning the subject properties from Town Center Business (TCB) and General Business (GB) to Commercial (C) still allows a variety of commercial development to occur in a similar fashion to what currently exists. It should be noted that since these parcels have access to not only State Route 55, but also State Route 82 to the east, that any new development (or redevelopment) will undergo a review by the NYS Department of Transportation (NYS DOT), in regard to new or reconfigured access or any changes that require a highway work permit, in accordance with NYS Highway Law, Article 3, Section 52. A highway work permit process involves an initial review with DOT concurrent with local regulations followed by a design review with detailed construction plans, and final review. Simple driveway projects may be processed in a single review and approval stage as an *expedited review* as determined by the NYS DOT Regional Permit Coordinator. This permitting/approval process provides a layer of review specifically regarding transportation impacts.

In terms of noise mitigation, the Town only has the ability to control noise on local property and within the purview of local ordinances (Chapter 162, Town Code). On the State roadways, provided the noise level of permitted trucks is within the regulatory limits, mitigation would include measures to limit the

effects of noise through buffering on private or public property or in coordination with NYSDOT in the State right-of-way. New York State regulations (6NYCRR Parts 450 -454) addresses allowable sound level limits on certain motor vehicles greater than 10,000 pounds in gross weight.

Due to the presence of the two State highways (Route 55 and 82) in the subject area, local transportation review by the Town in the site plan process is limited to internal circulation of properties, though done in conjunction NYS DOT; DOT has jurisdiction over access, volumes, lane configurations, traffic signals, and intersections. The Town of LaGrange has several sections within Chapter 240 (Zoning) that contains standards for internal circulation and site design that dictate the extent of development, including supplemental non-residential regulations (Article VI), special permits and site plan review (Article VII), and design standards (Article III, §240-39). When combined with these local regulations, sufficient mechanisms and processes are in place for ensuring minimal transportation impacts.

Section 4.3. Evaluation of Water Resources

Existing Conditions

As noted in Section 3.0, there are numerous water features found throughout the Town of LaGrange, prevalent through the central section of the community. Sprout Creek crosses the Taconic State Parkway near the intersection with State Route 55, cutting through parcel #3; though other parcels subject to the Proposed Action may contain some water features, Parcel #3 is the only parcel that this Creek directly crosses. Another smaller, unnamed stream connects to Sprout Creek from the east, traversing the northern boundary of the parcels around the State Route 82 & 55 intersection. Due to the presence of these waterbodies, several other water features are found in and around them including floodplains, floodways, aquifers, and wetlands.

Section 4.3.1. Floodplains

Existing Conditions

The FEMA floodplain (**Map 3**) found adjacent to Sprout Creek extends well beyond normal boundaries of the water, more pronounced to the east, but also encompassing approximately 6.7 acres of parcel #3 as well. As a result, this effectively reduces the amount of developable land by approximately 50%. The unnamed stream north of the State Route 82 & 55 intersection and its corresponding floodplain do not cross into the adjacent properties (parcel #11, 14, & 16) to the same extent as compared to parcel #3; therefore, the level of development impact is significantly reduced. The remaining parcels subject to the Proposed Action do not contain floodplains. Regulations currently exist regarding development in or near mapped floodplain, found in Chapter 120 of the Town Code (Flood Damage Prevention, see Appendix D).

As noted in §120-1, the intent of these regulations are *“to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:*

- A. *Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;*

- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;*
- D. Control filling, grading, dredging and other development which may increase erosion or flood damages;*
- E. Regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and*
- F. Qualify for and maintain participation in the National Flood Insurance Program.”*

The regulations were last amended in 2016 to reflect updated floodplain mapping undertaken by FEMA. As the local administrator, the Zoning Enforcement Officer issues floodplain development permits in accordance with the provisions set forth in Chapter 120. Spout Creek is not only within a special flood hazard area (i.e. Zone AE, 100-year floodplain), but it is also classified as a floodway. As a result, in addition to a standard floodplain development permit, any encroachments require a technical evaluation by a licensed professional engineer certifying that such activity will not increase flood levels during the occurrence of a base flood event. An alternative course of action is an application to and approval by FEMA for a conditional FIRM (flood insurance rate map) and floodway revision. The latter process requires a significant amount of data, analysis, and mapping by the applicant's engineer to support the revision. These processes ensure that any encroachments are adequately evaluated, and mitigation measures are taken to ensure no loss of life or property to downstream areas.

In addition to the engineering analysis, specific construction standards are outlined for new structures that includes anchoring, use of flood-resistant materials, limits on use for sub-flood level floors, minimum openings and structural components for sub-flood level floors, utility protection, and floodproofing for non-residential structures, among others. Specific standards are outlined for all structures as well as residential, non-residential, and manufactured/recreational vehicles. Chapter 120 does not outline any specifically prohibited uses in special flood hazard areas.

As with any permitting process in a community, an appeal process is also outlined providing relief for applicants with twelve (12) factors to be considered in that decision-making process. Properties less than ½ acre in size are more likely to receive a variance for improvements or construction within a floodplain, though still subject to the criteria indicated previously – technical justification increases as lot size increases.

