

**Town of LaGrange  
2018 Comprehensive Plan Amendment  
& Proposed Zoning changes  
Draft Generic Environmental Impact Statement**

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**Location:**

Town of LaGrange, Dutchess County, New York

**Lead Agency:**

Town of LaGrange Town Board

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**Action:**

Adoption of Amendments to 2005 Comprehensive Plan and Map and local law amending the zoning map to change two (2) parcels west of the Taconic State Parkway from TC-B to C and fourteen (14) parcels east of the Taconic State Parkway from GB to C.

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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 turn, the Town Center development has been dormant. A public hearing on the Project's DEIS was conducted as long ago as July 9, 2009. An FEIS has not yet been submitted. The Town Center development was the subject of an Illustrative Plan included within 2009 amendments to the LaGrange Comprehensive Plan. The easterly edge of the Illustrative Plan is at least 1,200 feet from the TC-B properties located just west of the Taconic Parkway which are the subject of the rezoning from TC-B district to the C district. The update reflects the Town's desire to expand opportunities to these areas which have otherwise remaining underutilized since the 2005 Plan and subsequent rezoning that occurred thereafter.

The Comprehensive Plan amendment recommends land use and zoning changes that would allow a greater variety of developments, but still emphasizes the importance of protecting the various natural resources found in the area, including wetlands, floodplains, and waterbodies. The existing Town zoning code, coupled with other State and Federal regulations, provide varying levels of review, permitting, and overall use of land in order to protect these resources – these mitigation measures will remain in place regardless of any legislative land use changes. In addition to environmental resources, the impact of land use and zoning changes to transportation networks and circulation are equally important. The stagnant commercial areas, comprised of fourteen (14) distinct parcels, are all located on State highways, which are under the jurisdiction of the NYS Department of Transportation (NYS DOT). As a result, the Town's authority primarily pertains to internal movement and circulation on the individual sites – NYS DOT provides review, approval, and permitting for any actions or changes within the right-of-way, including any changes in volume. State Route 55 and 82 are all constructed to State/Federal standards as higher volume roadways and therefore can handle significant traffic.

Overall, the existing regulations that are in place for environmental protection and traffic provide a process that includes a significant level of review and approvals that are dependent on compliance with set standards. Additional mitigation is not anticipated as a result of the Comprehensive Plan amendment nor the changes to the zoning map.

### Section 1.0 Overview

This document is being prepared for the Town of LaGrange as a Draft Generic Environmental Impact Statement (DGEIS). 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 DGEIS 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. Site specific environmental analysis that would accurately study and mitigate any specific impacts is still required for individual projects and is not discussed under this DGEIS. Fourteen of the sixteen 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.)

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 DGEIS. Minor adjustments to the proposed action can be specifically addressed in the Determination of Significance/Negative Declaration/Findings Statement that will be prepared at the conclusion of the environmental review process. This DGEIS 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 14 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), those parcels include the following tax lot numbers (and addresses):

802900 (1215 Route 55)	823867 (1220-1224 Route 55)	945946 (22 Taconic Center Lane)	417899 (1456 Route 55)	473908 (1474 Route 55)	492906 (1482 Route 55)
504909 (1486 Route 55)	530919 (1496 Route 55)	541906 (1498 Route 55)	546919 (1502-1504 Route 55)	457972 (Route 55)	501968 (1477 Route 55)
515970 (1489 Route 55)	546974 (1493 Route 55)	564958 (Route 82)	601974 (2295 Route 82)		

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 rates which the proposed action purports to do. The real estate recession commencing in 2007 has reduced residential development and increased the desirability of commercial development. The roundabouts at Route 55 have mitigated Route 55 traffic

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 proposed action has public benefits, as follows:

- a. All areas are traditional commercial centers located at or near the intersection of two major state or county highways.
- b. The majority of existing businesses are more consistent with a “Commercial” designation than they are with a “General Business” designation.
- 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. Are consistent with the current land uses in the area affected.
- f. Will result in a reduction of non-conforming uses in the town.
- g. Will increase the variety of permitted commercial uses.
- h. Encourage commercial development.
- i. Provide employment opportunities for town residents.
- j. Broaden the commercial tax base, benefiting residential taxpayers.
- k. Provide necessary and desirable services to town residents.
- l. Allow existing businesses to enhance their operation to remain successful, currently restricted due to non-conforming status.
- m. No significant impact on school population or traffic.
- n. Will not diminish adjacent property values. In fact, if anything, it will increase them.
- o. No subsurface water impact.
- p. No significant further drain on public facilities or services.
- q. No negative effect on living conditions in the neighborhood.
- r. No negative impact on public safety.
- s. Not detrimental to environmentally sensitive areas.

## 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 15,720 people according to the 2012-2016 U.S. Census (American Community Survey), 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 are all privately owned by various property owners as highlighted in Table 1 in Section 3.0. 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. Only two zoning districts exist in the subject area – Town Center Business (TCB) on the west side of the Taconic State Parkway and General Business (GB) on the east side of the Parkway.

The individual parcels are further outlined below:

<b>Parcel #1</b>	1215 State Route 55/Lot Number - 802900
	
<b>Existing Land Use Description &amp; History</b>	<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. 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>

<b>Parcel #2</b>	1220-1224 State Route 55/Lot Number - 823867
	
<b>Existing Land Use Description &amp; History</b>	<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><b>Parcel #3</b></p>	<p>22 Taconic Center Lane/Lot Number - 945946</p> 
<p><b>Existing Land Use Description &amp; History</b></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 GEIS, 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
	 <p>The top photograph shows a building with a sign that reads "23-7156" behind a black metal fence. The building has a mix of white and brown siding. In the background, there are green trees and a hillside. The bottom photograph shows a utility pole with power lines in a grassy area. A black metal fence is visible in the background, along with some trees and a building. The sky is blue with some clouds.</p>

<b>Existing Land Use Description &amp; History</b>	<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><b>Parcel #5</b></p>	<p>1474 State Route 55/Lot Number – 473908</p> 
<p><b>Existing Land Use Description &amp; History</b></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>

<b>Parcel #6</b>	1482 State Route 55/Lot Number – 492906 
<b>Existing Land Use Description &amp; History</b>	<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><b>Parcel #7</b></p>	<p>1486 State Route 55/Lot Number - 504909</p> 
<p><b>Existing Land Use Description &amp; History</b></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; it 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>

<b>Parcel #8</b>	1496 State Route 55/Lot Number - 530919 
<b>Existing Land Use Description &amp; History</b>	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><b>Parcel #9</b></p>	<p>1498 State Route 55/Lot Number – 541906</p>
	 <p>View from State Route 55 (top) and State Route 82 (below)</p>
<p><b>Existing Land Use Description &amp; History</b></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 &amp; 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><b>Parcel #10</b></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><b>Existing Land Use Description &amp; History</b></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>

<b>Parcel #11</b>	0 State Route 55/Lot Number - 457972 
<b>Existing Land Use Description &amp; History</b>	<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) and considered a continuing non-conforming in use.</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.</p>

<b>Parcel #12</b>	1477 State Route 55/Lot Number - 501968 
<b>Existing Land Use Description &amp; History</b>	<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 &amp; 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>

<b>Parcel #13</b>	1489 State Route 55/Lot Number – 515970 
<b>Existing Land Use Description &amp; History</b>	<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><b>Parcel #14</b></p>	<p>1493 State Route 55/Lot Number – 546974</p> 
<p><b>Existing Land Use Description &amp; History</b></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 currently used for temporary storage of utility trailers and other construction/utility materials. 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.</p>

<b>Parcel #15</b>	0 State Route 82/Lot Number – 564958
	
<b>Existing Land Use Description &amp; History</b>	<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>

<b>Parcel #16</b>	2295 State Route 82/Lot Number - 601974
	
<b>Existing Land Use Description &amp; History</b>	<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. 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>

### 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 a few locations that have public water. Natural gas, electric service, and telecommunications are all available as well. State highways (Route 55 and 82) service the area with the Taconic State Parkway providing high-volume transportation beyond the region.

### 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. With the exception of a few parcels, these water resources are primarily found outside of the subject area or immediately adjacent to it. 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. As a result, the environmental health of the creek is an important aspect not only in LaGrange, but to the County overall.

### Section 3.6. Cultural Resources

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.

## 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. As there are no official projects that are proposed for the subject properties at this time, there is enhancement of extent of development potential. The scope of analysis should entail an evaluation of the following:

- Land Use and Zoning
- Transportation (volumes, trip ends)
- Wetlands
- Floodplains
- Sprout Creek (the primary waterbody in the area, but also including any other pertinent waterbodies)

Regardless of what type of development is proposed in the future, these environmental encumbrances would be a significant influencing factor both in terms of internal site constraints and external influence to the road network and water quality. These impacts would be reviewed in special permit or site plan proceedings before the Planning Board.

#### Section 4.1. Land Use & Zoning Evaluation

As noted, the proposed action would rezone the parcels below from General Business (GB) and Town Center – Business (TC-B) to Commercial (C). The properties consist of a mix of uses ranging from vacant land to gas stations to residential to active warehousing as outlined in Table 1 below and shown in Figure 1 on the following page. All together, these parcels constitute approximately 67.5 acres of land or 0.2 percent of the total land area (24,786.5 acres) of the Town of LaGrange.

*Table 1: Baseline parcel data (\*indicates difference from County property records, reflecting current conditions/property use)*

Fourteen (14) of the sixteen 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."

A review of the uses in each district is included in Appendix A, noting those uses that are considered permitted in some fashion (outright permitted or specially permitted) or not permitted. 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.

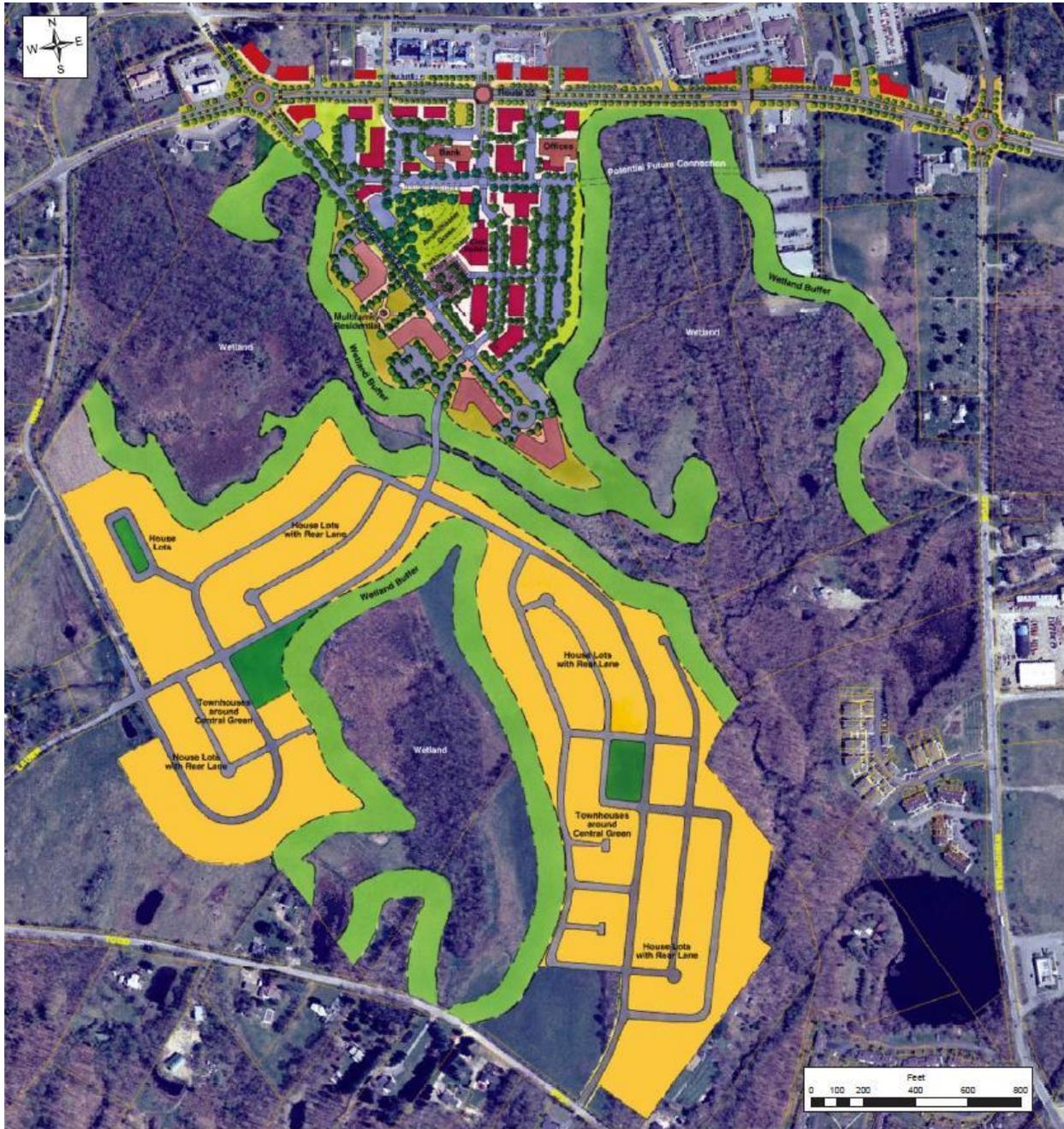
Despite the addition of several automobile-centric uses in the Commercial District compared to General Business and Town Center-Business, the areas proposed for rezoning are concentrated in nodal areas, following the development goals of the Comprehensive Plan to develop in a nodal fashion and avoid 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).

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. 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 less lot coverage (overall lot and building area), 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.

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.

The Town Center Illustrative Plan, is reproduced below, highlights the long-term vision for creating a true Town Center in LaGrange and has been actively under development, 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. 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.

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**

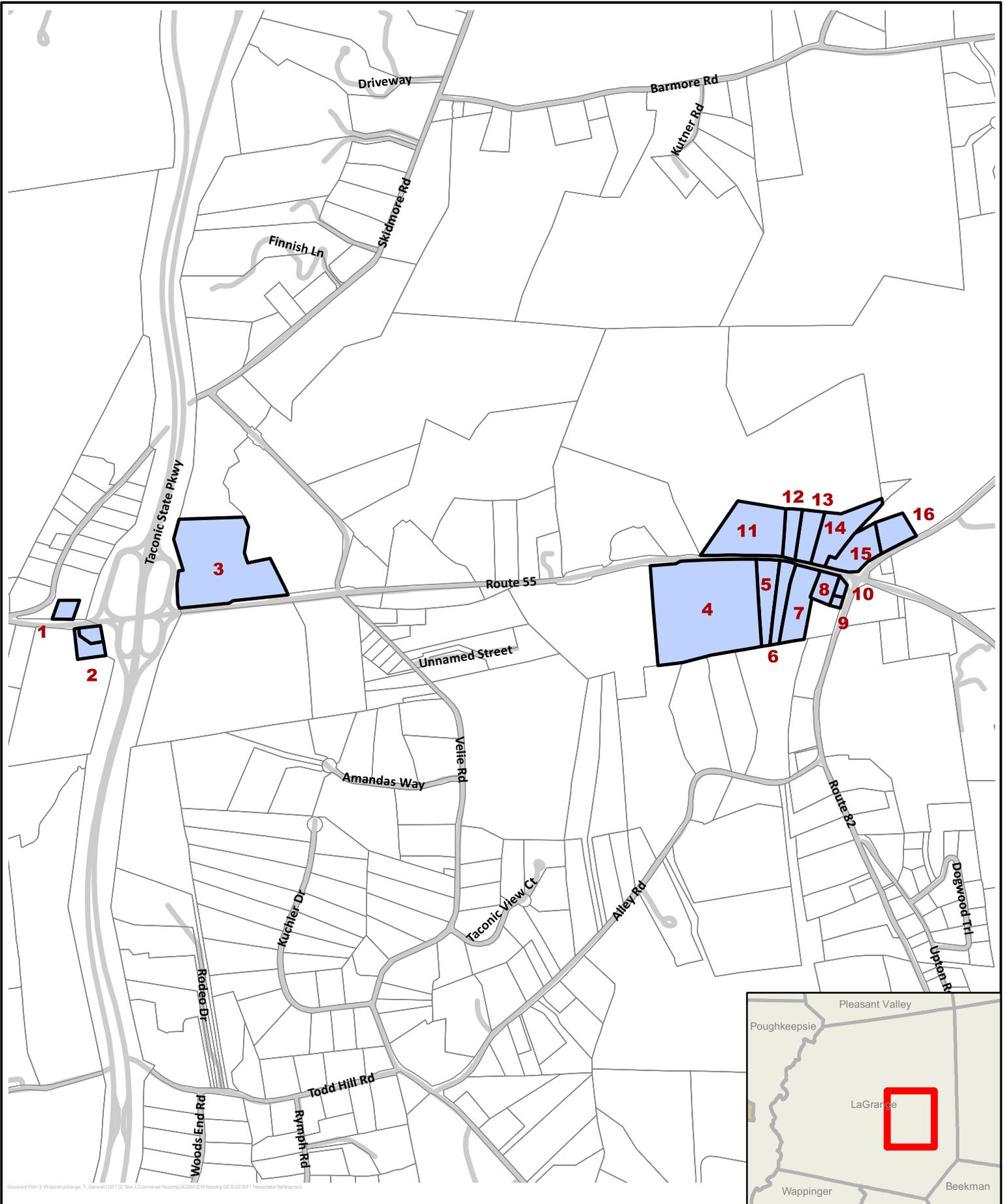
The current land uses of the parcels were identified using real property data available from the Dutchess County ParcelAccess online application and cross-referenced with Town documents, were matched up with appropriate land use codes found in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> edition) to determine the daily average rate of vehicles for a land use of that type. The ITE Manual is 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 1 and Figure 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.

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.	840
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

Table 2: Existing Daily Vehicle Trip Generation (\*indicates difference from County property records, reflecting current conditions/property use)

By comparison, the 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 13,761 and west of the Parkway to Freedom Road/County Road 47 (0.87 miles) is 18,585. 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.



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**Transportation Reference Map**

**Commercial Rezoning**

Town of LaGrange, Dutchess County, New York

**Figure 1**

When extrapolated out on a per mile basis, volumes are 50% less on the eastern side of the Parkway compared to the western side (10,346 trips/mile versus 21,362 trips/mile).

As shown in Table 1, currently, 13 of the 16 parcels in the subject area are developed to some extent (i.e. an occupied or active building is found on-site), resulting in three parcels with approximately 7.9 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 and 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). If these parcels were re-activated, the existing daily trip generation from Table 2 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.

Depending on what kind of development is envisioned for the 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 3) 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 3: 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 3) 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 and General Business/GB) 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 3.

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 2015 speed study highlighted the 85<sup>th</sup> percentile speed at 55 MPH. Given the existing AADT of the roadway (13,761) 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.

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, still within a LOS "C" rating and 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.

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

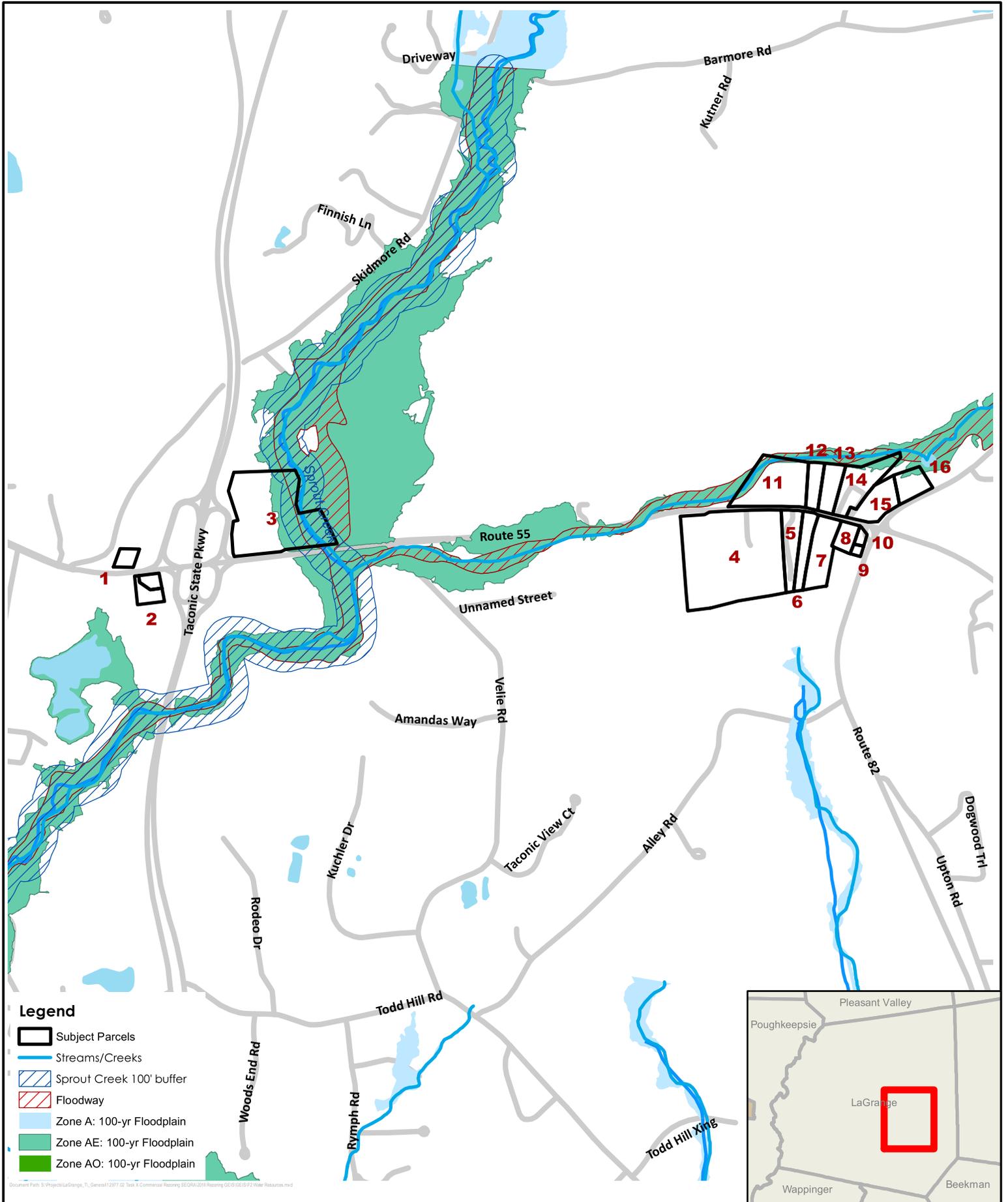
As noted in Section 3.0, there are numerous water features found throughout the Town of LaGrange, prevalent through the central section of the community. Sprout Creek crosses the Taconic State Parkway near the intersection with State Route 55, cutting through parcel #3; though other parcels subject to the Proposed Action may contain some water features, this 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, and wetlands.

#### Section 4.3.1. Floodplains

The FEMA floodplain (**Figure 2**) 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;*



- Legend**
- Subject Parcels
  - Streams/Creeks
  - Sprout Creek 100' buffer
  - Floodway
  - Zone A: 100-yr Floodplain
  - Zone AE: 100-yr Floodplain
  - Zone AO: 100-yr Floodplain

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**Floodplains**  
**Commercial Rezoning**  
 Town of LaGrange, Dutchess County, New York

**Figure 2**

- 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.

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.

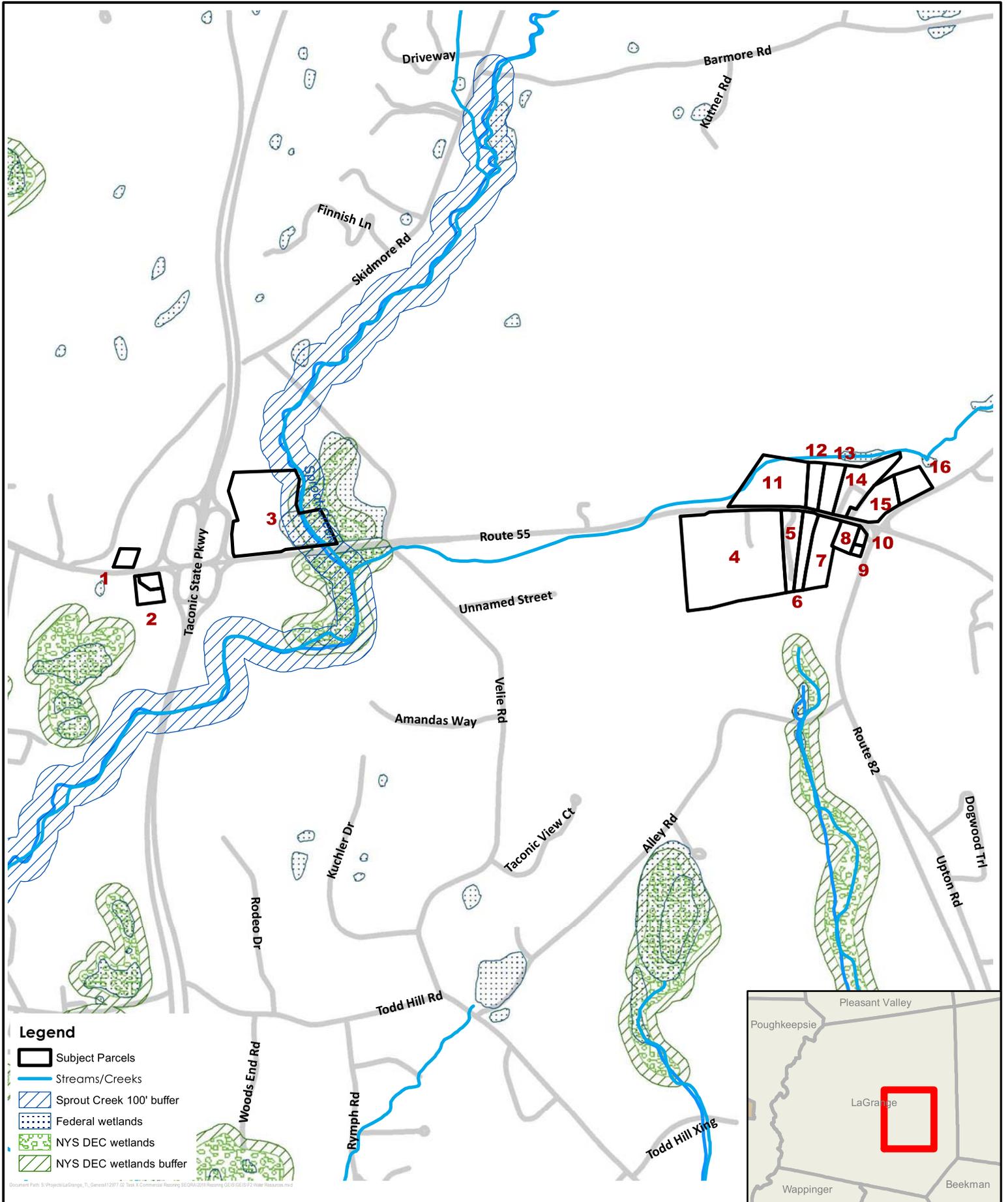
### Section 4.3.2. Wetlands

Wetlands, both Federally- and State-regulated, are generally found in and adjacent to the Creeks (**Figure 3**). 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. 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.*



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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 land forms, 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.

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. Similar to floodplains, 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.

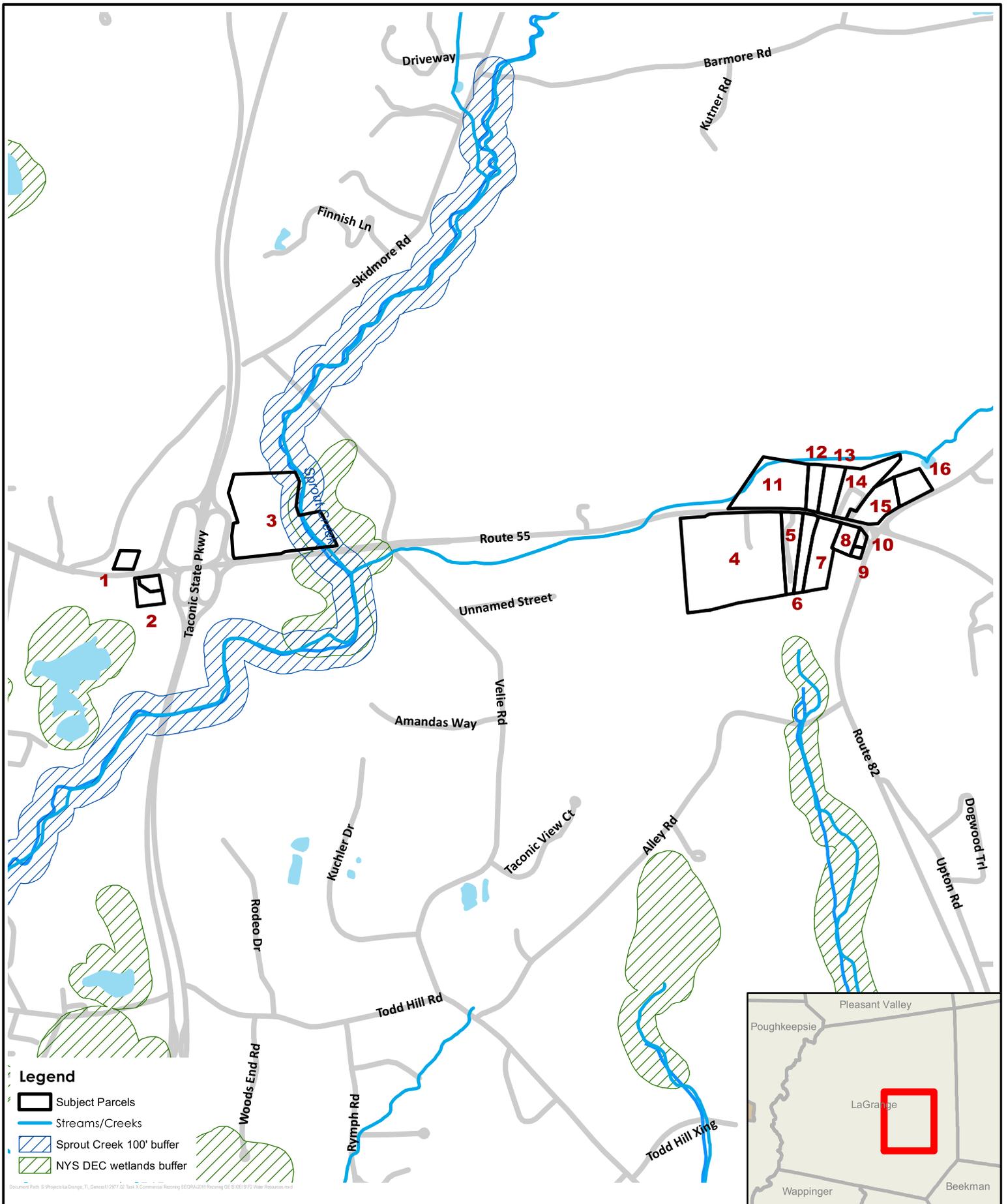
### Section 4.3.3. Waterbodies

As noted under the **Floodplains** evaluation, Sprout Creek is the primary waterbody that flows through the area subject to the Proposed Action (**Figure 4**). 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. 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.

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.



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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 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, and waterbodies (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. 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.

### 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.

## 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 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 that the anticipated future development of lands under the proposed rezoning will likely result in impacts typical of all development, such as demand for community services; increased solid waste generation; increased water use and sewage generation; increased usage of electricity and energy resources; and increased traffic. 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. 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 DGEIS 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 DGEIS 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 Irretrievable 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. 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.

On or about August 1, 2018, Stewart's Shops Corporation filed an application with the Town Board and with the Planning Board for a combination of rezoning of the following parcels to Commercial, and site plan approval of a proposed Stewart's store: 6560-02-582930, 6560-02-592941 and a portion of 6560-02-715980. Unlike the rezoning of the parcels covered by this DGEIS, any rezoning of the Stewart's properties would be contingent on site plan approval. The Town Board is not the sole reviewing agency. The matter of the application of Stewart's is functionally independent of the change of zoning covered by the DGEIS. Nonetheless, the Town examines cumulative traffic impacts of the establishment of a Stewart's store at this location.

"SEQRA does not change the existing jurisdiction of agencies..." (6 NYCRR 617.3[b]). The Town Board is exercising its policy jurisdiction to avoid mixing the unconditional rezoning of 16 parcels by including site planning details of a new Stewart's Shop in the SEQRA review. The new Stewart's Shop will still require Comprehensive Plan amendment, rezoning by the Town Board, and site plan approval by the Planning Board. Full and complete SEQRA review will accompany those actions. The Town Board will not use the current SEQRA exercise to separate the SEQRA review of any aspect of a new Stewart's Shop.

The Town has obtained traffic data from Stewart's and this information is appended to the DGEIS as Appendix E. The traffic data for the Stewart's project has been accumulated into the traffic numbers set forth within the DGEIS. The existing properties that constitute the proposed Stewart's Shops application consist of a single-family residential dwelling and a former daycare facility with a separate apartment building. Though both of these uses are vacant and have been for more than one (1) year, using the same methodology outlined in Section 4.2, if they were reactivated with their current use similar to other properties the daily average rate would be approximately 117 daily trips according to ITE trip generation data. This would raise the daily trips from 3,677 to 3,784. When compared to the provided traffic generation data for the proposed Stewart's Shops application (between 28 and 68 net new trips taking into account pass-by trips), the additional traffic volumes for the proposed use would be lower. As previously noted, when reviewing the AADT and Level of Service (LOS) of State Route 55, the roadway has the capacity to handle up to 14,300 vehicles per day to maintain its current LOS and not negatively impact current traffic operations or management, the same is true of State Route 82 – the proposed Stewart's Shops project will not raise the traffic volumes to this level for either roadway. As also previously noted, the NYS DOT has jurisdiction over Routes 55 and 82 and the proposed project will be subject to detailed review by the Department with subsequent improvements to site access and/or roadways changes as necessary.

#### **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 a 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.

Appendix A – Comparison of Land Uses and Area Regulations

DRAFT

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

**Key:**

Additional use permitted

(P=permitted, SP=special permitted, A=accessory permitted, M=mixed use permitted)

Not permitted

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

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

Use	Existing		Proposed		Existing		Proposed	
	TCB	C	TCB	C	GB	C		
Motel	N	SP	N	SP	N	SP		
Museum	P	P	SP	P	SP	P		
Nightclub	SP	P	N	P	N	P		
Office	P	P	P	P	P	P		
Outdoor sports/recreation	SP	SP	SP	SP	SP	SP		
Passive recreation	P	P	P	P	P	P		
Place of public assembly	SP	P	P	P	P	P		
Civic buildings and place of public assembly, e.g. community buildings, churches, schools	P	P	P	P	P	P		
Pharmacy	P	P	P	P	P	P		
Print shop	P	P	P	P	P	P		
Private school	SP	SP	AP	SP	AP	SP		
Public swimming pool	N	A	A	A	A	A		
Radio and television stations	N	N	N	N	N	N		
Residential health-care facilities, adult homes and group homes (congregate housing)	SP	SP	SP	SP	SP	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	N	N		
Detached accessory apartment	SP	N	N	N	N	N		
Carriage unit	SP	N	N	N	N	N		
Residential mixed use	M	N	M, SP	N	M, SP	N		
Home occupation	A, SP	A	A	A	A	A		
Restaurant	SP	P	P	P	P	P		
Retail business	P	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	P	P		

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

Use	Existing		Proposed		Existing		Proposed	
	TCB	C	TCB	C	GB	C	GB	C
Skating rink	N	N			N	N		
Stables, riding establishments and clubs	N	N			SP	N		
Storage (self service)	N	P			N	P		
Summer day camp	N	SP			SP	SP		
Tavern, bar and pub	P	SP			SP	SP		
Tennis club	N	N			N	N		
Theaters	P	SP			SP	SP		
Veterinary clinic	SP	SP			SP	SP		
Veterinary office	P	P			P	P		
Warehousing and wholesale goods	N	SP			N	SP		
Wireless telecommunications facilities	SP	SP			SP	SP		
Solar panels (roof mounted)	A	A			A	A		
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			P	P		
Pool house/cabana	A, SP	A, SP			A, SP	A, SP		
Outdoor kitchen	A	A			A	A		
Outdoor fuel burning device	N	N			N	N		
Tennis/sport court	A	A			A	A		
<i>Not permitted</i>	45	27			46	27		
<i>Permitted</i>	58	76			57	76		
<i>Change</i>		18				19		

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

# ZONING

## 240 Attachment A2

### APPENDIX A Town of LaGrange Schedule A2 (§ 240-27) Permitted Uses and Special Permit Uses Nonresidential Districts

[Amended 10-28-2015 by L.L. No. 2-2015; 12-14-2016 by L.L. No. 11-2016; 12-14-2016 by L.L. No. 15-2016]

Key:

P Permitted	TCB Town Center Business
SP Special permit	H Hamlet
N Not permitted	MGH Manchester Gateway Hamlet
A Permitted only as accessory use	GH Gateway Hamlet
M Permitted only as a mixed use	GB General Business
	C Commercial
	I Industrial

*NOTE: Uses omitted from this table are not permitted*

Use <sup>1</sup>	Nonresidential Districts						
	TCB	H	MGH	GH	GB	C	I
Accessory structure <sup>37</sup>	p <sup>15, 22, 35</sup>	p <sup>13, 22, 35</sup>	p <sup>22, 35, 36</sup>	p <sup>22, 35, 36</sup>	p <sup>14, 35</sup>	p <sup>14, 22, 35</sup>	p <sup>16, 22, 35</sup>
Adult-oriented business <sup>37</sup>	N	N	N	N	N	N	SP <sup>12, 16, 18</sup>
Ambulance service (private)	N	N	N	N	N	p <sup>14, 35</sup>	p <sup>16, 35</sup>
Auto audio installation service	N	N	N	N	N	p <sup>14, 28, 35</sup>	p <sup>16, 28, 35</sup>
Auto body shop and collision repair	N	N	N	N	N	N	p <sup>16, 28, 35</sup>
Auto brake service	N	N	N	N	N	p <sup>14, 28, 35</sup>	p <sup>16, 28, 35</sup>
Auto car wash (automated)	N	N	SP <sup>12, 11, 36</sup>	N	N	p <sup>14, 35</sup>	p <sup>16, 35</sup>
Auto car wash (self-service)	N	N	SP <sup>12, 11, 36</sup>	N	N	p <sup>14, 35</sup>	p <sup>16, 35</sup>
Auto detailing service	N	N	SP <sup>12, 11, 28, 36</sup>	N	N	p <sup>14, 28, 35</sup>	p <sup>16, 28, 35</sup>
Auto diagnostic service	N	N	N	N	N	SP <sup>12, 14, 28</sup>	p <sup>16, 28, 35</sup>
Auto towing service (light-duty)	N	N	N	N	N	p <sup>14, 28, 35</sup>	p <sup>16, 28, 35</sup>
Auto towing service (medium-duty)	N	N	N	N	N	N	p <sup>16, 28, 35</sup>
Auto towing service (heavy-duty)	N	N	N	N	N	N	p <sup>16, 28, 35</sup>

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Use <sup>1</sup>	Nonresidential Districts						
	TCB	H	MGH	GH	GB	C	I
Auto muffler service	N	N	N	N	N	P <sup>14, 28, 35</sup>	P <sup>16, 28, 35</sup>
Auto quick lube and oil change	N	N	SP <sup>12, 11, 28, 36</sup>	N	N	P <sup>14, 28, 35</sup>	P <sup>16, 28, 35</sup>
Auto repair (major)	N	N	N	N	N	SP <sup>12, 14, 28</sup>	SP <sup>12, 16, 28</sup>
Auto sales (new-car dealership)	N	N	SP <sup>12, 11, 28, 36</sup>	N	N	P <sup>14, 28, 35</sup>	P <sup>16, 28, 35</sup>
Auto sales (used-car dealership)	N	N	N	N	N	N	N
Auto state inspection service	N	N	N	N	N	P <sup>14, 28, 35</sup>	P <sup>16, 28, 35</sup>
Auto tire sales and service	N	N	P <sup>28, 35</sup>	N	N	P <sup>14, 28, 35</sup>	P <sup>16, 28, 35</sup>
Auto transmission service	N	N	N	N	N	N	P <sup>16, 28, 35</sup>
Bank and financial institutions	P <sup>15, 33, 35</sup>	N	P <sup>33, 35, 36</sup>	P <sup>33, 35, 36</sup>	P <sup>14, 33, 35</sup>	P <sup>14, 33, 35</sup>	N
Barber, beauty salon, nail salon	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N
Bed-and-breakfast <sup>37</sup>	N	SP <sup>12, 11, 13</sup>	SP <sup>12, 11, 30, 36</sup>	SP <sup>12, 11, 30, 36</sup>	SP <sup>12, 11, 14, 30</sup>	N	N
Cemetery	P <sup>15, 23, 35</sup>	SP <sup>12, 11, 13</sup>	N	N	N	N	N
Child-care center <sup>37</sup>	SP <sup>12, 11, 15</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	P <sup>14, 35</sup>	N
Clubhouse <sup>37</sup>	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	N	N
Commercial kennel <sup>37</sup>	N	N	N	N	SP <sup>12, 11, 14, 24</sup>	SP <sup>12, 11, 14, 24</sup>	N
Conference center <sup>37</sup>	P <sup>15, 35</sup>	N	N	N	N	P <sup>14, 35</sup>	N
Contractor's yard	N	N	SP <sup>12, 11, 36</sup>	N	N	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Convenience store	P <sup>8, 15, 35</sup>	P <sup>8, 13, 35</sup>	P <sup>8, 35, 36</sup>	P <sup>8, 35, 36</sup>	P <sup>8, 14, 35</sup>	P <sup>8, 14, 35</sup>	N
Dance studio	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N
Drive-in restaurant <sup>37</sup>	SP <sup>8, 11, 12, 15</sup>	SP, M <sup>8, 12, 11, 13</sup>	SP <sup>8, 12, 11, 36</sup>	SP <sup>8, 12, 11, 36</sup>	SP <sup>8, 12, 11, 14</sup>	SP <sup>8, 12, 11, 14</sup>	N
Drive-through service facility <sup>37</sup>	A, SP <sup>12, 11, 15, 33</sup>	A, SP <sup>12, 11, 15, 33</sup>	A, SP <sup>12, 11, 33, 36</sup>	A, SP <sup>12, 11, 33, 36</sup>	A, SP <sup>12, 11, 14, 33</sup>	A, SP <sup>12, 11, 14, 33</sup>	N
Dry-cleaning and laundry service	P <sup>15, 35</sup>	N	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Educational services	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Essential services <sup>37</sup>	P <sup>15, 35</sup>	P <sup>13, 35</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>