Impact Analysis

As noted in Section 4.1, the amount of developable land is further restricted by the presence of environmental features, such as floodplains, regardless of the zoning district any parcel is located in. The changing of the zoning designation for the properties within the Study Area and therefore the increase in permitted uses will not impact floodplains to any more of a degree as compared to the existing conditions. Although the floodplain regulations in and of themselves do not restrict activities and uses to the extent that regulations for other noted environmental resources do (these regulations provide standards for anchoring and not expanding flooding boundaries), when coupled with the regulations for stream corridors (floodplains typically encompass streams/creeks), regulations do exist to limit uses within 500 feet of the centerline of streams.

Mitigation Considerations

The Proposed Action will not result in any significant adverse environmental impacts to floodplains. Rezoning the subject properties from Town Center Business (TCB) and General Business (GB) to Commercial (C) still allows development to occur in a similar fashion to both what is there currently and what was permitted under prior zoning. While the number of potential uses could increase as a result, Chapter 120 and the associated permitting process contained within it apply to a variety of uses and do not specifically call out any in particular, with the exception of manufactured homes and recreational vehicles due to their transient nature. Any proposed commercial development will be required to adhere to the above referenced regulations as part of the site review and approval process. Furthermore, only parcel #3 would be significantly impeded by the Proposed Action and the regulations put in place under Chapter 120 limit the extent of development and proximity to water resources in order to protect property on-site and downstream as well as environment quality. The policies and goals outlined in the current Comprehensive Plan still generally encourages development to occur outside of sensitive environmental features such as floodplains and the regulations set forth in Chapter 120 provide the proper mechanism for ensuring minimal impacts.

Section 4.3.2. Wetlands

Existing Conditions

Wetlands, both Federally- and State-regulated, are generally found in and adjacent to the Creeks (**Map 2**). Much the same as the floodplains, wetlands predominantly impact the east side of the Taconic State Parkway/State Route 55 intersection on parcel #3. State-regulated wetlands are under the jurisdiction of the New York State Department of Environmental Conservation (NYS DEC) and include not only the wetland itself, but also a 100-foot “no disturbance” buffer zone. With this taken in account, approximately 3.0 acres of parcel #3 is constrained by State wetlands. While wetlands of 12.4 acres (5 hectare) in size are specifically regulated by the NYS DEC, the Federal government also has jurisdiction through the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, irrespective of size, but typically for all other wetlands smaller than 12.4 acres. As shown on Map 2, federal wetlands are again found on Parcel #3, impeding approximately 3.46 acres of land, while a smaller grouping of wetlands is located north of the State Route 82 & 55 intersection, outside of the subject parcels.

Chapter 124 of the Town Code (see Appendix D) regulates freshwater wetlands, watercourses, and waterbodies with the intent “to ensure that activities in and adjacent to wetlands, watercourses and water bodies do not unduly impact the public safety, the natural environment or cause environmental degradation.” It is noted that NYS DEC has specific regulations imposed on wetlands, watercourses, and waterbodies under Title 23 of Article 71 of the NYS Environmental Conservation Law (ECL) – Article 24, Freshwater Wetlands. Title 5, §24-0501 of Article 24 provides a mechanism for implementation of wetland regulation to local government provided that said regulations are the same or no less protective than those found in Article 24 and reference to the procedures and concepts contained within are “sufficient” as noted below. The Town’s regulations are concurrent with those of the state DEC. They adequately reference Article 24 and specifically state that they are intended to impose local regulation and “to exercise shared authority” over these resources (§124-2B).

24-0501. Local freshwater wetlands protection procedures.

- 1. On or after September 1, 1975, each local government may adopt, amend, and, upon the filing of the appropriate freshwater wetlands map, implement a freshwater wetlands protection law or ordinance in accordance with this article to be applicable to all freshwater wetlands wholly or partially within its jurisdiction. No freshwater wetlands protection law or ordinance adopted by a county pursuant to this section shall be applicable within the boundaries of any city, town or village which has adopted and is implementing a local freshwater wetlands protection law or ordinance consistent with this article.*
- 2. Said freshwater wetlands protection law or ordinance may be in such form and with such procedures prescribed as may be determined by the local government adopting the same, or it may set forth the procedures and concepts contained in this article; provided, however, that no local freshwater wetlands protection law or ordinance enacted pursuant to subdivision one hereof shall be less protective of freshwater wetlands or effectiveness of administrative and judicial review, than the procedures set forth in this article, nor shall such local law or ordinance affect the activities exempted from permit by section 24-0701 of title seven hereof.*
- 3. Adoption by a local government, pursuant to this article, of a local freshwater wetlands protection law or ordinance by reference to the procedures and concepts set forth herein shall be sufficient if reference is made to the procedures and concepts of this article with exceptions, additions, and modifications thereto noted; and the adoption, once effected, shall include subsequent statutory amendments to this article as aforesaid; subject, again, to exception, addition, or modification by such municipality, without time limitation. At any time after a local adoption of the procedures contained in this article, a local government subject to this section may rescind its adoption thereof and simultaneously adopt a local freshwater wetlands protection procedure in accordance with subdivisions one and two of this section.*

The local permitting process includes an application to the Wetlands Administrator (designated as the Town Administrator of Public Works) with mapping, statement of activity, description of existing natural features, environmental assessment form, and any technical supporting information. Decisions on permits are made under a specific listing of considerations, in accordance with ECL Article 24, with review by not only the Wetlands Administrator, but also the Conservation Advisory Council, and the Town Planning Board, as the approval authority. Strict adherence to the regulations is expected with enforcement, expiration, and violation conditions noted; there is no appeals process outlined for decisions.