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	<b>Nonresidential Districts</b>						
<b>Use<sup>1</sup></b>	<b>TCB</b>	<b>H</b>	<b>MGH</b>	<b>GH</b>	<b>GB</b>	<b>C</b>	<b>I</b>
Excavation or removal of earth, topsoil, sand, gravel, clay, or stone; soil and stone crushing, washing and processing operation <sup>3</sup>	N	N	N	N	N	N	P
Farm stand	N	P <sup>14, 35</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	N	N
Farm <sup>37</sup>	P <sup>34</sup>	P <sup>34</sup>	N/A	N	N	N	N
Fast-food restaurant <sup>37</sup>	M <sup>8, 12, 15, 27</sup>	SP, M <sup>12, 11, 13, 27</sup>	M <sup>27, 36</sup>	M <sup>27, 36</sup>	SPM <sup>12, 14, 27</sup>	SP <sup>12, 14, 27</sup>	N
Fitness center/gymnasium	P <sup>15, 35</sup>	N	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Food service business <sup>37</sup>	P <sup>8, 15, 35</sup>	SP <sup>8, 12, 11, 13</sup>	P <sup>8, 35, 36</sup>	P <sup>8, 35, 36</sup>	P <sup>8, 14, 35</sup>	P <sup>8, 14, 35</sup>	N
Funeral parlor	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	P <sup>14, 35</sup>	N
Gas station (fuel dispensing only)	N	N	N	N	N	SP <sup>12, 11, 14, 28</sup>	SP <sup>12, 11, 16, 28</sup>
Gas mart	N	N	N	N	N	SP <sup>8, 12, 11, 14, 28</sup>	SP <sup>8, 12, 11, 16, 28</sup>
Hotel <sup>37</sup>	SP <sup>12, 11, 15, 30</sup>	N	SP <sup>12, 11, 30, 36</sup>	SP <sup>12, 11, 30, 36</sup>	SP <sup>12, 11, 14, 30</sup>	P <sup>14, 30, 35</sup>	N
Indoor theater	P <sup>15, 35</sup>	N	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	P <sup>14, 35</sup>	N
Inn <sup>37</sup>	P <sup>15, 35, 30</sup>	SP <sup>12, 11, 13, 30</sup>	SP <sup>12, 11, 30, 36</sup>	SP <sup>12, 11, 30, 36</sup>	SP <sup>12, 11, 14, 30</sup>	SP <sup>12, 11, 14, 30</sup>	N
Laboratory (testing and research)	N	N	N	N	N	N	SP <sup>12, 11, 16</sup>
Land trust facility	P <sup>15, 35</sup>	P <sup>13, 35</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N
Laundromat (self-service)	N	N	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N
Library	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N
Light industry <sup>37</sup>	N	N	N	N	N	SP <sup>11, 12, 14</sup>	P <sup>16, 35</sup>
Livery/taxi service	N	N	N	N	N	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Lumber yard (outdoor)	N	N	SP <sup>12, 11, 36</sup>	N	N	N	P <sup>16, 35</sup>
Medical and dental office	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	SP <sup>12, 11, 14</sup>	P <sup>14, 35</sup>	N
Motel <sup>37</sup>	N	N	SP <sup>12, 11, 36</sup>	N	N	SP <sup>12, 11, 14</sup>	N
Museum	P <sup>15, 35</sup>	P <sup>13, 35</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	P <sup>14, 35</sup>	N
Nightclub	SP <sup>12, 11, 15</sup>	N	N	N	N	P <sup>14, 35</sup>	N
Office <sup>37</sup>	P <sup>15, 35</sup>	N	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Outdoor sports/recreation	SP <sup>12, 11, 37</sup>	SP <sup>12, 11, 37</sup>	P <sup>35, 36</sup>	SP <sup>12, 11, 37</sup>	SP <sup>12, 11, 37</sup>	SP <sup>12, 11, 37</sup>	SP <sup>12, 11, 37</sup>
Passive recreation <sup>37</sup>	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>

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Use <sup>1</sup>	Nonresidential Districts						
	TCB	H	MGH	GH	GB	C	I
Place of public assembly	SP <sup>12, 11, 15</sup>	SP <sup>12, 11, 13</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Civic buildings and place of public assembly, e.g., community buildings, churches, schools	P	SP <sup>12, 11, 13</sup>	P	P	P	P	P
Pharmacy	P <sup>15, 33, 35</sup>	P <sup>13, 33, 35</sup>	P <sup>33, 35, 36</sup>	P <sup>33, 35, 36</sup>	P <sup>14, 33, 35</sup>	P <sup>14, 33, 35</sup>	N
Print shop	P <sup>15, 35</sup>	N	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Private school	SP <sup>12, 11, 15</sup>	SP <sup>12, 11, 13</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	SP <sup>12, 11, 14</sup>	SP <sup>12, 11, 16</sup>
Public swimming pool	N	A <sup>13</sup>	A <sup>36</sup>	A <sup>36</sup>	A <sup>14</sup>	A <sup>14</sup>	N
Radio and television stations	N	N	N	N	N	N	P <sup>16, 35</sup>
Residential health-care facilities, adult homes and group homes (congregate housing) <sup>37</sup>	SP <sup>12, 11, 15, 20</sup>	SP <sup>12, 11, 13, 20</sup>	SP <sup>12, 11, 20, 36</sup>	SP <sup>12, 11, 20, 36</sup>	SP <sup>12, 11, 14, 20</sup>	SP <sup>12, 11, 14, 20</sup>	N
Single-family dwelling	SP <sup>12, 11, 15, 21</sup>	P <sup>13, 35</sup>	N	P <sup>35, 36</sup>	P <sup>14, 35</sup>	N	N
Townhouse <sup>37</sup>	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	N	N	N
Two-family dwelling	N	P <sup>13, 35</sup>	N	P <sup>35, 36</sup>	N	N	N
Multifamily dwelling <sup>37</sup>	P <sup>15, 19, 35</sup>	SP <sup>12, 11, 13, 19</sup>	SP <sup>12, 11, 19</sup>	SP <sup>12, 11, 36, 19</sup>	N	N	N
Rental apartment	N	N	P <sup>35, 36</sup>	N	N	N	N
Accessory apartment <sup>37</sup>	SP <sup>12, 11, 15, 17</sup>	SP <sup>12, 11, 13, 17</sup>	N	SP <sup>12, 11, 17, 36</sup>	N	N	N
Detached accessory apartment	SP <sup>12, 11, 15, 17</sup>	SP <sup>12, 11, 13, 17</sup>	N	SP <sup>12, 11, 17, 36</sup>	N	N	N
Carriage unit <sup>37</sup>	SP <sup>12, 11, 15</sup>	N	N	N	N	N	N
Residential mixed use <sup>37</sup>	M <sup>10, 11, 15</sup>	M <sup>10, 11, 13</sup>	P <sup>10, 35, 36</sup>	M <sup>10, 11, 36</sup>	M, SP <sup>10, 12, 11, 14</sup>	N	N
Home occupation <sup>37</sup>	A <sup>15, 29</sup>	A <sup>13, 29</sup>	N	A <sup>29, 36</sup>	A <sup>14, 29</sup>	A <sup>14, 29</sup>	N
Restaurant <sup>37</sup>	SP <sup>8, 12, 11, 15</sup>	SP <sup>8, 12, 11, 36</sup>	SP <sup>8, 12, 11, 36</sup>	SP <sup>8, 12, 11, 36</sup>	P <sup>8, 14, 35</sup>	P <sup>8, 14, 35</sup>	SP <sup>8, 12, 11, 16</sup>
Retail business <sup>37</sup>	P <sup>15, 35</sup>	P <sup>13, 2, 35</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N

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	<b>Nonresidential Districts</b>						
<b>Use<sup>1</sup></b>	<b>TCB</b>	<b>H</b>	<b>MGH</b>	<b>GH</b>	<b>GB</b>	<b>C</b>	<b>I</b>
Retail sale of products of horticulture, as well as hand tools, fertilizer, seeds, bulbs and other materials customarily used in horticulture on parcels of 5 acres or more	SP <sup>12, 11, 15</sup>	N	N	N	P <sup>14, 35</sup>	P <sup>14, 35</sup>	N
Skating rink	N	N	N	N	N	N	P <sup>16, 35</sup>
Stables, riding establishments and clubs <sup>37</sup>	N	N	N	N	SP <sup>12, 11, 14, 31</sup>	N	N
Storage (self-service)	N	N	N	N	N	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Summer day camp <sup>37</sup>	N	N	N	N	SP <sup>12, 11, 14, 25</sup>	SP <sup>12, 11, 14, 25</sup>	SP <sup>12, 11, 16, 25</sup>
Tavern, bar and pub	P <sup>15, 35</sup>	SP <sup>12, 11, 13</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	SP <sup>12, 11, 14</sup>	N
Tennis club	N	N	N	N	N	N	P <sup>16, 35</sup>
Theaters	P <sup>15, 35</sup>	N	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 36</sup>	SP <sup>12, 11, 14</sup>	SP <sup>12, 11, 14</sup>	N
Veterinary clinic <sup>37</sup>	SP <sup>12, 11, 15, 24</sup>	SP <sup>12, 11, 13, 24</sup>	SP <sup>12, 11, 24, 36</sup>	SP <sup>12, 11, 24, 36</sup>	SP <sup>12, 11, 14, 24</sup>	SP <sup>12, 11, 14, 24</sup>	SP <sup>12, 11, 16, 24</sup>
Veterinary office <sup>37</sup>	P <sup>15, 35</sup>	P <sup>13, 35</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Warehousing and wholesale goods	N	N	N	N	N	SP <sup>12, 11, 14</sup>	P <sup>16, 35</sup>
Wireless communications facilities <sup>7, 37</sup>	SP <sup>12, 11, 15, 32</sup>	SP <sup>12, 11, 13, 32</sup>	SP <sup>12, 11, 32, 36</sup>	SP <sup>12, 11, 32, 36</sup>	SP <sup>12, 11, 14, 32</sup>	SP <sup>12, 11, 14, 32</sup>	SP <sup>12, 11, 16, 32</sup>
Solar panels (roof-mounted)	A <sup>15</sup>	A <sup>13</sup>	A <sup>36</sup>	A <sup>36</sup>	A <sup>14</sup>	A <sup>14</sup>	A <sup>16</sup>
Solar panels (ground mounted)	A, SP <sup>12, 11, 15, 39</sup>	A, SP <sup>12, 11, 13</sup>	A, SP <sup>12, 11, 36, 39</sup>	A, SP <sup>12, 11, 36, 39</sup>	A, SP <sup>12, 11, 14, 39</sup>	A, SP <sup>12, 11, 14, 39</sup>	A, SP <sup>12, 11, 16, 39</sup>
Solar farms	N	N	N	N	P, SP <sup>12, 11, 14, 39</sup>	P, SP <sup>12, 11, 14, 39</sup>	P, SP <sup>12, 11, 16, 39</sup>
Swimming pool	P <sup>15, 35</sup>	P <sup>13, 35</sup>	P <sup>35, 36</sup>	P <sup>35, 36</sup>	P <sup>14, 35</sup>	P <sup>14, 35</sup>	P <sup>16, 35</sup>
Pool house/cabana	A, SP <sup>12, 11, 15</sup>	A, SP <sup>12, 11, 13</sup>	A, SP <sup>12, 11, 36</sup>	A, SP <sup>12, 11, 36</sup>	A, SP <sup>12, 11, 14</sup>	A, SP <sup>12, 11, 14</sup>	A, SP <sup>12, 11, 16</sup>
Outdoor kitchen	A <sup>15</sup>	A <sup>13</sup>	A <sup>36</sup>	A <sup>36</sup>	A <sup>14</sup>	A <sup>14</sup>	A <sup>16</sup>
Outdoor fuel-burning device	N	N	N	N	N	N	N
Tennis/sport court	A <sup>15</sup>	A <sup>13</sup>	A <sup>36</sup>	A <sup>36</sup>	A <sup>14</sup>	A <sup>14</sup>	A <sup>16</sup>

## ZONING

### 240 Attachment A4

#### APPENDIX A

#### **Schedules A1, A2 and A3 (§ 240-27) Permitted Uses and Special Permit Uses [Amended 10-28-2015 by L.L. No. 2-2015]**

#### NOTES

<sup>1</sup> Several overlay zones are not indicated on this table. These include the Stream Corridor (§ 240-31C), Historic (§ 240-31D), Scenic (§ 240-31E), Ridgeline Protection (§ 240-31F) and Groundwater Protection (§ 240-31G) Overlay Zones.

<sup>2</sup> In H District maximum footprint per structure is 6,000 square feet.

<sup>3</sup> With the exception of Industrial Districts, permitted only by the mapping of a floating zone as provided in § 240-34; however, excavation or removal in the following cases shall be permitted in all zoning districts, subject only to such other permits as this chapter may require:

- (1) A landscape operation in which topsoil is removed from one part of the property and deposited on another part of the same property, provided that it is replaced with a cover of the earth in which the vegetable matter may take root and grow and is seeded with grass, permanent pasture mixture or other fast-growing vegetation repeatedly, as necessary, until the growth is established.
- (2) The excavation of topsoil and other natural resources from within the limits of the right-of-way or slope rights of any Town, county or state highway or for the sole purpose of building roads and slopes incidental thereto which lie within the area of a subdivision approved by the Planning Board of the Town of LaGrange or on file in the County Clerk's office in Dutchess County, New York.
- (3) The improvement of a single lot or parcel of land in connection with construction of a dwelling, multiple dwelling, building or any other structure or structures for which a building permit has been issued or in connection with agricultural land improvements such as farm ponds and soil conservation measures, provided that such improvement conforms to the following standards and conditions:
  - (a) Final slopes shall be finished at a grade no greater than the natural angle of repose, except where supported by a retaining wall.
  - (b) Any lakes or ponds that are created shall have a sufficient depth and inflow of water to prevent eutrophication and to prevent their becoming stagnant in dry periods.
  - (c) Topsoil may be disturbed and relocated in connection with any permitted excavation but shall be replaced with earth in which vegetable matter may take root and grow and shall be seeded with grass, permanent pasture mixture or other fast-growing vegetation repeatedly, as necessary, until the growth is established.
  - (d) Topsoil or other natural resources which are excavated to permit the improvement of property may be removed from the property, provided that this amount is specified in the building permit for such improvement.
  - (e) There shall be no processing of excavated materials by a rock crusher or similar equipment on the premises.

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- (f) Any regrading, removal or excavation that is permitted under these provisions of exception, subject to the issuance of a building permit, shall be completed within one year of the date of the issuance of said permit.
  - (g) In the event that the construction for improvements for which preparatory excavation is performed does not commence within six months of the commencement of such excavation, the permittee shall be required to immediately begin reclamation operations to restore the land to a condition that will minimize erosion and any unsightly conditions.
- (4) The above provisions notwithstanding, excavation and removal shall be limited to not more than 100 cubic yards of material from each 40,000 square feet of lot area, in any calendar year, and not more than 600 cubic yards of materials may be removed from any parcel in any calendar year.

4 A school that lawfully existed prior to, and that has been continuously used as a school since, February 18, 1988.

5 Special permits required in some cases. See § 240-54.

6 Limited to one model home per lot.

7 The SP designation is qualified and limited by the standards for locating new towers set forth within § 240-49D(1),(2) and (3).

8 Drive-through service facilities are prohibited.

9 Passive recreation is permitted in all zoning districts as accessory to site plan or special permit uses. Passive recreation as an accessory use need not be open to the public. Whether the accessory use of passive recreation shall be open to the public shall be determined by the Planning Board during the site plan/project development plan review process.

10 One or more apartments may be included in combination within a building predominantly devoted to commercial use, subject to service of the uses by public sewer and water, and availability of at least 1.65 parking spaces for each apartment unit in such mixed-use building, with discretion of the Planning Board, but not the obligation, to allow for allocated use of common parking spaces as between commercial and residential units as circumstances may reasonably allow.

11 See § 240-72, Project development plans.

12 See § 240-71, Standards for special permits.

13 See § 240-38, Hamlet District.

14 See § 240-39, Design standards for Commercial (C) and General Business (GB) Districts.

15 See § 240-35, Town Center design standards.

16 See § 240-40, Design standards for Industrial (I) District.

17 See § 240-52, Accessory apartments.

18 See § 240-69, Adult-oriented business.

19 See § 240-51, Multifamily dwellings.

20 See § 240-64, Residential health-care facilities, adult homes and group homes (long-term-care facilities).

21 See § 240-59, Single-family residential units in TCB District.

22 See § 240-47, Accessory structures.

23 See § 240-63, Cemeteries.

24 See § 240-61, Veterinary clinics and commercial kennels.

25 See § 240-70, Summer day camps may be permitted in certain instances as an additional principal special permit use.

26 (Reserved)

## ZONING

- 27 See § 240-112, the definition of “fast-food restaurant.”
- 28 See § 240-65, Automotive repair and gasoline filling stations.
- 29 See § 240-54, Home occupations.
- 30 See § 240-55, Overnight accommodations.
- 31 See § 240-62, Boarding stable and horse riding school.
- 32 See § 240-49, Wireless communications towers and facilities.
- 33 See § 240-70.1, Drive-through service facilities.
- 34 See § 240-68, Farm stands.
- 35 See § 240-85, Use permits.
- 36 See § 240-38.1, Gateway Hamlet Districts.
- 37 See § 240-112, Definitions.
- 38 See Ch. 126, Furnaces (outdoor furnaces).
- 39 See § 240-70.2, Solar energy systems.

	TCB	C	GB	C
Minimum single-family residential lot area (SF)	N/A	30,000	40,000	30,000
Single-family residential with public sewers	6,000	N/A	N/A	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	150	150
Minimum width of lot at any point	25	50	50	50
Minimum dimension of building square on lot (feet)	N/A	100	100	100
Minimum lot frontage on Town right-of-way line (feet)	25	75	75	75
Minimum lot frontage on county or state highway	25	200	115	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
Front yard, state or county road	48.5-58.5	45	45	45
Front yard, Town road	NOTE 1	40	40	40
Rear yard	6	20	20	20
Side yard	0	20	20	20
Residential district boundary line	25	30	30	30
Maximum lot coverage by buildings as percent of lot area	85%	30%	20%	30%
Maximum floor area of buildings as percent of lot area	N/A	60%	40%	60%
Maximum total lot coverage as percent of lot area (buildings, structures, outdoor deposit, paving)	90%	70%	50%	70%
Minimum floor area of dwelling unit (square feet)	500	N/A	N/A	N/A
Minimum floor area of apartment	500	N/A	500	N/A

Increase  
Decrease  
No Change

NOTE 1

**NYS Route 55**

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

ZONING

240 Attachment B2

APPENDIX B  
**Town of LaGrange**  
**Schedule B2 (§ 240-28)**  
**Schedule of Bulk Regulations and Coverage Limitations**  
**Nonresidential Districts**  
**[Amended 12-14-2016 by L.L. No. 11-2016]**

Key:

- TCB Town Center Business
- H Hamlet
- MGH Manchester Gateway Hamlet
- GH Gateway Hamlet
- GB General Business
- C Commercial
- I Industrial

	Nonresidential Districts						
	TCB	H	MGH	GH	GB	C	I
Minimum single-family residential lot area (square feet)	N/A	30,000	N/A	N/A	40,000	30,000	80,000
Single-family residential with public sewers	6,000 <sup>2</sup>	8,000	N/A	N/A	N/A	N/A	N/A
Townhouse lot area (square feet) with public sewers	2,500 <sup>2</sup>	6,250	2,500	2,500 <sup>2</sup>	NA	NA	NA
Minimum width of lot along building line (feet)	25	50	25	25	150	150	200
Minimum width of lot at any point	25	30	25	25	50	50	50
Minimum dimension of building square on lot (feet) <sup>3</sup>	N/A	N/A	N/A	N/A	100	100	200
Minimum lot frontage on Town right-of-way line (feet)	25	40	25	25	75	75	100
Minimum lot frontage on county or state highway	25	50	25	25	225	200	200
Maximum number of stories of a building	3	3	3	2	3	3	3
Maximum height of a building or structure (feet) <sup>5</sup>	50	35	50	35	35	35	35

LA GRANGE CODE

	<b>Nonresidential Districts</b>						
	<b>TCB</b>	<b>H</b>	<b>MGH</b>	<b>GH</b>	<b>GB</b>	<b>C</b>	<b>I</b>
Minimum dimensions (in feet) from center line of NYS Route 55	48.5 - 58.5	NA	48.5 - 58.5	N/A	N/A	N/A	N/A
Front yard, state or county road	▲	10	10	10	45 <sup>12</sup>	45	165
Front yard, Town road	Note 8	10	Note 8	15	40	40	75
Rear yard	6 <sup>9</sup>	10	6 <sup>9</sup>	10	20	20	20
Side yard	0	5	5	5	20	20	20
Residential district boundary line	25	30	25	25	30	30	300
Maximum lot coverage by buildings as percent of lot area	85%	30%	75%	75%	20%	30%	30%
Maximum floor area of buildings as percent of lot area	NA	50%	N/A	N/A	40%	60%	60%
Maximum total lot coverage as percent of lot area (buildings, structures, outdoor deposit, paving)	90%	60%	85%	85%	50% <sup>12</sup>	70%	60%
Minimum floor area of dwelling unit (square feet) <sup>11</sup>	500	500	500	500	NA	NA	NA
Minimum floor area of apartment	500	500	500	500	500	NA	NA

▲ refer to line above

## ZONING

### 240 Attachment B5

#### APPENDIX B

#### Schedules B1 and B2 (§ 240-28)

#### Schedule of Bulk Regulations and Coverage Limitations

#### NOTES

- 1 With both public water and sewer: 40,000 square feet; with either public water or sewer:  
60,000 square feet; with private well and septic system: 80,000 square feet.
- 2 The Planning Board may approve a density of six to 12 dwelling units per acre. The  
Planning Board, in its discretion, may approve a minimum lot size of 4,000 square feet  
for single-family residential units and a minimum lot size of 1,650 square feet for  
townhomes, but under no circumstances shall the maximum number of dwelling units  
exceed an overall density of 12 per acre. Under no circumstances may more than five  
single-family residential units on lots less than 6,000 square feet be permitted in a row  
without being broken up in a manner deemed appropriate by the Planning Board, e.g., by  
a different unit/building type, landscaping, open space or some number of larger lots.
- 3 The minimum dimension of square on a lot may be reduced in accordance with § 240-32,  
Open space subdivisions.
- 4 Minimum frontage may be reduced to 50 feet on the circular end of a cul-de-sac.
- 5 See § 240-26P for exceptions.
- 6 The required front yard for a residential property fronting on a Town road is measured as  
follows: The smaller number shall represent the required front yard as measured from the  
front lot line. The larger number shall represent the required front yard as measured from  
the center line of the Town road. Both measurements must be satisfied.
- 7 See Schedule B4.
- 8 See Schedule B3.
- 9 The Planning Board may approve a zero-foot rear yard.
- 10 Townhouses and apartments are excluded from this requirement.
- 11 Only finished year-round livable floor area, measured from the inside surface of exterior  
walls and having a ceiling height of 7 1/2 feet, is counted. Any such floor area, other than  
a ground floor, must have access thereto by a permanent inside stairway to be included.
- 12 In the event that both public water and sewer is available, a minimum front yard of 20  
feet may be allowed and/or a maximum lot coverage of 70% may be allowed in the  
discretion of the Planning Board.
- 13 If lot is nonconforming, see § 240-29G(1).
- 14 Principal structures shall in no case have less than 25 feet between buildings.
- 15 Proposed structures shall have 25 feet between structures in all cases.
- 16 Development is part of an open space subdivision (§ 240-32). No further subdivision is  
permitted.
- 17 A maximum of 80 feet is permitted for light poles and light towers.

Appendix B – Additional Traffic Evaluation Information

DRAFT

**Average Annual Daily Traffic Counts (NYS DOT)**

## New York State Department of Transportation Traffic Count Hourly Report

ROUTE #: **NY 55** ROAD NAME: **Eastbound** COUNTY: **Dutchess**  
 DIRECTION: **Eastbound** FACTOR GROUP: **30** REC. SERIAL #: **AD89** TOWN:   
 STATE DIR CODE: **6** WK OF YR: **34** PLACEMENT: **0.453 Mi W of Rt 82** LION#:   
 DATE OF COUNT: **08/17/2015** @ REF MARKER: **JURIS: City** BIN: **1027150**  
 NOTES LANE 1: **EB travel lane** ADDL DATA: **Class Speed** RR CROSSING:   
 COUNT TAKEN BY: **ORG CODE: TST INITIALS: JA** PROCESSED BY: **ORG CODE: DOT INITIALS: CEL** BATCH ID: **DOT-R08C34aTST5195HPMS SAMPLE:**

DATE	DAY	AM												PM												DAILY HIGH COUNT	DAILY HIGH HOUR
		1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12		
60	27	24	14	32	102	220	332	504	344	400	416	452	388	476	581	668	686	504	400	445	356	248	153	101	7594	86	
57	30	18	20	34	95	223	389	469	343	374	400	445	466	467	491	698	700	484	439	409	289	191	78	7609	686	17	
75	28	20	17	29	96	229	396	471	342	375				437	549	649	682	483	409	356	248	153	101	7609	17		

DAYS Counted	HOURS Counted	WEEKDAYS WEEKDAY		AVERAGE WEEKDAY		Axle Adj. Factor	Seasonal/Weekday Adjustment Factor	ESTIMATED
		Counted	Hours	High Hour	% of day			
4	69	4	69	689	9%	1.000	1.089	<b>AADT</b> <b>6926</b>

ROUTE # **NY 55** ROAD NAME: **Eastbound** COUNTY: **Dutchess**  
 STATION: **820080** STATE DIR CODE: **6** FROM: **ACC TSP RT 987G** DATE OF COUNT: **08/17/2015**  
 TO: **RT 82 BILLINGS**

## New York State Department of Transportation Traffic Count Hourly Report

ROUTE #: **NY 55** ROAD NAME: **Westbound** FROM: **ACC TSP RT 987G** TO: **RT 82 BILLINGS** COUNTY: **Dutchess**  
 DIRECTION: **Westbound** FACTOR GROUP: **30** REC. SERIAL #: **AD89** FUNC. CLASS: **14** TOWN:   
 STATE DIR CODE: **7** WK OF YR: **34** PLACEMENT: **0.453 Mi W of Rt 82** NHS: **no** LION#:   
 DATE OF COUNT: **08/17/2015** @ REF MARKER: **JURIS: City** BIN: **1027150**  
 NOTES LANE 1: **WB travel lane** ADDL DATA: **Class Speed** CC Str:  RR CROSSING:   
 COUNT TYPE: **AXLE PAIRS** BATCH ID: **DOT-R08C34aTST5195HPMS SAMPLE:**

COUNT TAKEN BY: **ORG CODE: TST INITIALS: JA** PROCESSED BY: **ORG CODE: DOT INITIALS: CEL**  
 DAILY HIGH COUNT HOUR

DATE	DAY	AM												PM												DAILY HIGH COUNT	DAILY HIGH HOUR	
		1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12			
36	11	9	18	21	37	107	329	578	700	517	453	484	474	451	404	416	412	618	521	385	290	198	158	90	57	7248	703	8
39	17	16	21	37	107	329	578	700	517	453	484	474	451	404	416	412	618	521	385	290	198	158	90	57	7248	700	8	
40	18	15	23	39	130	308	535	693	510	447	420	460	650	559	383	297	202	129	112	71	202	297	383	297	202	129	112	71

DAYS Counted	HOURS Counted	WEEKDAYS WEEKDAY		AVERAGE WEEKDAY		Axle Adj. Factor	Seasonal/Weekday Adjustment Factor	ESTIMATED																
		Counted	Hours	High Hour	% of day																			
4	69	4	69	699	9%	1.000	1.089	<b>AADT 6835</b>																
		<b>AVERAGE WEEKDAY HOURS (Axle Factored, Mon 6AM to Fri Noon)</b>						<b>ADT 7443</b>																
38	15	13	21	35	117	323	563	699	510	465	450	464	428	419	444	627	561	424	301	209	147	102	68	7443

ROUTE # **NY 55** ROAD NAME: **RT 82 BILLINGS** COUNTY: **Dutchess**  
 STATION: **820080** STATE DIR CODE: **7** FROM: **ACC TSP RT 987G** TO: **RT 82 BILLINGS** DATE OF COUNT: **08/17/2015**  
 PLACEMENT: **0.453 Mi W of Rt 82**





New York State Department of Transportation  
Classification Count Average Weekday Data Report

ROUTE #: NY 55 ROAD NAME:  
 COUNTY NAME: Dutchess  
 REGION CODE: 8  
 FROM: CR 21 NOXON RD W JCT  
 TO: ACC TSP RT 987G  
 REF-MARKER: 55 82032053  
 END MILEPOINT: 0310905  
 FUNC-CLASS: 14  
 STATION NO: 0319  
 COUNT TAKEN BY: ORG CODE: TST INITIALS: ---  
 PROCESSED BY: ORG CODE: DOT INITIALS: SJW

YEAR: 2011  
 MONTH: May

STATION: 820319

NO. OF LANES: 2  
 HPMS NO: 30034950  
 LION#: ---

DIRECTION	East	West	TOTAL
NUMBER OF VEHICLES	10229	10091	20320
NUMBER OF AXLES	20651	20376	41028
% HEAVY VEHICLES (F4-F13)	3.73%	4.10%	3.92%
% TRUCKS AND BUSES (F3-F13)	15.12%	16.27%	15.69%
AXLE CORRECTION FACTOR	0.99	0.99	0.99

BATCH ID: DOT-SJWR8 19A

VEHICLE CLASS	F1	F2	F3	F4	F5	F6	F7	F8	F9	F10	F11	F12	F13	TOTAL
NO. OF AXLES	2	2	2	2.5	2	3	4	3.5	5	6	5	6	8.75	
ENDING HOUR	1:00	0	56	3	0	2	0	0	0	0	0	0	0	61
	2:00	0	22	2	0	1	0	0	0	0	0	0	0	25
	3:00	0	12	1	0	0	0	0	0	0	0	0	0	13
	4:00	0	15	1	0	0	0	0	0	0	0	0	0	16
	5:00	0	32	6	0	1	0	0	0	0	0	0	0	39
	6:00	0	55	18	1	2	0	0	2	0	0	0	0	78
	7:00	2	247	70	2	12	1	0	2	1	0	0	0	337
	8:00	0	516	76	13	8	3	0	2	1	0	0	0	619
	9:00	1	713	92	13	13	1	0	2	3	0	0	0	838
DIRECTION	10:00	1	606	88	3	21	2	0	2	3	0	0	0	726
	11:00	2	478	67	2	12	2	0	4	3	0	0	0	570
East	12:00	3	449	71	5	17	1	1	2	2	1	0	0	552
	13:00	2	520	83	3	16	1	1	2	3	0	0	0	631
	14:00	0	495	74	4	18	2	1	3	1	0	0	0	598
	15:00	2	516	67	17	19	2	0	2	1	0	0	0	626
	16:00	2	638	96	7	20	1	0	1	1	0	0	0	766
	17:00	2	666	83	9	16	1	0	1	2	0	0	0	780
	18:00	3	740	82	2	11	0	0	1	1	0	0	0	840
	19:00	3	653	68	2	11	1	0	1	0	0	0	0	739
	20:00	2	445	43	1	12	0	0	0	0	0	0	0	503
	21:00	1	336	35	0	2	0	0	1	0	0	0	0	375
	22:00	0	224	21	0	4	0	0	0	2	0	0	0	251
	23:00	0	137	10	0	2	0	0	0	2	0	0	0	151
	24:00	0	85	8	0	2	0	0	0	0	0	0	0	95
TOTAL VEHICLES	26	8656	1165	84	222	18	3	26	28	1	0	0	0	10229
TOTAL AXLES	52	17312	2330	210	444	54	12	91	140	6	0	0	0	20651
ENDING HOUR	1:00	0	54	6	0	2	0	0	0	0	0	0	0	62
	2:00	0	32	2	0	2	0	0	0	1	0	0	0	37
	3:00	0	17	2	0	0	0	0	0	0	0	0	0	19
	4:00	0	20	1	0	0	0	0	0	0	0	0	0	21
	5:00	0	29	4	0	2	0	0	0	0	0	0	0	35
	6:00	0	90	18	0	2	0	0	0	1	0	0	0	111
	7:00	0	292	46	6	11	0	0	1	1	0	0	0	357
	8:00	0	561	75	19	17	2	0	1	2	0	0	0	677
	9:00	0	416	91	2	22	2	0	4	4	0	0	0	541
	10:00	0	317	72	5	29	1	0	2	4	0	0	0	430
DIRECTION	11:00	1	337	71	4	15	4	0	4	2	0	0	0	438
West	12:00	1	392	71	2	17	1	0	2	3	0	0	0	489
	13:00	2	481	77	3	16	2	0	3	2	0	0	0	586
	14:00	2	456	77	14	20	2	0	1	4	0	0	0	576
	15:00	2	489	75	14	14	1	0	2	2	0	0	0	599
	16:00	4	667	105	9	18	0	0	2	1	0	0	0	806
	17:00	2	734	104	2	17	1	0	2	2	0	0	0	864
	18:00	4	820	108	1	17	1	0	2	1	0	0	0	954
	19:00	2	636	74	1	11	0	0	1	1	0	0	0	726
	20:00	3	498	57	0	7	0	0	0	0	0	0	0	565
	21:00	1	404	38	0	7	0	0	0	1	0	0	0	451
	22:00	0	343	28	0	6	0	0	0	0	0	0	0	377
	23:00	0	229	18	0	3	0	0	0	0	0	0	0	250
	24:00	1	110	8	0	1	0	0	0	0	0	0	0	120
TOTAL VEHICLES	25	8424	1228	82	256	17	0	27	32	0	0	0	0	10091
TOTAL AXLES	50	16848	2456	205	512	51	0	94	160	0	0	0	0	20376
GRAND TOTAL VEHICLES	51	17080	2393	166	478	35	3	53	60	1	0	0	0	20320
GRAND TOTAL AXLES	102	34160	4786	415	956	105	12	186	300	6	0	0	0	41027

VEHICLE CLASSIFICATION CODES:

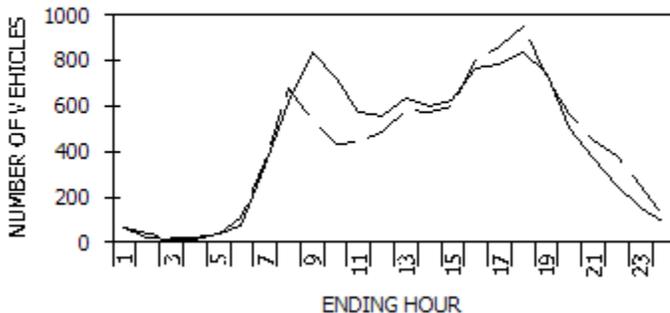
- F1. Motorcycles
- F2. Autos\*
- F3. 2 Axle, 4-Tire Pickups, Vans, Motorhomes\*
- F4. Buses
- F5. 2 Axle, 6-Tire Single Unit Trucks
- F6. 3 Axle Single Unit Trucks
- F7. 4 or More Axle Single Unit Trucks
- F8. 4 or Less Axle Vehicles, One Unit is a Truck
- F9. 5 Axle Double Unit Vehicles, One Unit is a Truck
- F10. 6 or More Double Unit Vehicles, One Unit is a Truck
- F11. 5 or Less Axle Multi-Unit Trucks
- F12. 6 Axle Multi-Unit Trucks
- F13. 7 or More Axle Multi-Unit Trucks

\* INCLUDING THOSE HAULING TRAILERS

FUNCTIONAL CLASS CODES:

- | RURAL | URBAN | SYSTEM                        |
|-------|-------|-------------------------------|
| 01    | 11    | PRINCIPAL ARTERIAL-INTERSTATE |
| 02    | 12    | PRINCIPAL ARTERIAL-EXPRESSWAY |
| 02    | 14    | PRINCIPAL ARTERIAL-OTHER      |
| 06    | 16    | MINOR ARTERIAL                |
| 07    | 17    | MAJOR COLLECTOR               |
| 08    | 17    | MINOR COLLECTOR               |
| 09    | 19    | LOCAL SYSTEM                  |

TRAFFIC FLOW BY DIRECTION



--- East                      - -West

PEAK HOUR DATA

DIRECTION	HOUR	COUNT	2-WAY	HOUR	COUNT
East	18	840	A.M.	9	1379
West	18	954	P.M.	18	1794

SOURCE: NYSDOT DATA SERVICES BUREAU

New York State Department of Transportation  
Speed Count Average Weekday Report

Station: 820319  
Route #: NY 55  
From: CR 21 NOXON RD W JCT  
To: ACC TSP RT 987G  
Direction: East

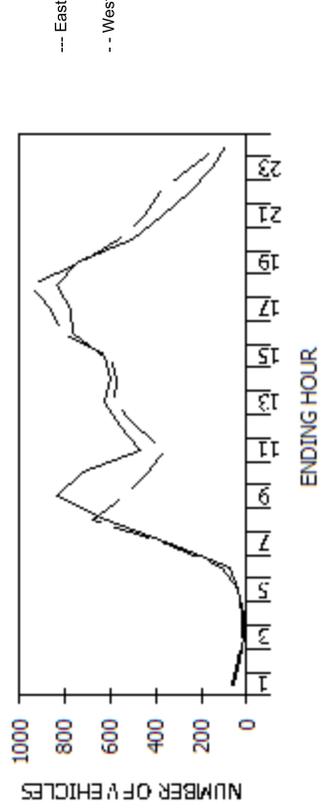
Start date: Mon 05/02/2011 11:00  
End date: Mon 05/09/2011 15:45  
County: Dutchess  
Town: LAGRANGE  
Speed limit: 45  
LION#:

Count duration: 173 hours  
Functional class: 14  
Factor group: 30  
Batch ID: DOT-SJWR8 19A  
Count taken by: Org: TST Init: ---  
Processed by: Org: DOT Init: SJW

Counts have been summarized into NYSDOT EI standard bins

Hour		Speeds, mph																50th%			85th%			Total		
0.0- 20.0		20.1- 25.0	25.1- 30.0	30.1- 35.0	35.1- 40.0	40.1- 45.0	45.1- 50.0	50.1- 55.0	55.1- 60.0	60.1- 65.0	65.1- 70.0	70.1- 75.0	75.1- 80.0	80.1- 85.0	85.1- 90.0	90.1- 95.0	% Exc	% Exc	% Exc	% Exc	Avg	50th%	85th%	Total		
1:00	0	0	0	0	0	5	17	15	13	7	2	1	0	0	0	0	91.7	63.3	38.3	16.7	5.0	52.5	52.7	60.8	60	
2:00	0	0	0	0	1	3	7	10	4	1	0	0	0	0	0	0	84.6	57.7	19.2	3.8	0.0	49.9	51.0	56.4	26	
3:00	0	0	0	0	0	1	3	5	2	2	0	0	0	0	0	0	92.3	69.2	30.8	15.4	0.0	52.3	52.6	60.2	13	
4:00	0	0	0	0	0	3	3	6	2	1	0	0	0	0	0	0	80.0	60.0	20.0	6.7	0.0	50.2	51.3	56.9	15	
5:00	0	0	0	0	1	4	8	13	9	3	1	0	0	0	0	0	87.2	66.7	33.3	10.3	2.6	51.6	52.6	59.0	39	
6:00	0	0	0	0	3	19	30	30	19	5	1	0	0	0	0	0	96.1	71.4	32.5	7.8	1.3	52.5	52.8	58.6	77	
7:00	0	0	1	1	2	12	80	151	73	15	2	1	0	0	0	0	95.3	71.6	26.9	5.3	0.9	51.9	52.5	57.8	338	
8:00	0	0	1	11	72	236	226	61	11	1	0	0	0	0	0	0	86.4	48.3	11.8	1.9	0.2	49.3	49.8	54.6	619	
9:00	2	1	1	3	24	116	328	277	78	9	1	0	0	0	0	0	82.5	43.5	10.5	1.2	0.1	48.3	49.2	54.4	840	
10:00	0	0	0	3	12	94	251	273	80	11	0	0	0	0	0	0	85.0	50.3	12.7	1.7	0.1	49.4	50.1	54.7	725	
11:00	0	0	0	5	8	52	158	188	59	10	2	0	0	0	0	0	88.3	54.9	15.0	2.5	0.4	50.1	50.7	55.1	472	
12:00	1	0	2	5	8	60	221	187	59	9	1	0	0	0	0	0	86.3	46.3	12.5	1.8	0.2	48.8	49.6	54.7	553	
13:00	0	0	0	3	8	78	236	232	62	10	1	0	0	0	0	0	85.9	48.4	11.6	1.7	0.2	49.3	49.8	54.6	630	
14:00	0	0	0	0	11	82	225	232	68	8	0	0	0	0	0	0	86.8	49.9	12.7	2.0	0.3	49.5	50.0	54.7	597	
15:00	0	0	0	0	11	82	220	222	64	10	2	0	0	0	0	0	85.1	49.2	12.1	1.3	0.0	49.3	49.9	54.7	626	
16:00	1	0	1	3	18	101	290	258	82	10	1	0	0	0	0	0	83.8	45.9	12.2	1.4	0.1	48.8	49.5	54.6	765	
17:00	0	0	0	0	14	85	268	302	97	12	0	0	0	0	0	0	87.2	52.8	14.0	1.5	0.0	49.7	50.4	54.9	779	
18:00	0	0	0	0	4	68	303	356	97	11	1	0	0	0	0	0	91.4	55.4	13.0	1.4	0.1	50.2	50.7	54.8	840	
19:00	1	0	0	1	12	82	271	282	79	11	0	0	0	0	0	0	87.0	50.3	12.2	1.5	0.0	49.3	50.1	54.7	739	
20:00	1	0	0	0	4	35	166	210	76	10	0	0	0	0	0	0	92.0	59.0	17.3	2.2	0.2	50.3	51.1	55.8	503	
21:00	0	0	0	0	6	34	142	138	49	6	0	0	0	0	0	0	89.3	51.5	14.7	1.6	0.0	49.8	50.2	55.0	375	
22:00	0	0	0	0	2	20	95	98	32	3	1	0	0	0	0	0	91.2	53.4	14.3	1.6	0.4	50.1	50.5	55.0	251	
23:00	0	0	0	0	2	14	53	56	20	5	0	0	0	0	0	0	89.3	54.0	16.7	3.3	0.0	50.1	50.6	55.7	150	
24:00	0	0	0	0	0	11	28	34	16	2	2	1	0	0	0	0	88.3	58.5	22.3	5.3	3.2	50.8	51.2	57.2	94	
Avg. Daily Total	6	1	5	21	154	1103	3628	3801	1201	182	21	3	0	0	0	0	87.3	51.4	13.9	2.0	0.2	49.6	50.2	54.9	10126	
Percent	0.1%	0.0%	0.0%	0.2%	1.5%	10.9%	35.8%	37.5%	11.9%	1.8%	0.2%	0.0%	0.0%	0.0%	0.0%	0.0%	45.0	50.0	55.0	60.0	65.0	50.0	52.5	60.8	60	
Cum. Percent	0.1%	0.1%	0.3%	0.5%	1.8%	12.7%	48.6%	86.1%	98.0%	99.8%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	45.0	50.0	55.0	60.0	65.0	50.0	52.5	60.8	60	
Average hour	0	0	0	1	6	46	151	158	50	8	1	0	0	0	0	0	45.0	50.0	55.0	60.0	65.0	50.0	52.5	60.8	422	