Under §124-7 of the Town regulations, there are specific activities that are designated as permitted without the need for a permit including, but not limited to, normal ground maintenance, repair of walkways, or agricultural activity related to livestock grazing or watering. A number of construction activities that include draining, dredging, excavation, etc. or alteration of natural landforms, among others, are regulated activities that are subject to a local permit and the aforementioned review/approval process. Prohibited activities specifically include the “place[ment] or deposit [of] chemical wastes or to introduce influents of sufficiently high thermal content as to cause deleterious ecological effects in any wetland, watercourse, water body or buffer area.” (§124-7D).

In terms of wetlands smaller than the 12.4 acre size under the jurisdiction of the NYS DEC, Chapter 124 also provides protection of wetlands down to one acre in size (see definition of wetland, §124-5) that “comprise hydric soils and/or are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and under normal conditions do support, a prevalence of hydrophytic vegetation as defined by the Federal Interagency Committee for Wetlands Delineation, 1989, in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, Washington, DC, and adopted by the US Army Corps of Engineers, US Environmental Protection Agency, and the US Fish and Wildlife Service, or as amended and updated. Hydric soils referenced above shall include the soil types taken from the revised Dutchess County Soil Survey Series, 1991, or such revised, updated and adjusted soil surveys as may be completed.” This definition incorporates wetlands that would normally fall under the guise of the U.S. Army Corps of Engineers, though compliance with said agency may be required on a case-by-case basis by the Wetlands Administrator or Town Planning Board.

Impact Analysis

As noted in Section 4.1, the amount of developable land is reduced by the presence of environmental features, such as wetlands (State or Federal), regardless of the zoning district any parcel is located in. The changing of the zoning designation for the properties within the Study Area and therefore the increase in permitted uses will not impact wetlands to any more of a degree as compared to the existing conditions. Although more automobile service-related uses would be permitted under the Proposed Action, current regulations do not permit underground or aboveground storage within wetlands (State/Federal). Nor are storage tanks permitted within 500 feet of their outer boundaries (local). These additional restrictions limit the location of specific uses regardless of whether they are noted as a permitted use.

Mitigation Considerations

As with any wetland, proper identification and delineation of boundaries is a required initial step with any proposed development within the Town through mapping research and field investigation. Following delineation, and as part of the site plan approval process, site design is undertaken with proper site engineering, technical review/analysis, and the aforementioned permitting process specific to wetlands incorporated. With this review in place, regardless of any specific zoning district, land use, or proposed development, wetlands (including buffer zones as applicable) are properly protected from encroachment, ensuring minimal impact(s) and including mechanisms for any necessary mitigation measures. The current regulations that are in place at the local, State, and Federal levels are sufficient to avoid or reduce to the greatest extent practicable any potential impacts; the policies and goals outlined in the current Comprehensive Plan still generally encourage development to occur outside of sensitive environmental features.

Section 4.3.3. Waterbodies

Existing Conditions

As noted under the **Floodplains** evaluation, Sprout Creek is the primary waterbody that flows through the area subject to the Proposed Action (**Map 5**). This 24.8-mile creek flows through the center part of Town before joining with Fishkill Creek and emptying into the Hudson River further to the southeast. Sprout Creek roughly follows the eastern boundary of parcel #3 and traverses the eastern portion of the

parcel before crossing State Route 55 and the Taconic State Parkway to the south. As shown in Map 5, a smaller, unnamed tributary follows State Route 82 and 55 to the east, adjoining the northern boundary of a number of the subject parcels at that same intersection, before joining Sprout Creek south of State Route 55.

NYS DEC regulates activities of protected streams through Article 15 of the NYS Environmental Conservation Law (ECL), 6NYCRR Part 608. The Protection of Water Regulatory Program identifies activities as the “*disturbance of bed or banks*” and protected streams as those with the classification of AA, A, B, or C with a standard of (T) or (TS) (disturbance for the latter may be temporary or permanent) – Sprout Creek is classified as C(T). While there are specific instances for exempt activities, most land development would fall under a minor or major project classification with a longer review time, procedures, and requirements necessary for approval. The application and permitting process by the NYS DEC includes a Joint Application Permit Form, mapping, project plans, photographs, and other engineering/technical information to support the application review. The basis for issuing a permit includes conformance with general criteria as well as specific considerations regarding water quality, natural resources, operation and maintenance, and safeguarding life and property, among other factors.