TRAFFIC FLOW BY DIRECTION



Direction	Hour	Count	2-way	Hour	Count
East	9	840	A.M.	9	1381
West	18	952	P.M.	18	1792

Avg. Speed	50th% Speed	85th% Speed
49.6	50.2	54.9
52.0	52.5	57.6

New York State Department of Transportation  
Speed Count Average Weekday Report

Station: 820319  
Route #: NY 55  
From: CR 21 NOXON RD W JCT  
To: ACC TSP RT 987G  
Direction: West

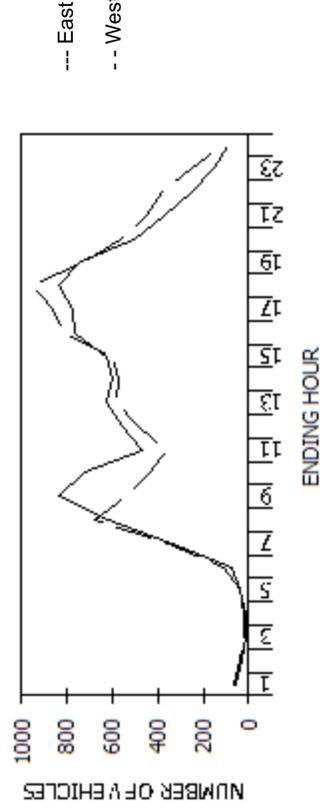
Start date: Mon 05/02/2011 11:00  
End date: Mon 05/09/2011 15:45  
County: Dutchess  
Town: LAGRANGE  
Speed limit: 45  
LION#:

Count duration: 173 hours  
Functional class: 14  
Factor group: 30  
Batch ID: DOT-SJWR8 19A  
Count taken by: Org: TST Init: ---  
Processed by: Org: DOT Init: SJW

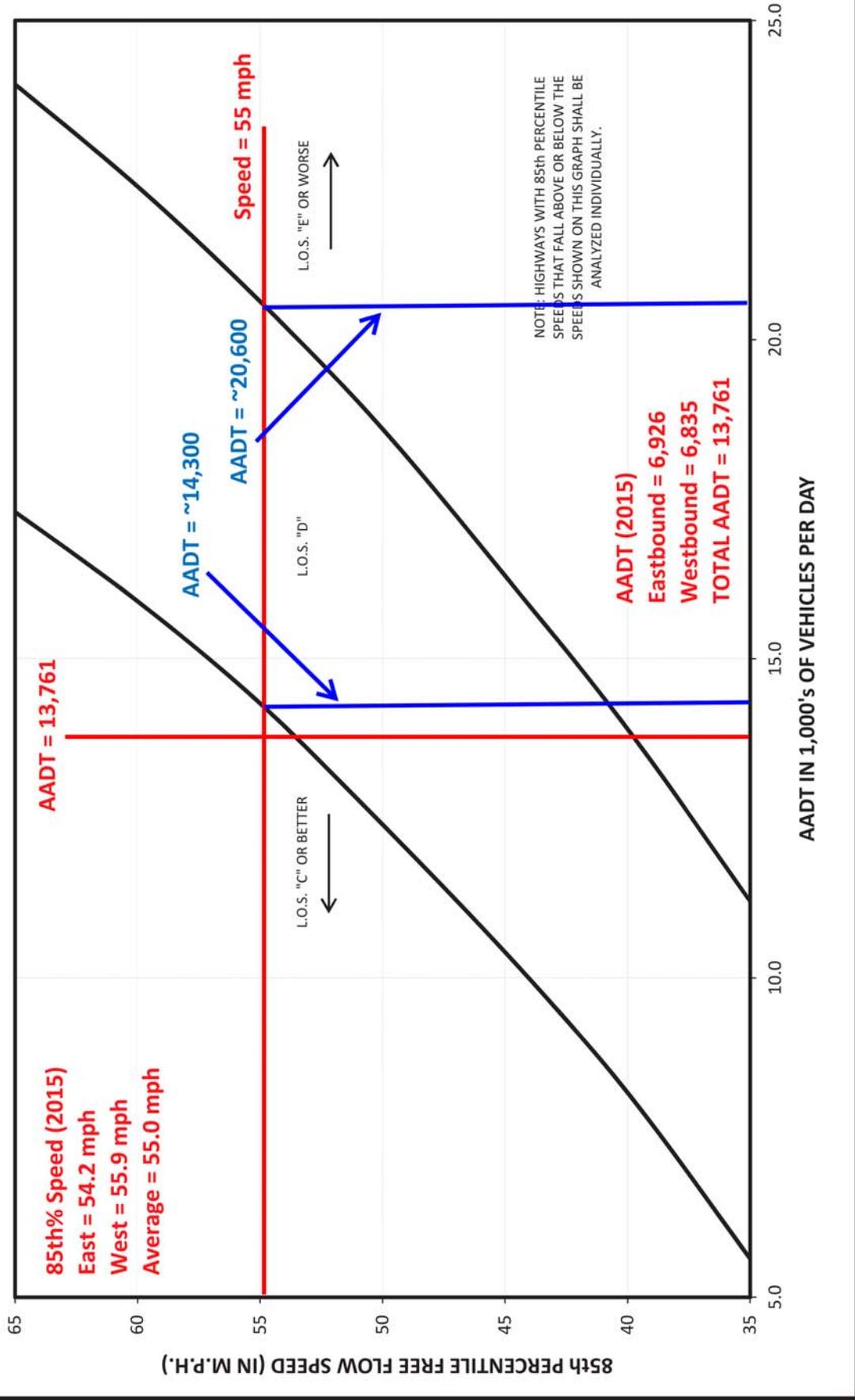
Counts have been summarized into NYSDOT EI standard bins

Hour	Speeds, mph																Avg	50th%	85th%	Total		
	0.0-20.0	20.1-25.0	25.1-30.0	30.1-35.0	35.1-40.0	40.1-45.0	45.1-50.0	50.1-55.0	55.1-60.0	60.1-65.0	65.1-70.0	70.1-75.0	75.1-95.0	% Exc 45.0	% Exc 50.0	% Exc 55.0					% Exc 60.0	% Exc 65.0
1:00	0	0	0	0	0	2	13	23	16	7	2	0	0	96.8	76.2	39.7	14.3	3.2	53.4	53.6	59.9	63
2:00	0	0	0	0	0	1	8	16	9	2	1	0	0	97.3	75.7	32.4	8.1	2.7	52.9	53.0	58.6	37
3:00	0	0	0	0	0	2	3	8	4	2	0	0	0	89.5	73.7	31.6	10.5	0.0	52.2	52.9	59.0	19
4:00	0	0	0	0	0	2	5	8	4	2	1	0	0	90.9	68.2	31.8	13.6	4.5	52.2	52.6	59.7	22
5:00	0	0	0	0	2	1	8	10	11	3	0	0	0	91.4	68.6	40.0	8.6	0.0	51.8	53.3	59.0	36
6:00	0	0	0	0	0	2	20	45	30	8	3	1	1	98.2	80.0	39.1	11.8	4.5	53.8	53.7	59.5	110
7:00	0	0	0	0	1	13	64	147	104	25	3	0	1	96.1	78.2	37.2	8.1	1.1	53.1	53.5	58.9	358
8:00	0	0	0	6	42	176	292	140	140	19	2	0	0	92.9	66.9	23.8	3.1	0.3	51.4	52.0	57.2	677
9:00	0	0	0	1	28	148	220	126	126	17	1	0	0	94.6	67.3	26.6	3.3	0.2	51.7	52.2	57.5	541
10:00	0	0	0	0	12	90	194	108	108	21	2	0	0	96.5	75.6	30.5	5.3	0.5	52.3	52.9	58.1	430
11:00	0	0	0	1	13	76	159	90	90	19	2	1	1	95.9	74.9	31.1	6.3	1.1	52.5	52.9	58.3	363
12:00	0	0	0	1	17	104	218	123	123	21	2	0	0	95.7	74.4	29.9	4.7	0.4	52.8	52.8	58.0	489
13:00	0	0	0	0	20	129	270	144	144	18	2	0	0	96.4	74.3	28.1	3.4	0.3	52.2	52.7	57.7	584
14:00	0	0	0	0	24	155	256	119	119	19	2	0	0	95.8	68.9	24.3	3.7	0.3	51.8	52.2	57.3	575
15:00	0	0	0	0	28	166	265	119	119	18	0	0	0	95.0	67.2	22.9	3.0	0.0	51.5	52.0	57.0	598
16:00	1	2	2	1	4	56	242	346	136	16	2	0	0	91.8	61.9	19.1	2.2	0.2	50.4	51.4	56.3	808
17:00	0	0	0	0	34	239	396	177	177	17	2	0	0	96.1	68.4	22.7	2.2	0.2	51.6	52.1	56.9	865
18:00	0	0	0	0	5	36	251	458	182	19	1	0	0	95.7	69.3	21.2	2.1	0.1	51.5	52.1	56.7	952
19:00	0	0	0	0	12	136	361	192	192	23	1	0	0	98.3	79.6	29.8	3.3	0.1	52.8	53.0	57.8	725
20:00	0	0	0	0	14	89	268	170	170	20	3	0	0	97.3	81.6	34.2	4.1	0.5	53.0	53.4	58.2	565
21:00	0	0	0	0	8	110	215	103	103	13	1	0	0	98.2	73.8	26.0	3.1	0.2	52.2	52.5	57.5	450
22:00	0	0	0	0	8	77	176	102	102	13	1	0	0	97.9	77.5	30.8	3.7	0.3	52.7	53.0	58.0	377
23:00	0	0	0	0	6	47	110	72	72	14	2	0	0	97.6	78.9	35.1	6.4	0.8	53.0	53.3	58.5	251
24:00	0	0	0	0	2	22	49	36	36	7	2	0	0	98.3	79.7	38.1	7.6	1.7	53.4	53.6	58.8	118
Avg. Daily Total	1	2	4	4	27	383	2378	4510	2317	343	38	2	3	95.8	72.0	27.0	3.9	0.4	52.0	52.5	57.6	10012
Percent	0.0%	0.0%	0.0%	0.0%	0.3%	3.8%	23.8%	45.0%	23.1%	3.4%	0.4%	0.0%	0.0%									
Cum. Percent	0.0%	0.0%	0.1%	0.1%	0.4%	4.2%	28.0%	73.0%	96.1%	99.6%	100.0%	100.0%	100.0%									
Average hour	0	0	0	0	1	16	99	188	97	14	2	0	0									417

TRAFFIC FLOW BY DIRECTION



**FIGURE 5D-2**  
**FREE FLOW SEGMENT LEVEL OF SERVICE FOR DEVELOPED 2 LANE UNDIVIDED HIGHWAY**



**Institute of Traffic Engineers (ITE) Land Use Categories**

# Gasoline/Service Station (944)

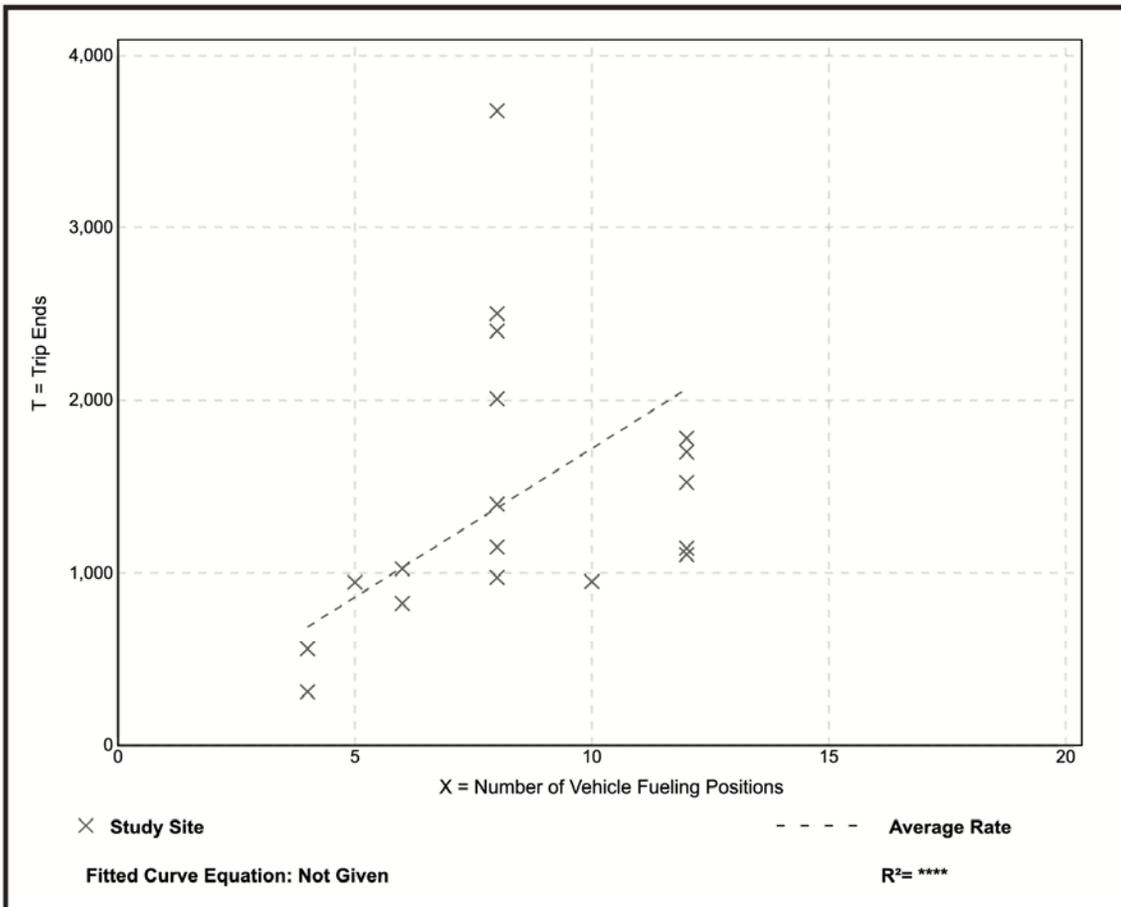
**Vehicle Trip Ends vs: Vehicle Fueling Positions**  
On a: **Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 18  
Avg. Num. of Vehicle Fueling Positions: 8  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
172.01	77.00 - 460.00	96.45

## Data Plot and Equation



# Gasoline/Service Station (944)

**Vehicle Trip Ends vs: Vehicle Fueling Positions**  
On a: **Sunday**

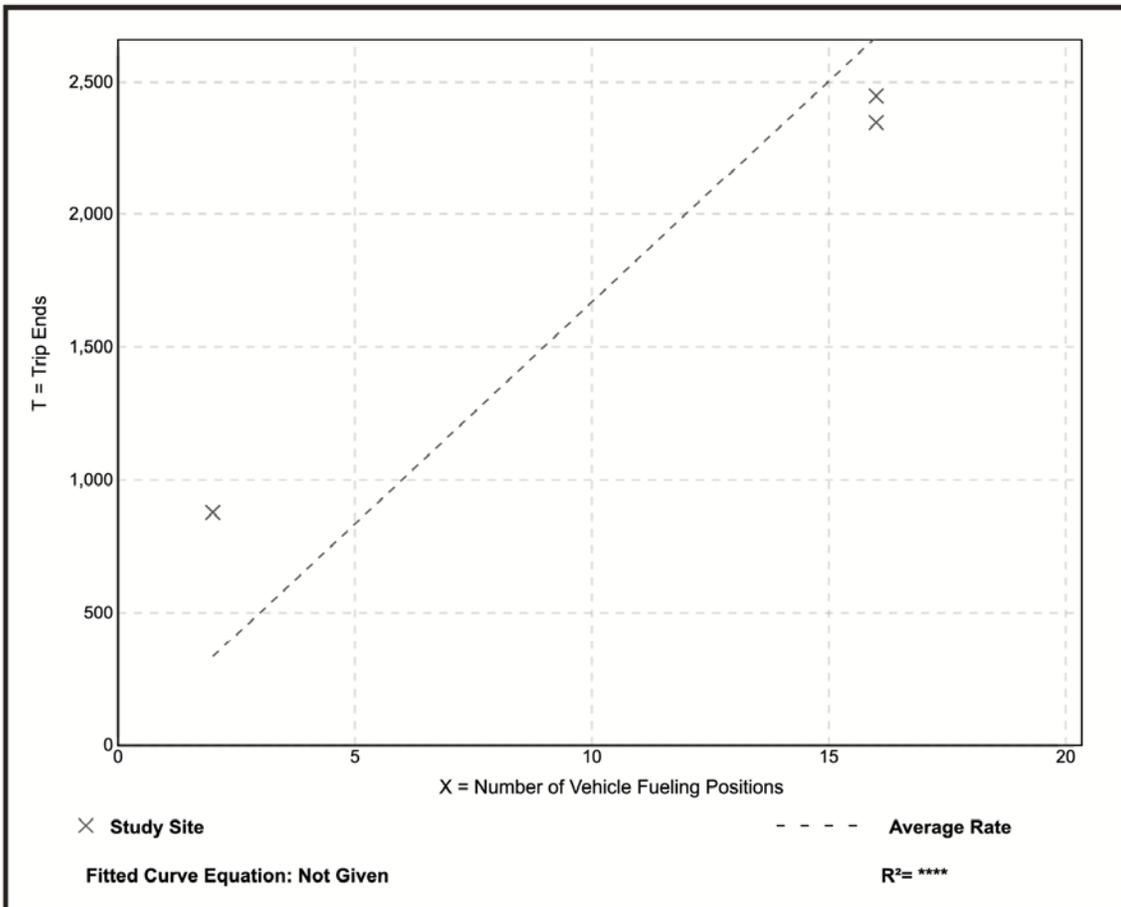
**Setting/Location: General Urban/Suburban**  
Number of Studies: 3  
Avg. Num. of Vehicle Fueling Positions: 11  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
166.88	146.75 - 439.00	344.72

## Data Plot and Equation

*Caution – Small Sample Size*



# Gasoline/Service Station (944)

**Vehicle Trip Ends vs: Vehicle Fueling Positions**  
On a: **Saturday**

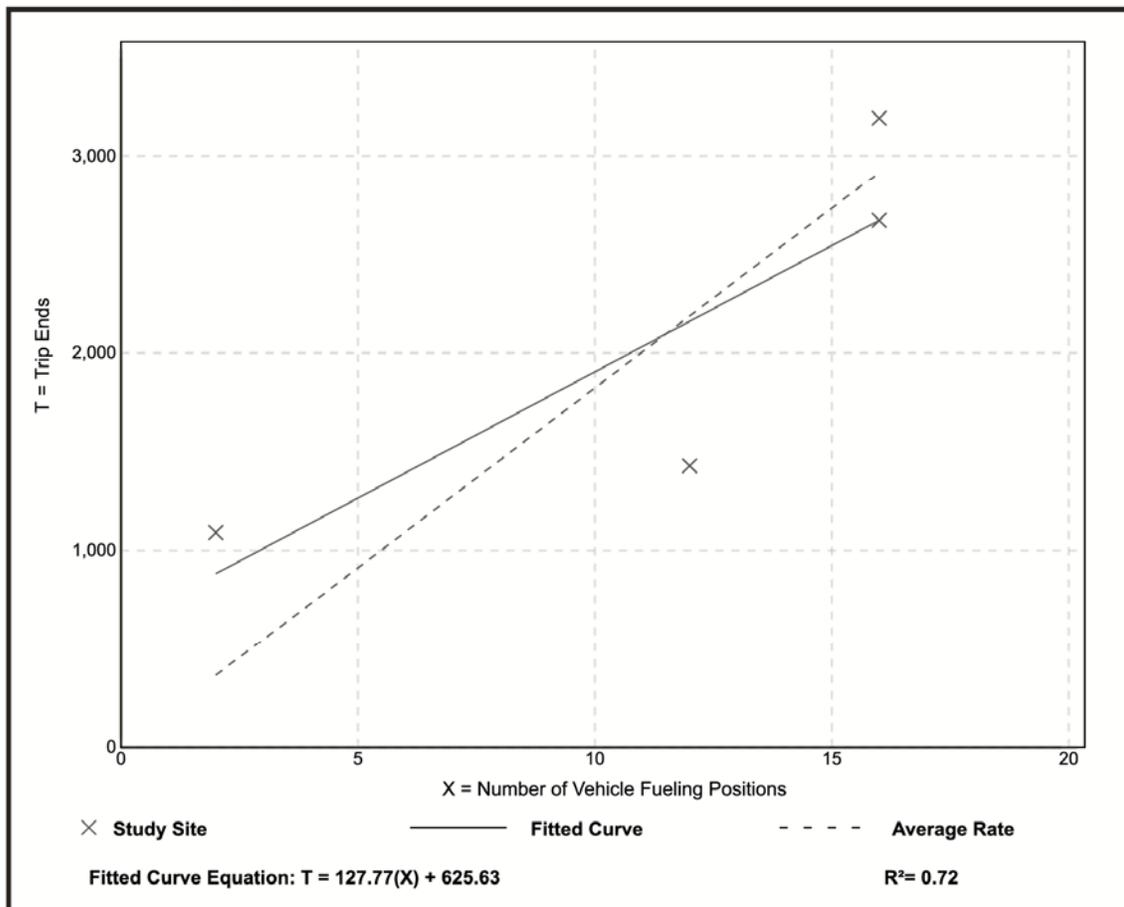
**Setting/Location: General Urban/Suburban**  
Number of Studies: 4  
Avg. Num. of Vehicle Fueling Positions: 12  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Vehicle Fueling Position

Average Rate	Range of Rates	Standard Deviation
182.17	119.00 - 545.00	96.27

## Data Plot and Equation

*Caution – Small Sample Size*



## Small Office Building (712)

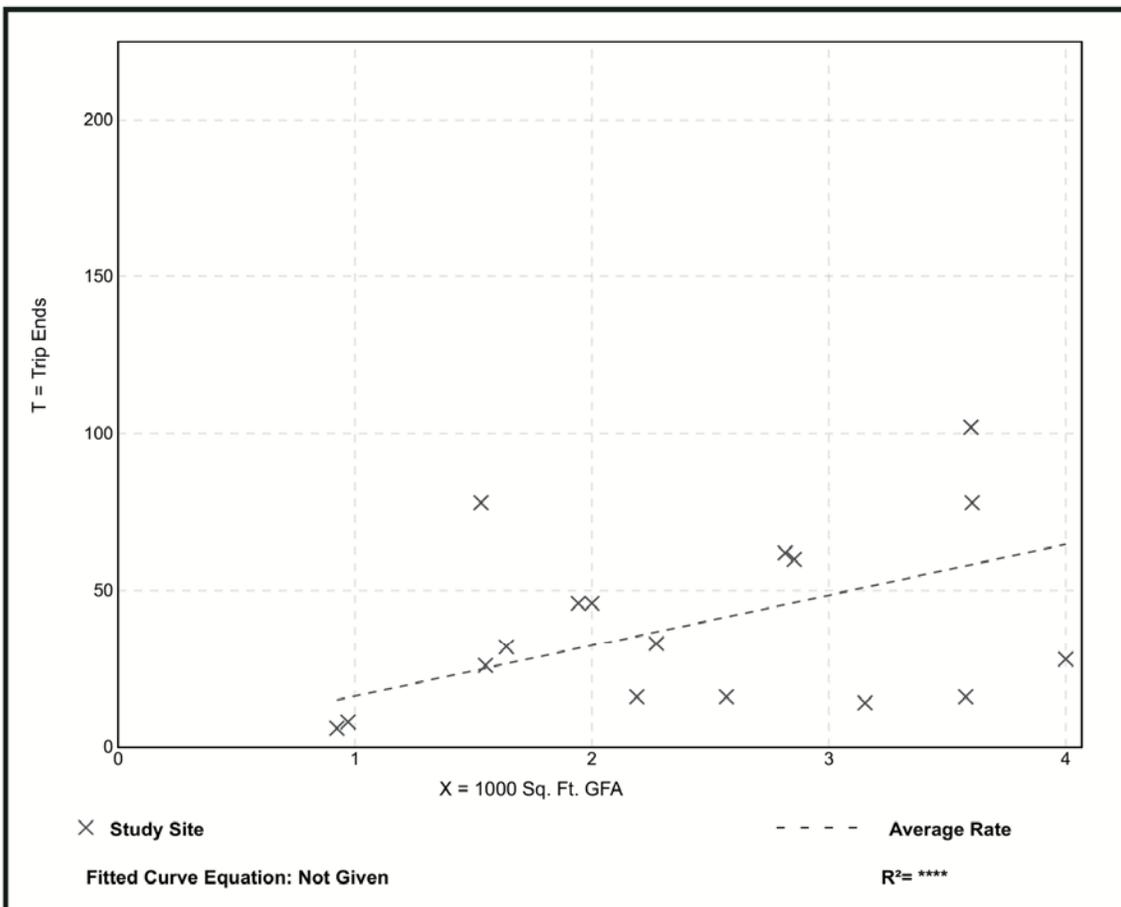
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 17  
 1000 Sq. Ft. GFA: 2  
 Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
16.19	4.44 - 50.91	11.03

### Data Plot and Equation



# Hotel (310)

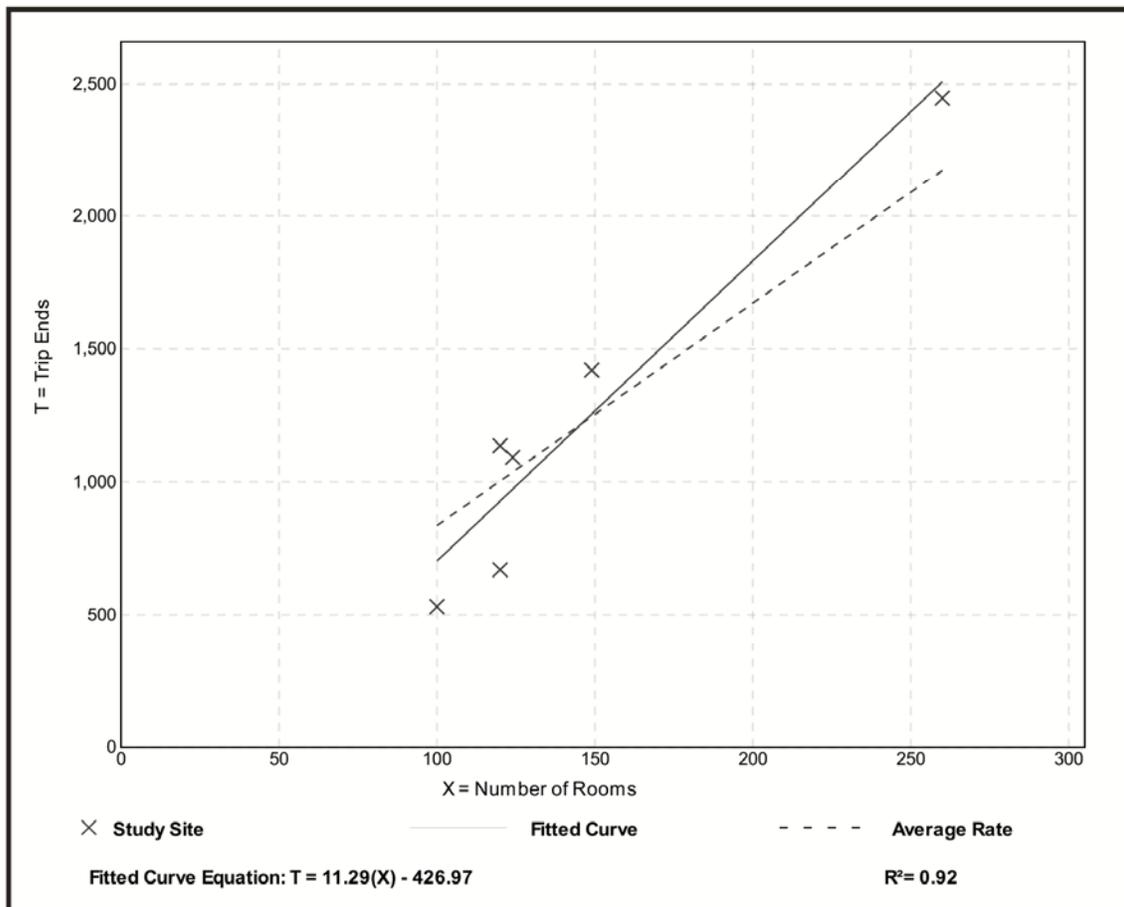
**Vehicle Trip Ends vs: Rooms**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 6  
Avg. Num. of Rooms: 146  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
8.36	5.31 - 9.53	1.86

## Data Plot and Equation



# Hotel (310)

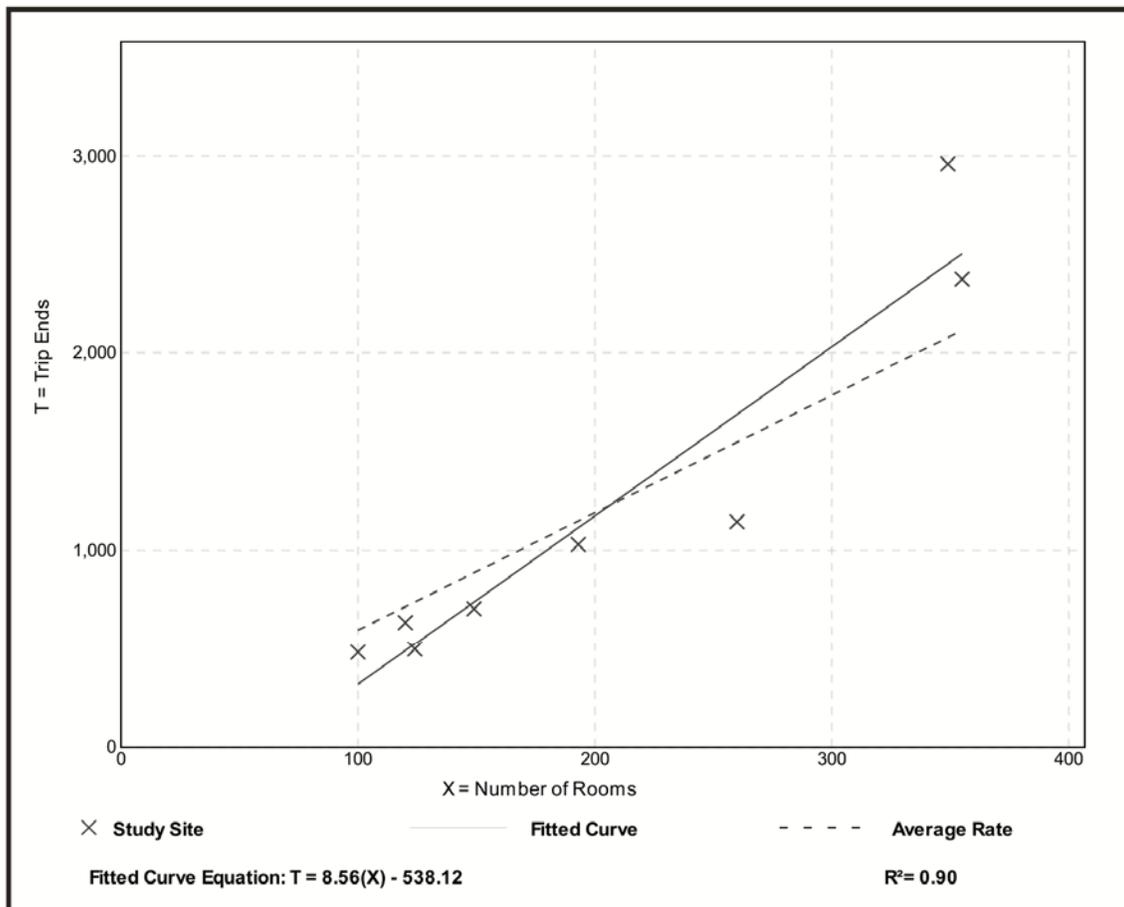
**Vehicle Trip Ends vs: Rooms**  
**On a: Sunday**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 8  
 Avg. Num. of Rooms: 206  
 Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
5.95	4.01 - 8.48	1.66

## Data Plot and Equation



# Hotel (310)

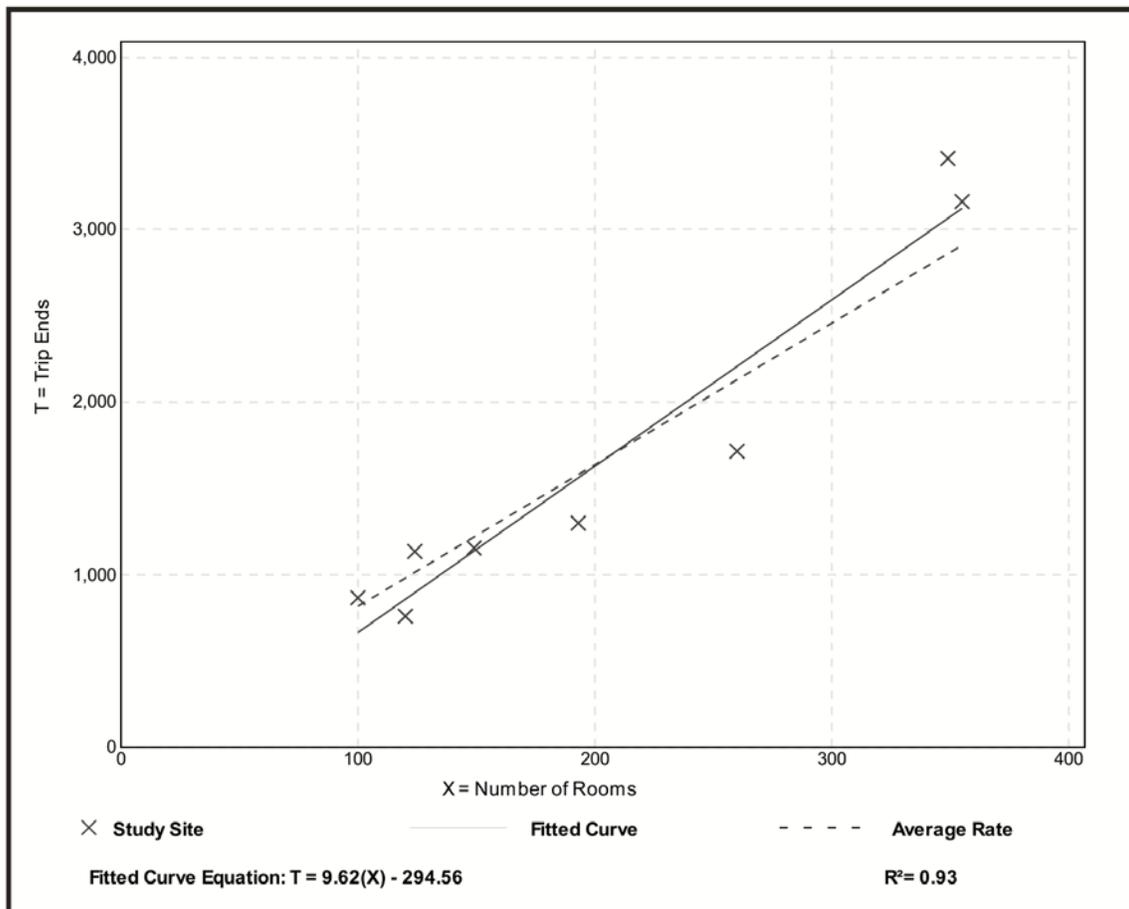
**Vehicle Trip Ends vs: Rooms**  
**On a: Saturday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 8  
Avg. Num. of Rooms: 206  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
8.19	6.35 - 9.79	1.37

## Data Plot and Equation



## Multifamily Housing (Low-Rise) (220)

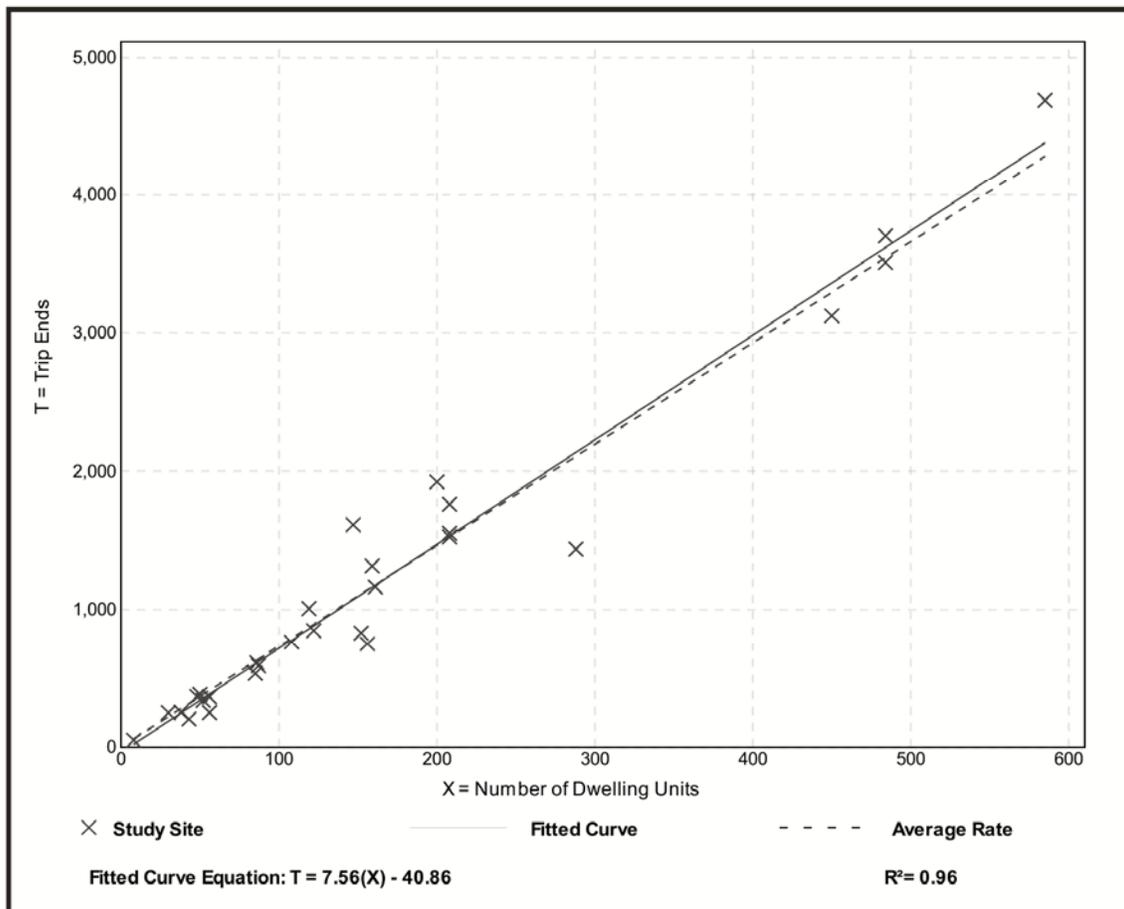
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 29  
Avg. Num. of Dwelling Units: 168  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
7.32	4.45 - 10.97	1.31

### Data Plot and Equation



## Multifamily Housing (Low-Rise) (220)

**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Sunday**

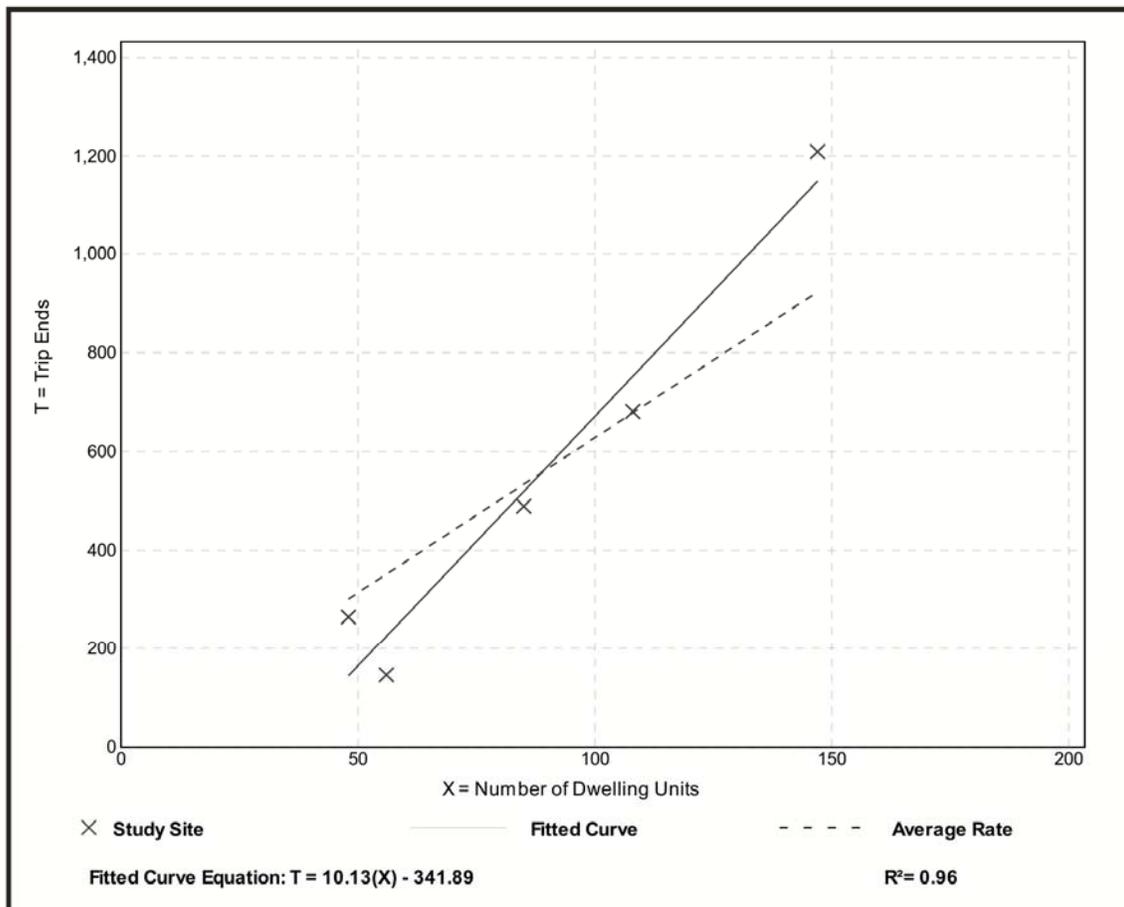
**Setting/Location: General Urban/Suburban**  
Number of Studies: 5  
Avg. Num. of Dwelling Units: 89  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.28	2.61 - 8.22	1.96