Chapter 124 of the LaGrange Town Code (see Appendix D) not only addresses wetlands, but also waterbodies and specifically calls out buffer zones for Sprout Creek under §124-5, referencing the Stream Corridor Overlay Zone (§240-31B) under Chapter 240, Zoning. While the NYS DEC Protection of Water Program indicates a water bank as the area “*extend[ing no] more than 50 feet horizontally from the mean high water line; with the following exception: Where a generally uniform slope of 45 degrees (100%) or greater adjoins the bed of a watercourse, the bank is extended to the crest of the slope or the first definable break in slope, either a natural or constructed (road, or railroad grade) feature lying generally parallel to the watercourse,*” a larger buffer zone of 200 feet is called for in §240-31B(2). Applying this buffer zone to the only impacted parcel (#3) impedes approximately 5.3 acres of land or 35% of the total land, leaving approximately 10 acres of land available for development – the remaining parcels subject to the Proposed Action remain unimpeded by these regulations.

Impact Analysis

As noted in Section 4.1, the amount of developable land is reduced by the presence of environmental features, such as streams and waterbodies, regardless of the zoning district any parcel is located in. The changing of the zoning designation for the properties within the Study Area and therefore the increase in permitted uses will not impact waterbodies to any more of a degree as compared to the existing conditions. Although more automobile service-related uses would be permitted under the Proposed Action, current regulations do not permit underground or aboveground storage within 500 feet of their outer boundaries (Chapter 240-65) and construction/disturbance within 200 feet of the centerline is regulated under Chapter 240-31B. These additional restrictions limit the location of specific uses regardless of whether they are noted as a permitted use.

Mitigation Considerations

The project review and permitting process for waterbodies are the same as outlined above for wetlands with an added layer of regulations set forth under §240-31B (Stream Corridor Overlay Zone). Construction, filling, excavation, clearing of mature trees, grading or other alteration of land is subject to the issuance of a special permit by the Planning Board with specific considerations outlined.

With this review in place, regardless of any specific zoning district, land use, or proposed development, waterbodies such as Sprout Creek (including buffer zones) are properly protected from encroachment, ensuring minimal impact(s) and including mechanisms for any necessary mitigation measures. Only one property would be significantly impeded by the Proposed Action and the policies and goals outlined in the current Comprehensive Plan still generally encourage development to occur outside of sensitive environmental features.

Section 4.4. Evaluation of Aquifers/Groundwater

Existing Conditions

Aquifers, or groundwater, are found throughout the Town of LaGrange and a majority of the Town still relies on private wells for their potable water supply. A principal aquifer extends along Sprout Creek as well as part of the State Route 82 corridor. (See Map 4.)

Chapter 240 of the Town Code, Zoning, includes a section on groundwater protection (240-31.G) as an overlay zone. (See Section 3.5) The intent of these regulations is *“to protect the public health, safety, and general welfare by preserving and maintaining the quality and quantity of the Town's major groundwater resources in order to ensure an adequate and safe potable water supply for present and future residents, employees, and the general public.”* The overlay zone applies to any new development and uses within the zone with more generalized provisions applicable to parcels with public water and sewer. These general regulations prohibit underground fuel tanks more than 1,100 gallons combined (NYSDEC permitting is required for installations over 1,100 gallons); the storage of farm animal wastes shall be contained or protected from water wells; bulk fertilizer storage shall be enclosed; and septic systems shall be a minimum of 400 feet from public wellheads. Gas stations are new permitted uses under the proposed Commercial (C) district, of which two (2) already exist within the Study Area (1502 Route 55, Site 3-172073 and 1220 Route 55, Site 3-410659). It should be noted that none of the parcels within the Study Area are within the Groundwater Protection Overlay.

There are other applicable regulatory protections, which protect groundwater resources. NYSDEC environmental regulations contained within 6 NYCRR, Chapter 5 (Resource Management Services), Part 596 through 599, for example, cover bulk storage facilities (over 1,100 gallons) for petroleum and hazardous substances. These regulations provide a mechanism for siting, review, maintenance, inspection, recordkeeping, training & operations, deliveries, and closures for above- and underground tanks. In terms of groundwater protection, the regulations dictate regular inspections and a high level of maintenance required, including recordkeeping, in order to maintain operating permits. In addition, operators must be trained in all of these aspects. Any illegal discharges are subject to significant fines and immediate corrective action(s). This is especially important in any areas where fueling stations are allowed – within a two-mile radius of the project area, there are currently 16 petroleum bulk storage facilities and one major oil facility according to NYSDEC databases. A further review of these databases indicates that all of these facilities are operating in accordance with NYSDEC requirements with no violations are on record or spills reported. Uses that utilize above- or underground storage tanks are found in the TCB, GB, and Commercial Districts, though gasoline fuel pumps are specifically permitted in the Commercial District. There are currently several uses already in existence at the Route 55 and 82 intersection that contain underground storage tanks and are within the aquifer area.