### Data Plot and Equation

*Caution – Small Sample Size*



# Multifamily Housing (Low-Rise) (220)

**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Saturday**

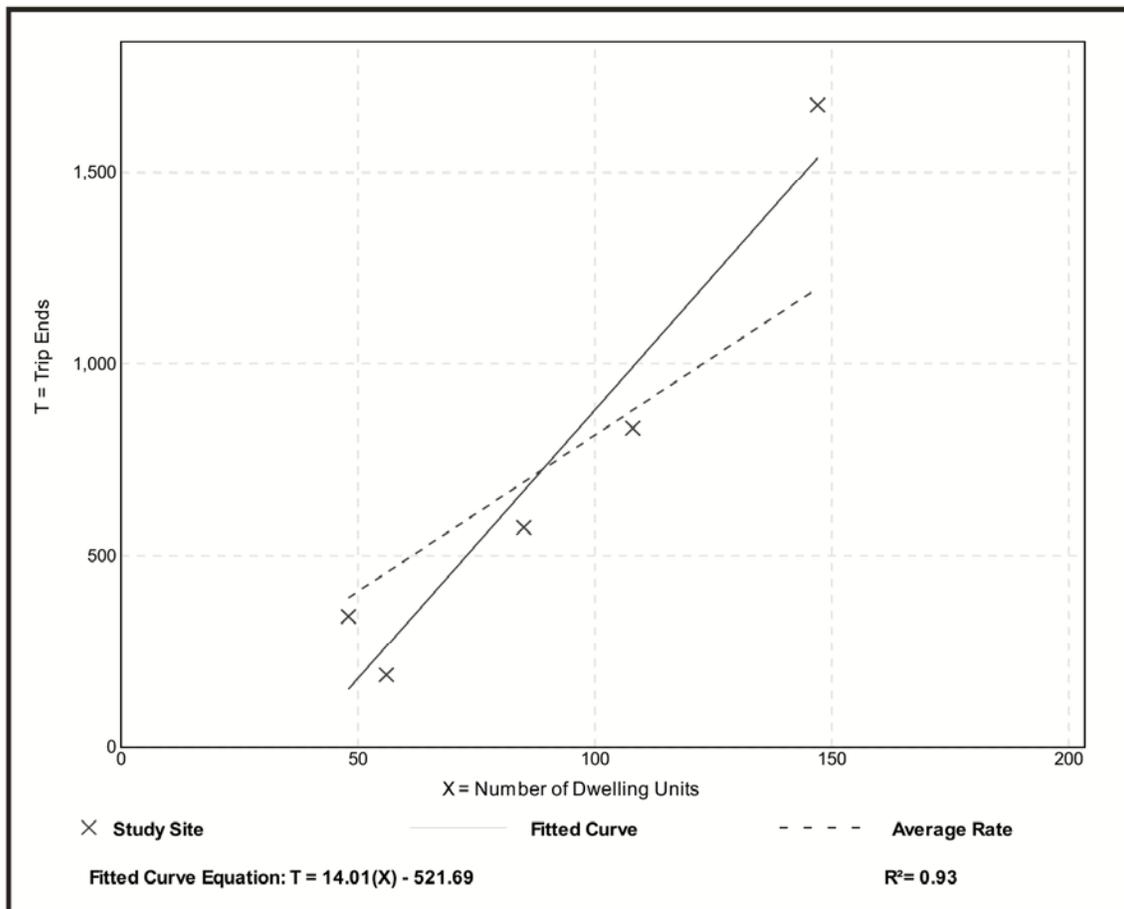
**Setting/Location: General Urban/Suburban**  
Number of Studies: 5  
Avg. Num. of Dwelling Units: 89  
Directional Distribution: 50% entering, 50% exiting

### Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
8.14	3.36 - 11.40	2.94

### Data Plot and Equation

*Caution – Small Sample Size*



# Single-Family Detached Housing (210)

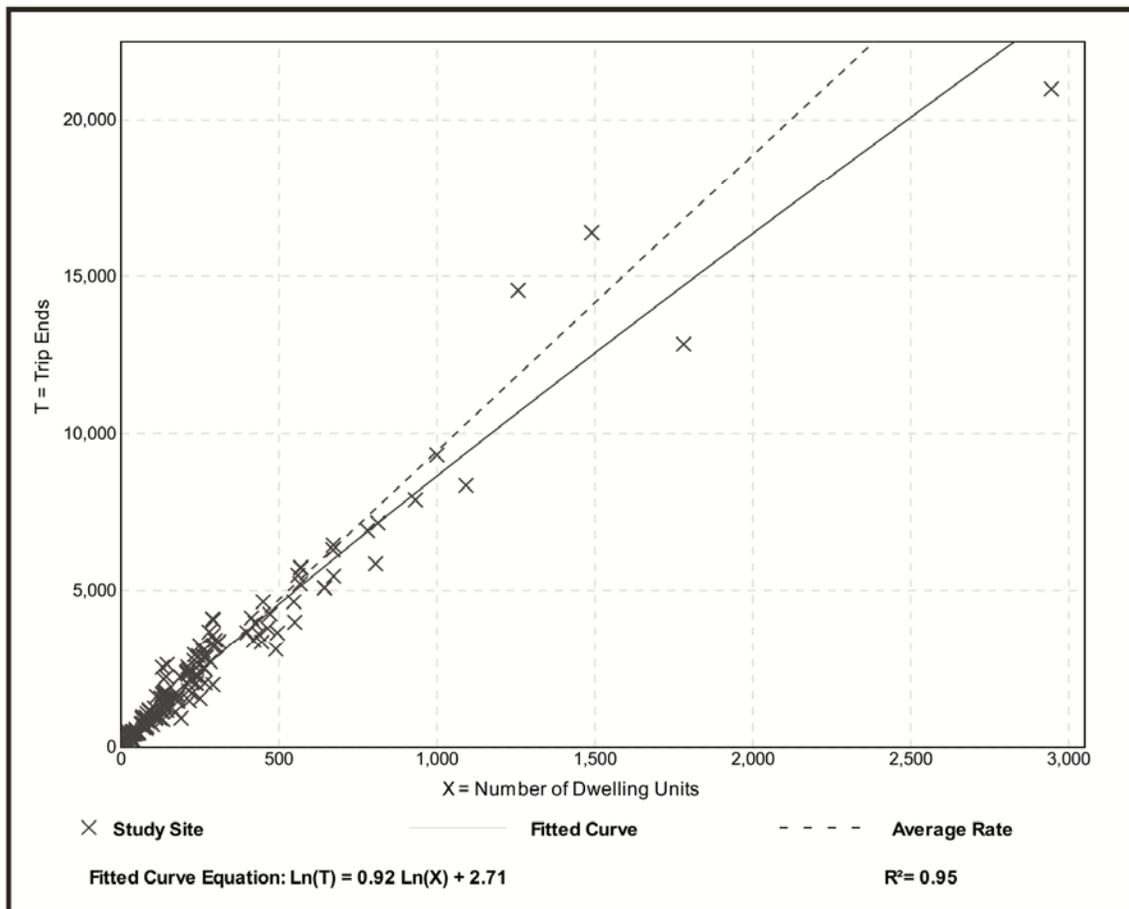
**Vehicle Trip Ends vs: Dwelling Units**  
On a: **Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 159  
Avg. Num. of Dwelling Units: 264  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.44	4.81 - 19.39	2.10

## Data Plot and Equation



# Single-Family Detached Housing (210)

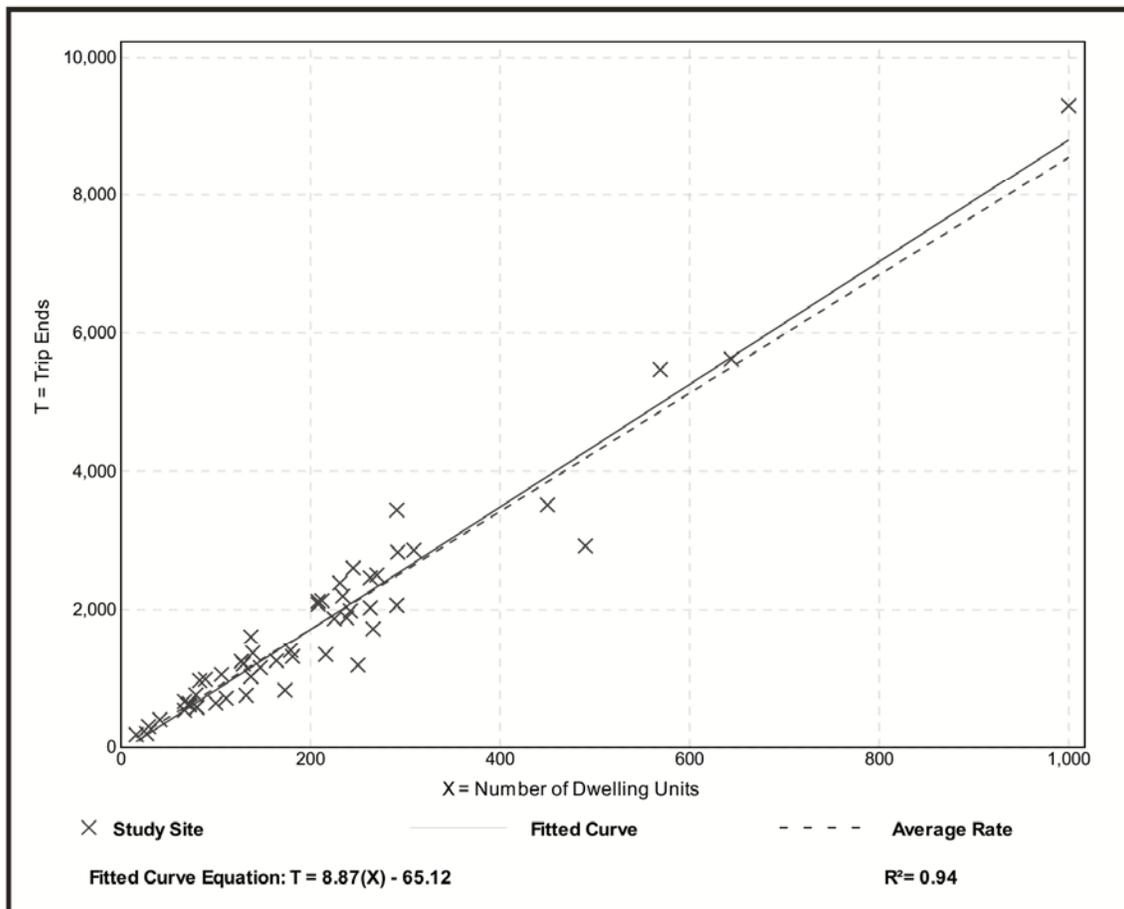
**Vehicle Trip Ends vs: Dwelling Units**  
On a: **Sunday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 51  
Avg. Num. of Dwelling Units: 209  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
8.55	4.74 - 11.82	1.65

## Data Plot and Equation



# Single-Family Detached Housing (210)

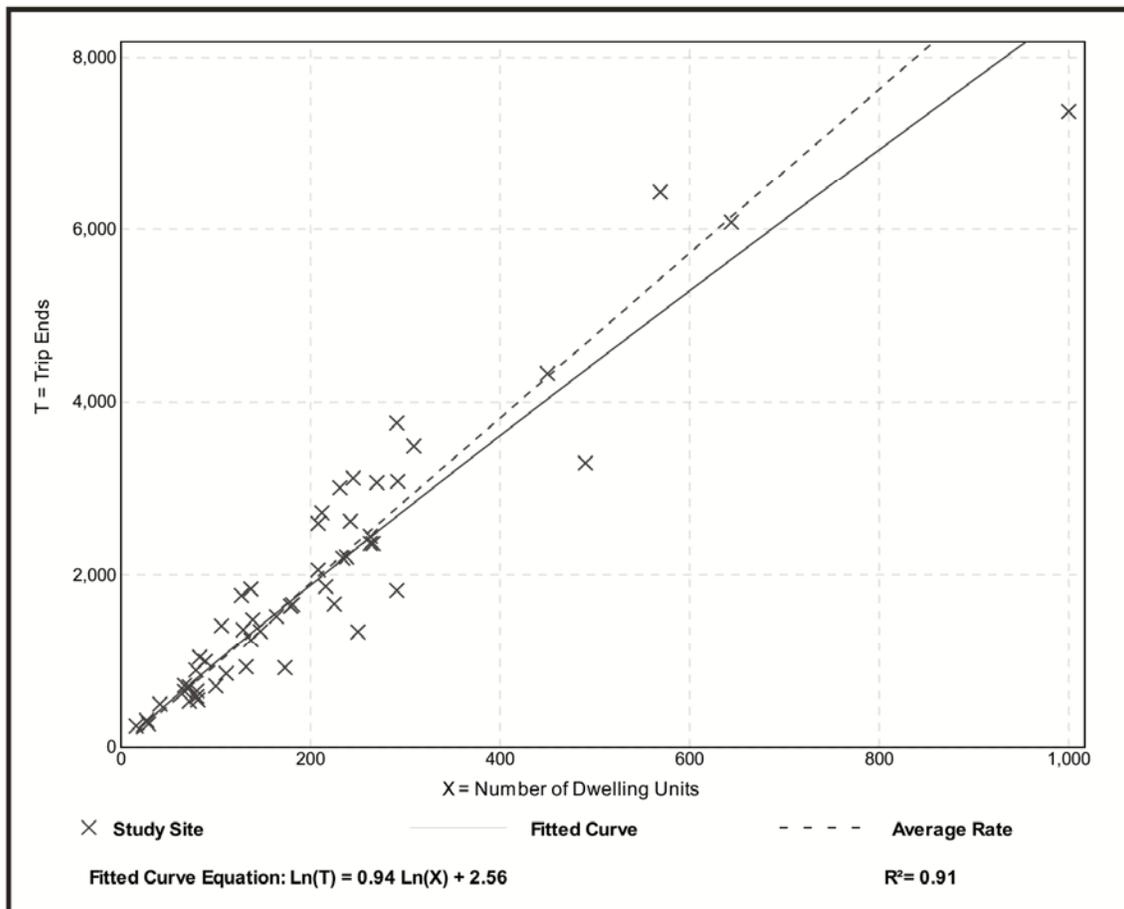
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Saturday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 52  
Avg. Num. of Dwelling Units: 207  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.54	5.32 - 15.25	2.17

## Data Plot and Equation





# Mini-Warehouse (151)

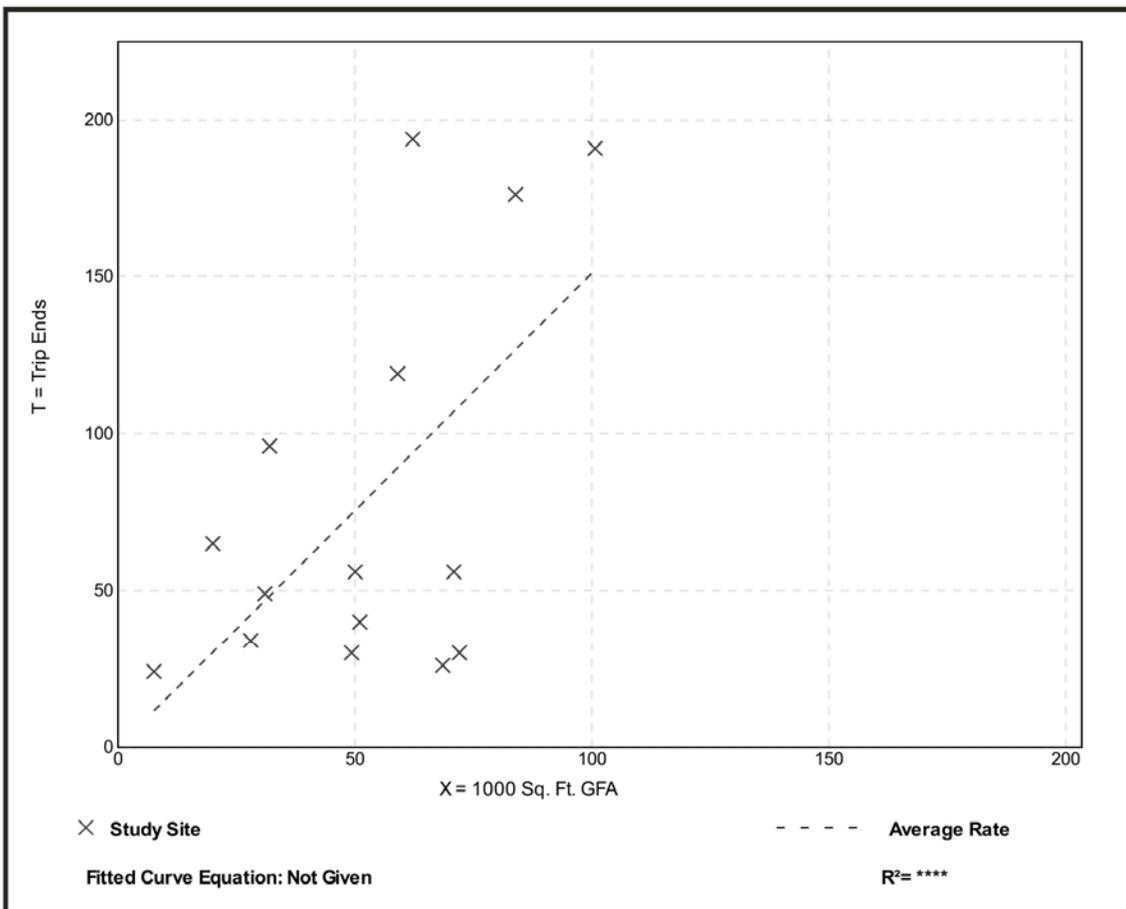
**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
On a: **Weekday**

**Setting/Location: General Urban/Suburban**  
Number of Studies: 15  
1000 Sq. Ft. GFA: 52  
Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.51	0.38 - 3.25	0.95

## Data Plot and Equation



# Mini-Warehouse (151)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Sunday**

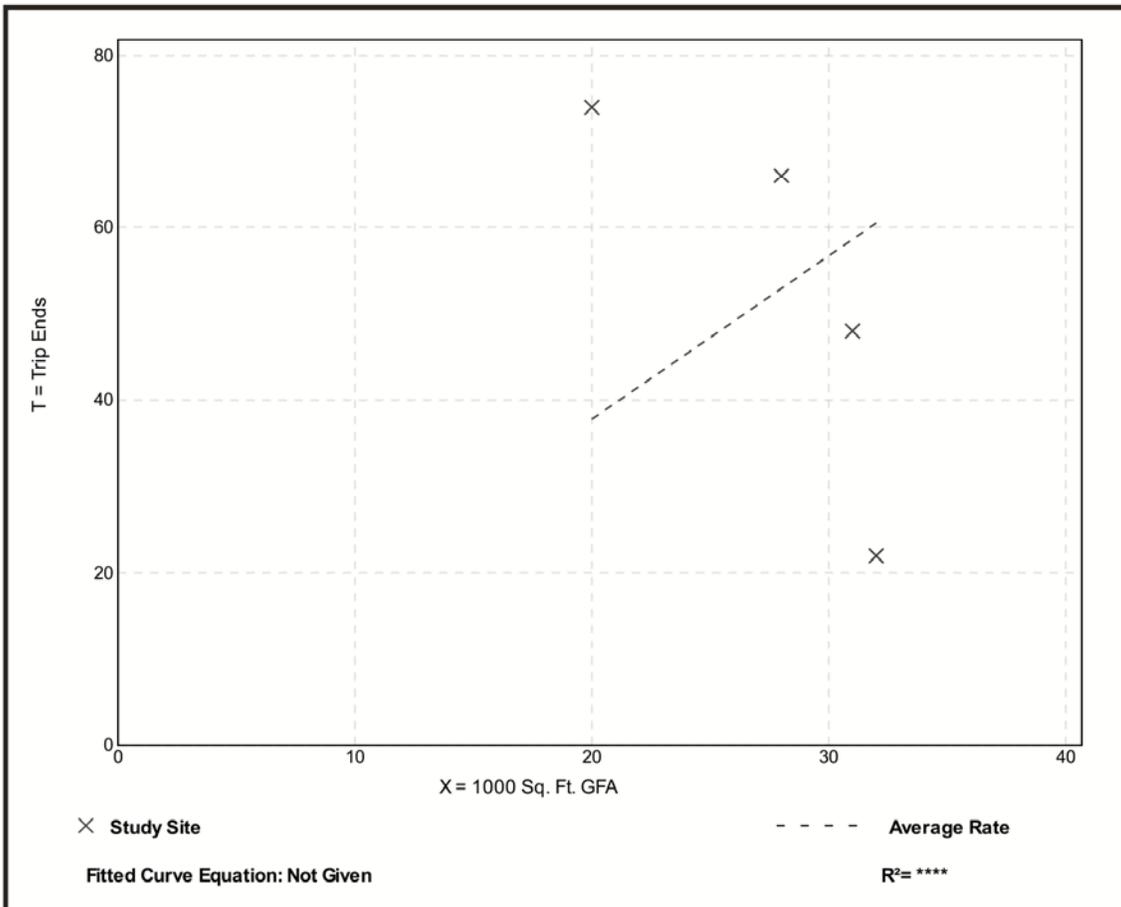
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 4  
 1000 Sq. Ft. GFA: 28  
 Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.89	0.69 - 3.70	1.21