In addition to regulating storage tanks, the NYSDEC also enforces and responds to spills of petroleum and other hazardous materials – approximately 90 percent of spills involve petroleum products. NYSDEC maintains a database of spills throughout the State dating back to 1978 and updated nightly. A review of reported spills for the Route 55 corridor going back to 2005 indicates only six spills in the Study Area, two of which were related to Central Hudson Gas and Electric transformers and the remaining pertaining to gas/oil facilities. Three other petroleum-based spills were recorded at Town Center with the most current noted in 2017. All of these were since cleaned up with no impacts to groundwater and closed with no further action needed.

b) Groundwater Testing

Further evaluation of ground water quality is limited as private water wells are not required to be tested nor are results required to be maintained in a database of any kind. Public water supply, on the other hand, is regulated by the US EPA, NYSDEC, and County Department of Health, with specific minimum thresholds required for water quality in terms of inorganic, organic, chemical, and other substances. Water quality reports provide the community with a breakdown of sources, levels, and treatment methods to provide safe, potable water. In 2007 and 2008, the Dutchess County Comprehensive Private Well Testing Initiative was conducted by the County DOH to collect information about private well water source quality that serve single-family, owner-occupied residences. More than 250 random private wells were selected throughout the County including 21 within the Town of LaGrange. Of those 21, five were in the vicinity of the Study Area.

The results of those random well samples generally indicated various levels of organic substances such as barium, chloride, iron, manganese, sodium, sulfate, etc. that would require some level of treatment to remove these substances or have them meet USEPA water quality standards. The only locations that contained the presence of inorganic contaminants were at Amandas Way (MTBE, 0.1 microgram/liter over threshold) and Todd Hill Road (toluene, at threshold), both located over a quarter mile south of the project area. The remaining three were located north of the Study Area including one on Route 82 within the aquifer that extends through the Study Area; none of which reporting inorganic contaminants.

Monitoring of MTBE, a known carcinogen in high levels and susceptible to contaminating groundwater, has been undertaken in the County since 2004, under direction from the State. Since that time, and in conjunction with stricter monitoring and maintenance, there has been a dramatic decline in MTBE levels within the County according to a 2014 trend report. That report indicates that “...since 2005 no new public water supplies have been found to have MTBE contamination above the MCL [0.01 micrograms/liter] and that by 2013, only 7 out of 109 supplies sampled had MTBE concentrations above 0.01 mg/L.”

Impact Analysis

As noted in Section 4.1, any developable land within the ground protection overlay is subject to additional regulations due to the presence of aquifers, regardless of the zoning district any parcel is located in. The changing of the zoning designation for the properties within the Study Area and therefore the increase in permitted uses will not impact groundwater to any more of a degree as compared to the existing conditions. Although more automobile-related uses are permitted, the groundwater regulations that are in place at the local level (Chapter 240-31G), State level (6 NYCRR

Parts 596-599), and Federal level (40 CFR Parts 280 & 281) provide a program for installation, operation (handling/storage), maintenance, and inspection of underground storage tanks (USTs) over 1,100 gallons in capacity. Additionally, the Dutchess County Department of Health (DOH) and State DOH provide regulations on water quality (surface and ground) with respect to pollutants, including gasoline as well as biological contaminants such as those from failing or overburdened septic systems, a much more common cause of groundwater quality issues. The State and Federal regulations that pertain to USTs were updated in 2015 to further strengthen the 1988 Federal regulations with respect to operation and maintenance. These additional regulations provide further oversight from multiple agencies for uses that proposed USTs as part of their operations, regardless of the zoning district.

Mitigation Considerations

The Town of LaGrange will continue to enforce the existing local laws regarding the construction and installation of above- and underground petroleum bulk storage facilities along with the NYSDEC for tanks over 1,100 gallons in combined capacity. Regulations that are in place pertain to private and public uses whether for commercial or other use.

Section 4.5. Evaluation of Wildlife Resources

Existing Resources

As noted in Section 3.7, several species are noted as potentially being found within the Project Area, including threatened, endangered, and State significant species according to a review of Federal and State databases (NYSDEC Natural Heritage Program, US Fish and Wildlife Service (US FWS) Information for Planning and Consultation (IPaC)) and regional environmental agencies (Hudsonia, Ltd.) – see Appendix E. The species include the Blanding’s Turtle, Bog turtle, wood turtle, Northern Long-eared bat, and Indiana bat. The NYSDEC maintains a listing of local communities that have summer/winter occurrences of the Northern Long-eared bat and there are no critical habitats within the Study Area, though the local ecology supports conditions which may support Indiana bats. According to habitat reports from Hudsonia, Ltd. (*Significant Habitats in the Fishkill and Sprout Creek Corridors & Blanding’s Turtle Habitats in Southern Dutchess County*), the only species that has a core habitat in proximity of the Study Area is the Blanding’s Turtle, located just south of Town Center.

Impact Analysis

Though the Town of LaGrange does not have specific regulations pertaining to wildlife resources, the development regulations that are in place at both the local and State/Federal level for water resources (wetlands, floodplains, and waterbodies), as noted in Section 4.1. These regulations are feature-based and not based solely on specific districts; therefore, whether or not the properties included within the Study Area were rezoned, these regulations would still apply if the environmental features noted are found. The local regulations, as well as the State and Federal regulations pertaining to water resources, achieve the same goal for wildlife resource protection by reducing the loss of potential habitats and. Additionally, the guidance measures outlined below for the bat and turtle species provide another layer of protection and awareness of wildlife species during project review, development and construction.

Mitigation Considerations

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. Based on the information contained herein, it is more likely that any of the above species noted above would occur in and around the vicinity of Sprout Creek, which flows through parcel #3 (see Maps 2 and 5). Given the fact that many of the noted species are reptiles that live near water features, it is also likely that these species may also be found on the northern edge of parcels #11-14 (see Maps 2 & 5). As part of site-specific reviews, the Town Board and/or Planning Board would require coordination and correspondence with NYSDEC and the Natural Heritage Program to provide any recent reporting of listed endangered, threatened, or rare species and follow up with field investigations in areas where potential habitats may exist, especially in the vicinity of Sprout Creek and any water features surrounding it.

Regardless of the districts, development is permitted at each parcel, which would result in some level of vegetative removal and possible displacement of local wildlife. However, several environmental regulations are in place by the Town of LaGrange to provide a level of protection for natural features that also contribute to the local habitats of wildlife, including potentially endangered, threatened, or rare species including Chapter 124 (Freshwater Wetlands, Watercourse and Waterbodies) and Chapter 24, subsection 31 (Zoning, Preservation Overlays). Further, USFWS provides guidance to avoid or minimize potential adverse effects with respect to Northern Long-eared and Indiana bats where there may be potential occurrence including seasonal restrictions on tree cutting between November 15 (swarming)/October 15 (summer habitat only) and March 31 (USFWS Indiana Bat Conservation Guidance, July 26, 2011); this is mirrored in NYSDEC guidance under Program Policy ONR-DLF-2, March 21, 2011.

Hudsonia, Ltd. has also provided guidance with respect to Blanding's Turtles (which could also be extended out to Bog or Wood Turtles, though no specific guidance is provided) in which the following general steps are recommended (additional details and information can be found in the document *Blanding's Turtle Habitats in Southern Dutchess County*):

1. If the proposed project is within a Conservation Zone, notify NYSDEC
2. Submission of an onsite Blanding's turtle habitat assessment
3. Comparison of results to Hudsonia, Ltd. mapping
4. Establish permit conditions following general recommendations contained with the above document based on the presence of "suitable wetland or upland habitats"

Section 4.6. Evaluation of Cultural Resources

Existing Resources

According to the State Historic Preservation Office's (SHPO) Cultural Resources Information System (CRIS), there is one listed historic resource in the Study Area, the Taconic State Parkway (02NR05036) and one eligible historic resource nearby, #1325 State Route 55. The Parkway is a 104.12-mile-long roadway that extends between Kensico Dam in North Castle/Mount Pleasant and Chatham and traverses through the midsection of the Town. Within the Study Area, the Parkway is elevated and a

cloverleaf intersection provides on- and off-ramps to State Route 5; the overpass consists of a decorative stone structure.

Impact Analysis

Development regulations pertaining to cultural resources are in place at both the local and State level as noted in Section 4.1 and below. These regulations are feature-based and not based solely on specific districts; therefore, whether or not the properties included within the Study Area were rezoned, these regulations would still apply if the cultural resources noted are found.

Mitigation Considerations

The Taconic State Parkway is contiguous to only three of the parcels subject to the Study Area; however, as the Proposed Action does not involve physical development, no direct impacts are anticipated. Additionally, the Parkway is an overpass in this area with significant screening from dense vegetation – this vertical separation and buffering significantly limits visibility to and from the Parkway. Travelers get only a brief view on either side of the Parkway as it crosses State Route 55. In conjunction with the Town’s site plan review processes, the standard environmental review process for any proposed projects includes consultation with SHPO as necessary to coordinate any potential impacts, including physical disturbance and visual, and provide necessary recommendations. The *Taconic State Parkway Scenic Byway Corridor Management Plan* was developed in 1999 that can also be utilized and referenced for potential projects, providing further guidance and recommendations for minimizing visual impacts including scenic, natural, and cultural landscape resource management. Furthermore, the Town has regulations in place under Chapter 240-31D (Preservation Overlay Zones) for historic resources as mapping becomes available and is updated to protect and preserve lands within 500 feet of said resources, including plan review by the Town Planning Board.

Section 5.0 Alternatives

Section 5.1. No Action/Null Alternative

An alternative to the Proposed Action is the *No Action* or *Null* alternative, retaining the zoning as it is currently defined for the subject area. The presence of floodplains, wetlands, waterbodies, groundwater and aquifers (along with their respective buffers) will not change as a result and they will continue to encumber properties, limiting the extent of future development. Increases in traffic volume may still increase if a viable development were proposed that resulted in resubdivision of multiple properties and demolition of existing structures to provide ample land. However, given the track of the past decade in terms of development on the eastern portion of the State Route 55 corridor, this is unlikely. All ten (10) of the zoning noncompliant parcels identified in Section 3 above would remain as pre-existing nonconforming uses and could not be substantially upgraded or expanded without a variance. The 18-19 additional uses that would be permitted (special or otherwise) under the Proposed Action provide a small number of other commercial uses to otherwise expand limited opportunities in the area. With the overall goal of the Town to “re-activate” this portion of the corridor, expand development/redevelopment opportunities, reduce non-conformities of existing businesses, and encourage investment, this alternative would not achieve these, and other objectives noted in Section 2.0. Many of the uses that are in place today have existed in much the same condition as they were originally zoned in 2005, with limited improvements made.

Section 5.2. Rezoning to Other Districts/Modifications to Commercial (C) District Regulations

Based on the existing uses in these areas, no other zoning districts currently available in the Town's Zoning Code (Chapter 240) would apply, including Residential (RFD, RMD, RLD, RFS, TCR); Hamlet (H, GH, MGH); Industrial; Planned Districts (PO, PDD, DFPD, OPD); Park (TPK, SPR) or Senior Housing (SCHD, ASCHD). Modifications to the existing Commercial (C) District for the sake of these areas would impact the much larger commercially zoned areas on the western end of State Route 55 between the Poughkeepsie Town line and the electric transmission corridor which crosses Route 55 near Mandaly Drive. As noted previously, this alternative would not achieve these, and other objectives noted in Section 2.0 as none of the other zoning districts provide the same character that currently exists within the Study Area or in lands adjacent to it. In fact, the other zoning districts would provide an even greater number of non-conformities or greater restriction in land development that would differ from the current character of the corridor.

Section 6.0 Description of Mitigation Measures

Based on the review and evaluation above, the Proposed Action is not expected to directly cause any significant adverse environmental impacts as further outlined below. Therefore, no mitigation measures are proposed for the Proposed Action. Post legislative applications for specific project approvals will generate an independent SEQRA review and assessment of appropriate mitigation.

Section 6.1. Land Use and Zoning

No additional mitigation measures are anticipated as the subject properties will still permit a variety of commercial uses, though slightly more than allowed in the Town Center-Business and General Business districts. Limitations on previously pre-existing, non-confirming uses would be reversed, providing greater opportunity for redevelopment or improvements to these properties, but still under the review and approval from the appropriate Town Boards in regard to various site and architectural design, streetscape, and overall character elements. These review process, outlined in Chapter 240, provide sufficient permitting, management/oversight, and enforcement of land use and development as it is proposed. The Proposed Action is not expected to result in a significantly higher level of growth than that which could be expected under existing zoning.

As stated in the Description of Action, supra, the proposed action has significant public benefits.

Section 6.2. Transportation

No additional mitigation measures are anticipated as the current land use and development regulations set forth in Chapter 240 provide sufficient local review, design standards, permitting, and enforcement. The current configuration of State Route 55 has sufficient capacity to handle additional volumes on the eastern leg while maintaining an adequate level of service (LOS). In addition, the NYS DOT maintains jurisdiction over State Route 55, with any new or revised access, changes in volume, or general changes within the right-of-way subject to their review and approval in accordance with State roadway standards on a case-by-case basis.

Section 6.3. Floodplains

No additional mitigation measures are anticipated as the current land use and development regulations set forth in Chapter 120 provide sufficient permitting, management/oversight, and enforcement in accordance with Federal regulations of the same.

Section 6.4. Wetlands

No additional mitigation measures are anticipated as the current land use and development regulations set forth in Chapter 124 provide sufficient permitting, management/oversight, and enforcement in accordance with Article 24 of NYS Environmental Conservation Law, Freshwater Wetlands, and Section 404 of the Federal Clean Water Act.

Section 6.5. Waterbodies

No additional mitigation measures are anticipated as the current land use and development regulations set forth in Chapter 124 and Chapter 240, §240-31B, provide sufficient local permitting, management/oversight, and enforcement. In conjunction with these local regulations, the NYS DEC requirements for a Protection of Waters Permit and the associated review and permitting process provide additional oversight of these resources.

Section 6.6. Aquifers/Groundwater

No additional mitigation measures are anticipated as the current land use and development regulations set forth in Chapter 240, §240-31G, provide sufficient local permitting, management/oversight, and enforcement. In conjunction with these local regulations, the NYSDEC requirements for underground storage tanks and the associated review, permitting, and maintenance/operations processes provide additional oversight of these resources.

Section 6.7. Wildlife

No additional mitigation measures are anticipated as the environmental review processes provide an avenue for future projects to identify potential occurrences of regulated species and coordinate additional actions with Federal, State, and local agencies. Additional local regulations that protect sensitive environmental features through overlays that are feature-specific and not district-specific, further restricting development areas or providing an avenue for limited development through a special permitting process.

Section 6.8. Cultural Resources

No additional mitigation measures are anticipated as the environmental review processes provide an avenue for future projects to identify potential impacts and coordinate additional actions with State agencies. Additional local regulations that protect cultural (historic) resources through overlays that are feature-specific and not district-specific, further restricting development areas or providing an avenue for limited development through a special permitting process.

Section 7.0 Other Issues

Section 7.1. Unavoidable Adverse Impacts

Being a legislative action only, the Proposed Action will not result in any direct unavoidable adverse environmental impacts. It should be noted regardless of the zoning district, existing or proposed, future development in the Study Area is anticipated to some degree which, depending on the specific use and the developable area on the subject parcel, could result in an increase will result in an intensity such that there may be an increase in demand for community services, increased solid waste generation, increased water use and sewage generation, increased usage of electricity and energy resources, and increased traffic. However, any such increase in demand is not anticipated to result in an adverse significant environmental impact. As part of the site plan, review, and permitting process that is currently in place for any proposed development projects within the Town, including subsequent environmental reviews/SEQRA, all of these potential impacts would be thoroughly analyzed with changes to the proposed project or mitigation measures identified to address impacts. In terms of the proposed action, however, it is not anticipated that such demands will exceed the town's capacity to meet them, especially as it is not expected to create a sudden increase in new development.

It is also noted that any proposed development of land affected by the proposed action discussed in this SDGEIS will be subject to its own environmental review under SEQR when such development is proposed. Through that process, the potential impacts would be reviewed and mitigated to the maximum extent practicable. The SDGEIS is not intended to serve as a substitute for a site or design-specific environmental review which will still be required on a case-by-case basis at the time that an application for development approval is submitted.

Section 7.2. Irreversible and Irrecoverable Commitment of Resources

Irreversible and irretrievable commitments to resources typically include land resources, construction manpower, building materials (e.g. wood, steel, concrete, etc.), energy (e.g. gasoline/diesel, electricity, natural gas, etc.), and water for domestic and irrigation purposes. Regardless of the zoning district that is in place for these properties, these resources would be utilized in some capacity. The Proposed Action, as a legislative action alone, would not entail any irreversible and irretrievable commitments to resources.

Section 7.3. Growth Inducing Impacts, Cumulative and Secondary Impacts

The Proposed Action involves changes to zoning for a number of properties, involving additional permitted uses that were not permitted under previous (existing) zoning regulations. While growth has the potential to occur as a result of the Proposed Action, the proposed zoning districts still entail a mix of commercial uses just as the existing zoning does. In addition, there is substantial overlap in uses between the General Business and Town Center districts as outlined above and the proposed rezoning of these properties to Commercial seeks to steer development that is not encouraged or appropriate within Town Center to these other areas where they are compatible and appropriate. Another element for consideration is public water and sewer.

Currently, these utilities are limited/unavailable east of the Taconic State Parkway with the vast majority of the subject properties relying on private water and septic systems; at present, there are no plans to

extend public water and sewer to these areas. Any future considerations for extension of public water or sewer to these areas would require a separate environmental review undertaking. It is assumed that the cost to extend public water and sewer from the Parkway to Route 82 would cost between \$100-\$300/LF for each utility. Therefore, the development potential for parcels east of the Parkway is limited to the extent that the individual properties can support on-site septic systems and/or provide sufficient private water, with regulations set forth by the State Departments of Health and Environmental Conservation for distance separation and water quality. Though the proposed action will result in opportunities for additional uses above what is currently permitted, it is not anticipated that the action will result in significantly higher levels of growth than that which could be expected under the existing zoning. Over 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. The existing zoning regulations/permitting and planning that is in place will provide guidance for strategic growth and development will continue to be overseen by an existing site plan review process that includes management and protection for natural features that are found on individual properties.

Section 7.4. Effects on the Use and Conservation of Energy

The energy resources that will potentially be affected by the rezoning include electricity, gas, and oil. The use and conservation of these energy resources are not anticipated to be affected by the Proposed Action.

Section 7.5. Effects on Solid Waste Management

The Proposed Action involving the changes to the zoning code and other development guidelines is not expected to result in any significant increase of solid waste production than that which could be expected under existing zoning.

Section 7.6. Impacts of Public Acquisitions of Land

The Proposed Action involving the changes to the zoning code and other development guidelines has no purposes toward (as per 6 CRR-NY 617.9) "...public acquisitions of land or interests in land or funding for non-farm development on lands used in agricultural production and unique and irreplaceable agricultural lands within agricultural districts pursuant to subdivision (4) of section 305 of article 25-AA of the Agriculture and Markets Law."

Section 7.7. Effects on Cultural Resources

The Taconic State Parkway is contiguous to only three of the parcels subject to this Proposed Action; however, as the Proposed Action does not involve physical development, no direct impacts are anticipated. Additionally, the Parkway is an overpass in this area with significant screening from dense vegetation – this vertical separation and buffering significantly limits visibility to and from the Parkway. Travelers get only a brief view on either side of the Parkway as it crosses State Route 55. In conjunction with the Town's site plan review processes, the standard environmental review process for any proposed projects includes consultation with the State Historic Preservation Office (SHPO) as necessary to coordinate any potential impacts, including physical disturbance and visual, and provide necessary recommendations. This holds true for any all properties "contiguous" to the Parkway, including those

not subject to the Proposed Action. A Corridor Management Plan was developed for the Parkway that can also be utilized for potential projects, providing further guidance and recommendations for minimizing visual impacts.