## Data Plot and Equation

*Caution – Small Sample Size*



# Mini-Warehouse (151)

**Vehicle Trip Ends vs: 1000 Sq. Ft. GFA**  
**On a: Saturday**

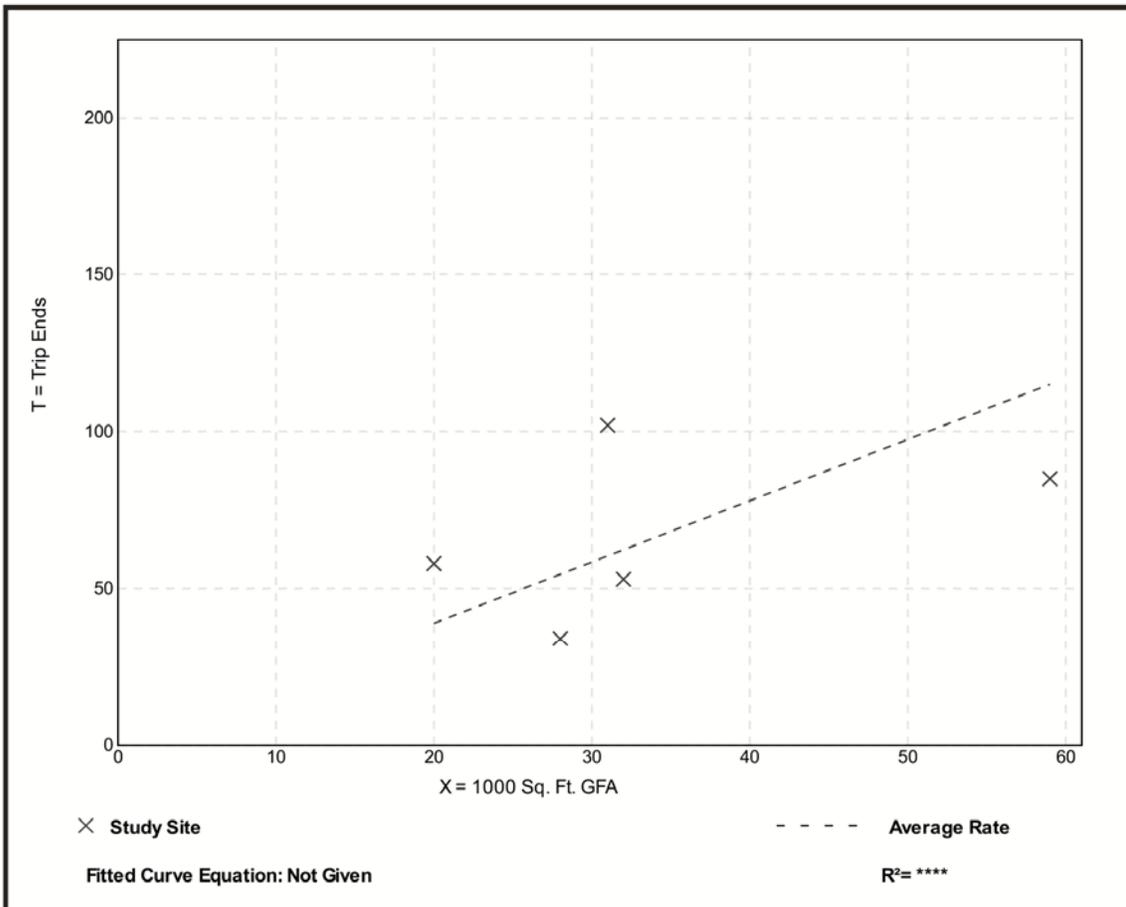
**Setting/Location: General Urban/Suburban**  
 Number of Studies: 5  
 1000 Sq. Ft. GFA: 34  
 Directional Distribution: 50% entering, 50% exiting

## Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.95	1.21 - 3.29	0.89

## Data Plot and Equation

*Caution – Small Sample Size*



**Local Property Information**



**Final Roll**

Parcel Grid Identification #:  
133400-6460-02-802900-0000  
Municipality: La Grange

Parcel Location  
1215 Route 55

Owner Name on March 1  
M Spiegel & Sons Oil Corp , (P)

Primary (P) Owner Mail Address  
E Village Rd  
PO Box 833  
Tuxedo NY 109870000



Parcel Details

Size (acres): 0.87 Ac Land Use Class: (432) Commercial: Motor Vehicle Services: Service and Gas Stations  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:  
\$107300 \$883200 \$883200 \$883200 \$883200 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:  
N: Non-Homestead 1 100 \$ 883200

Tent. Roll: Final. Roll: Valuation:  
5/1/2017 7/1/2017 7/1/2016

Last Sale/Transfer

Sales Price: Sale Date: Deed Book: Deed Page: Sale Condition: No. Parcels:  
\$400000 2/23/1999 12:00:00 AM 2025 0124 (J) 1

Site Information:

Site Number: 1  
Water Supply: Sewer Type: Desirability: Zoning Code: Used As:  
(2) Private (2) Private (2) Fair TCB (H01) Full srv gas

Commercial/Industrial/Utility Building Information:

Site Number: 1  
Bldg Sec.: 1 Bldg. Number: 1  
Year Built: No. Stories: Gross Floor Area: Boeck Model: Const. Qual.:  
0 0 1400 (0712) Service sta with bays load sup (3) Above Average

Air Cond. %: Sprinkler %: Alarm %: No. Elevator: Basement sf.:  
0 0 0 0 1400

Number Identical: Condition Code:  
1 3

Commercial Rental Information:

Site Number: 1  
Use Number: 1  
Used As: (H01) Full srv gas  
Unit Code: Total Rent Area: Area 1 Bdrms Apts: Area 2 Bdrms Apts: Area 3 Bdrms Apts:  
( ) 1400 0 0 0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
2	0	0	0

Site Number: 1  
Use Number: 2

Used As: (Z98) Non-contrib

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	1400	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Improvements:

Site Number: 1  
Improvement Number: 4

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1983

Condition:	Grade	Sq. Ft.
(3) Normal	C	1000

Site Number: 1  
Improvement Number: 5

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(LP4) Pavng-asphlt	10500	4	1	1978

Condition:	Grade	Sq. Ft.
(3) Normal	C	0

Site Number: 1  
Improvement Number: 6

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(CP8) Canpy-com st	0	0	1	1993

Condition:	Grade	Sq. Ft.
(3) Normal	C	2112

Site Number: 1  
Improvement Number: 1

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1983

Condition:	Grade	Sq. Ft.
(3) Normal	C	10000

Site Number: 1  
Improvement Number: 2

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1978

Condition:	Grade	Sq. Ft.
(3) Normal	C	8000

Site Number: 1  
Improvement Number: 3

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1983

Condition:	Grade	Sq. Ft.
(3) Normal	C	6000

Special District Information:

Special District: LF018

Spec. Dist. Name:	Primary Units:	Advalorem Value
La Grange Fire	0	883200

Special District: WD02X

Spec. Dist. Name:	Primary Units:	Advalorem Value
Town Ctr Water Imp	203	0



### Final Roll

**Parcel Grid Identification #:**  
133400-6460-02-823867-0000  
Municipality: La Grange

**Parcel Location**  
1220-1224 Route 55

**Owner Name on March 1**  
Gasland Petroleum Inc , (P)

**Primary (P) Owner Mail Address**  
785 Broadway  
Kingston NY 124010000



### Parcel Details

Size (acres): 1.81 AC (C) Land Use Class: (432) Commercial: Motor Vehicle Services: Service and Gas Stations  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

### Assessment Information (Current)

Land: \$134100 Total: \$882200 County Taxable: \$882200 Town Taxable: \$882200 School Taxable: \$882200 Village Taxable: \$0

Tax Code: N: Non-Homestead Roll Section: 1 Uniform %: 100 Full Market Value: \$ 882200

Tent. Roll: 5/1/2017 Final. Roll: 7/1/2017 Valuation: 7/1/2016

### Last Sale/Transfer

Sales Price: \$635000 Sale Date: 12/20/2011 2:19:10 PM Deed Book: 22012 Deed Page: 27 Sale Condition: (J) No. Parcels: 2

### Site Information:

Site Number: 1  
Water Supply: (3) Comm/public Sewer Type: (2) Private Desirability: (4) Good Zoning Code: TCB Used As: (H02) High vol gas

### Commercial/Industrial/Utility Building Information:

Site Number: 1  
Bldg Sec.: 1 Bldg. Number: 1  
Year Built: 1997 No. Stories: 1 Gross Floor Area: 2574 Boeck Model (0711) Service sta no bays load sup Const. Qual.: (3) Above Average

Air Cond. %: 100 Sprinkler %: 0 Alarm %: 0 No. Elevator: 0 Basement sf.: 0

Number Identical: 0 Condition Code: 3

### Commercial Rental Information:

Site Number: 1  
Use Number: 1  
Used As: (H02) High vol gas  
Unit Code: ( ) Total Rent Area: 2574 Area 1 Bdrms Apts: 0 Area 2 Bdrms Apts: 0 Area 3 Bdrms Apts: 0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Special District Information:

Special District: LF018

Spec. Dist. Name:

La Grange Fire

Primary Units:

0

Advalorem Value

882200

Special District: WD02X

Spec. Dist. Name:

Town Ctr Water Imp

Primary Units:

170

Advalorem Value

0

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**Final Roll**

Parcel Grid Identification #:  
133400-6460-02-945946-0000  
Municipality: La Grange

Parcel Location  
22 Taconic Center Ln

Owner Name on March 1  
Page Park Associates LLC , (P)

Primary (P) Owner Mail Address  
  
PO Box 792  
Poughkeepsie NY 126020000



Parcel Details

Size (acres): 14.47 ac (c) Land Use Class: (544) Recreation and Entertainment: Indoor Sports Facilities: Health Spa  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:  
\$700000 \$2700000 \$2700000 \$2700000 \$2700000 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:  
N: Non-Homestead 1 100 \$ 2700000

Tent. Roll: Final. Roll: Valuation:  
5/1/2017 7/1/2017 7/1/2016

Last Sale/Transfer

Sales Price: Sale Date: Deed Book: Deed Page: Sale Condition: No. Parcels:  
\$0 0 22010 900 ( ) 0

Site Information:

Site Number: 1  
Water Supply: Sewer Type: Desirability: Zoning Code: Used As:  
(2) Private (2) Private (4) Good C2 (Z02) Spa/NoPool/YMCA

Commercial/Industrial/Utility Building Information:

Site Number: 1  
Bldg Sec.: 1 Bldg. Number: 1  
Year Built: No. Stories: Gross Floor Area: Boeck Model: Const. Qual.:  
2011 1 21504 (0313) 1 sty store pre-eng steel (1) Average -

Air Cond. %: Sprinkler %: Alarm %: No. Elevator: Basement sf.:  
100 100 0 0 1408

Number Identical: Condition Code:  
0 4

Commercial Rental Information:

Site Number: 1  
Use Number: 1  
Used As: (Z02) Spa/NoPool/YMCA  
Unit Code: Total Rent Area: Area 1 Bdrms Apts: Area 2 Bdrms Apts: Area 3 Bdrms Apts:  
(01) Square feet 21504 0 0 0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

Site Number: 1  
Use Number: 2  
Used As: (Z98) Non-contrib

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	1408	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Special District Information:

Special District: LF018

Spec. Dist. Name:  
La Grange Fire

Primary Units:  
0

Advalorem Value  
2700000

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**Final Roll**

**Parcel Grid Identification #:**  
133400-6560-01-417899-0000  
**Municipality:** La Grange

**Parcel Location**  
1456 Route 55

**Owner Name on March 1**  
John Page Development LLC , (P)

**Primary (P) Owner Mail Address**  
1456 Route 55  
Lagrangeville NY 125400000



**Parcel Details**

**Size (acres):** 21.0 Ac **Land Use Class:** (449) Commercial: Storage, Warehouse and Distribution Facilities: Other Storage, Warehouse and Distribution Facilities (C)

**File Map:** Agri. Dist.: (0)  
**File Lot #:** School District: (134601) Arlington School District  
**Split Town**

**Assessment Information (Current)**

**Land:** \$435100 **Total:** \$2473000 **County Taxable:** \$2473000 **Town Taxable:** \$2473000 **School Taxable:** \$2473000 **Village Taxable:** \$0

**Tax Code:** N: Non-Homestead **Roll Section:** 1 **Uniform %:** 100 **Full Market Value:** \$ 2473000

**Tent. Roll:** 5/1/2017 **Final. Roll:** 7/1/2017 **Valuation:** 7/1/2016

**Last Sale/Transfer**

**Sales Price:** \$0 **Sale Date:** 7/31/2015 2:25:39 PM **Deed Book:** 22015 **Deed Page:** 4689 **Sale Condition:** (B) **No. Parcels:** 1

**Site Information:**

**Site Number:** 1  
**Water Supply:** (2) Private **Sewer Type:** (2) Private **Desirability:** (3) Normal **Zoning Code:** C1 **Used As:** (E05) Main bank

**Commercial/Industrial/Utility Building Information:**

**Site Number:** 1  
**Bldg Sec.: 1 Bldg. Number:** 1  
**Year Built:** 0 **No. Stories:** 0 **Gross Floor Area:** 49190 **Boeck Model:** (0211) 1 sty office load sup **Const. Qual.:** (3) Above Average

**Air Cond. %:** 100 **Sprinkler %:** 0 **Alarm %:** 0 **No. Elevator:** 0 **Basement sf.:** 7440

**Number Identical:** 1 **Condition Code:** 3

**Site Number:** 1

**Bldg Sec.: 1 Bldg. Number:** 2  
**Year Built:** 1984 **No. Stories:** 1 **Gross Floor Area:** 840 **Boeck Model:** (0108) **Const. Qual.:** (2) Average

**Air Cond. %:** 0 **Sprinkler %:** 0 **Alarm %:** 0 **No. Elevator:** 0 **Basement sf.:** 0

Number Identical: 1  
Condition Code: 4

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 3

Year Built: 1984  
No. Stories: 1  
Gross Floor Area: 7500  
Boeck Model (0734) Mini-wrhouse pre-eng steel  
Const. Qual.: (2) Average

Air Cond. %: 0  
Sprinkler %: 0  
Alarm %: 0  
No. Elevator: 0  
Basement sf.: 0

Number Identical: 1  
Condition Code: 4

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 4

Year Built: 1985  
No. Stories: 1  
Gross Floor Area: 6600  
Boeck Model (0734) Mini-wrhouse pre-eng steel  
Const. Qual.: (2) Average

Air Cond. %: 0  
Sprinkler %: 0  
Alarm %: 0  
No. Elevator: 0  
Basement sf.: 0

Number Identical: 2  
Condition Code: 4

Site Number: 1

Bldg Sec.: 1 Bldg. Number: 5

Year Built: 1987  
No. Stories: 1  
Gross Floor Area: 12000  
Boeck Model (0734) Mini-wrhouse pre-eng steel  
Const. Qual.: (2) Average

Air Cond. %: 0  
Sprinkler %: 0  
Alarm %: 0  
No. Elevator: 0  
Basement sf.: 0

Number Identical: 1  
Condition Code: 4

Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (E02) Walk-up off

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	1850	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1

Use Number: 2

Used As: (A07) External apt

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	0	840	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1

Use Number: 3

Used As: (F10) Mini-wrhouse

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	45000	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1

Use Number: 4

Used As: (Z98) Non-contrib

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	43320	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Improvements:

Site Number: 1

Improvement Number: 1

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(CP6) Canpy-w/slab	10	6	1	1984

Condition:	Grade	Sq. Ft.
(3) Normal	C	0

Site Number: 1

Improvement Number: 2

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(LP4) Pavng-asphlt	42000	3	1	1985

Condition:	Grade	Sq. Ft.
(3) Normal	D	0

Special District Information:

Special District: LF018

Spec. Dist. Name:	Primary Units:	Advalorem Value
La Grange Fire	0	2473000

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**Final Roll**

**Parcel Grid Identification #:**  
133400-6560-01-473908-0000  
Municipality: La Grange

**Parcel Location**  
1474 Route 55

**Owner Name on March 1**  
Roger Realty Inc , (P)

**Primary (P) Owner Mail Address**  
1474 Route 55  
Lagrangeville NY 125400000



**Parcel Details**

Size (acres): 2.81 Ac (D) Land Use Class: (464) Commercial: Banks and Office Buildings: Office Building  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

**Assessment Information (Current)**

Land: \$157800 Total: \$529900 County Taxable: \$529900 Town Taxable: \$529900 School Taxable: \$529900 Village Taxable: \$0

Tax Code: N: Non-Homestead Roll Section: 1 Uniform %: 100 Full Market Value: \$ 529900

Tent. Roll: 5/1/2017 Final. Roll: 7/1/2017 Valuation: 7/1/2016

**Last Sale/Transfer**

Sales Price: \$0 Sale Date: 0 Deed Book: 1995 Deed Page: 0177 Sale Condition: ( ) No. Parcels: 0

**Site Information:**

Site Number: 1  
Water Supply: (2) Private Sewer Type: (2) Private Desirability: (2) Fair Zoning Code: C1 Used As: (E02) Walk-up off

**Commercial/Industrial/Utility Building Information:**

Site Number: 1  
Bldg Sec.: 1 Bldg. Number: 1  
Year Built: 0 No. Stories: 0 Gross Floor Area: 5588 Boeck Model (0211) 1 sty office load sup Const. Qual.: (3) Above Average

Air Cond. %: 100 Sprinkler %: 0 Alarm %: 0 No. Elevator: 0 Basement sf.: 2940

Number Identical: 1 Condition Code: 3

**Site Number: 1**

**Bldg Sec.: 1 Bldg. Number: 2**  
Year Built: 1988 No. Stories: 1 Gross Floor Area: 2940 Boeck Model (0311) 1 sty store load sup Const. Qual.: (1) Economy

Air Cond. %: 0 Sprinkler %: 0 Alarm %: 0 No. Elevator: 0 Basement sf.: 0

Number Identical: 1  
Condition Code: 3

Commercial Rental Information:

Site Number: 1

Use Number: 1

Used As: (E02) Walk-up off

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	2648	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1

Use Number: 2

Used As: (F05) Row storage

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	2940	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1

Use Number: 3

Used As: (Z98) Non-contrib

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	0	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1

Use Number: 4

Used As: (Z98) Non-contrib

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	5880	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Improvements:

Site Number: 1

Improvement Number: 1

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(RP2) Porch-coverd	11	6	1	1988

Condition:	Grade	Sq. Ft.
(3) Normal	C	0

Site Number: 1

Improvement Number: 2

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(RP5) Porch-up opn	16	4	1	1988

Condition:	Grade	Sq. Ft.
(3) Normal	C	0

Site Number: 1

Improvement Number: 3

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(LP4) Pavng-asphlt	10000	2	1	1988

Condition:	Grade	Sq. Ft.
(2) Fair	C	0

Special District Information:

Special District: LF018

Spec. Dist. Name:	Primary Units:	Advalorem Value
La Grange Fire	0	529900



**Final Roll**

**Parcel Grid Identification #:**  
133400-6560-01-492906-0000  
Municipality: La Grange

**Parcel Location**  
1482 Route 55

**Owner Name on March 1**  
RPLF LLC , (P)

**Primary (P) Owner Mail Address**  
1482 Route 55  
Lagrangeville NY 125400000



**Parcel Details**

Size (acres): 2.027 Ac (D) Land Use Class: (422) Commercial: Dining Establishments: Diners and Luncheonettes  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

**Assessment Information (Current)**

Land: \$80400 Total: \$388800 County Taxable: \$388800 Town Taxable: \$388800 School Taxable: \$388800 Village Taxable: \$0

Tax Code: N: Non-Homestead Roll Section: 1 Uniform %: 100 Full Market Value: \$ 388800

Tent. Roll: 5/1/2017 Final. Roll: 7/1/2017 Valuation: 7/1/2016

**Last Sale/Transfer**

Sales Price: \$445000 Sale Date: 5/31/2012 11:32:13 AM Deed Book: 22012 Deed Page: 3040 Sale Condition: (J) No. Parcels: 1

**Site Information:**

Site Number: 1  
Water Supply: (2) Private Sewer Type: (2) Private Desirability: (2) Fair Zoning Code: C1 Used As: (D08) Small retail

**Commercial/Industrial/Utility Building Information:**

Site Number: 1  
Bldg Sec.: 1 Bldg. Number: 1  
Year Built: 0 No. Stories: 2 Gross Floor Area: 3815 Boeck Model: (0311) 1 sty store load sup Const. Qual.: (3) Above Average

Air Cond. %: 42 Sprinkler %: 0 Alarm %: 0 No. Elevator: 0 Basement sf.: 2215

Number Identical: 1 Condition Code: 3

**Commercial Rental Information:**

Site Number: 1  
Use Number: 1  
Used As: (Z98) Non-contrib  
Unit Code: ( ) Total Rent Area: 1600 Area 1 Bdrms Apts: 0 Area 2 Bdrms Apts: 0 Area 3 Bdrms Apts: 0

Total Units: No. 1 Bdrms Apts No. 2 Bdrms Apts No. 3 Bdrms Apts  
 0 0 0 0

Site Number: 1  
 Use Number: 2  
 Used As: (D09) Sm food mkt

Unit Code: Total Rent Area: Area 1 Bdrms Apts Area 2 Bdrms Apts Area 3 Bdrms Apts  
 ( ) 0 0 0 0

Total Units: No. 1 Bdrms Apts No. 2 Bdrms Apts No. 3 Bdrms Apts  
 0 0 0 0

Site Number: 1  
 Use Number: 3  
 Used As: (A07) External apt

Unit Code: Total Rent Area: Area 1 Bdrms Apts Area 2 Bdrms Apts Area 3 Bdrms Apts  
 ( ) 0 0 0 1600

Total Units: No. 1 Bdrms Apts No. 2 Bdrms Apts No. 3 Bdrms Apts  
 0 0 0 0

Site Number: 1  
 Use Number: 4  
 Used As: (Z98) Non-contrib

Unit Code: Total Rent Area: Area 1 Bdrms Apts Area 2 Bdrms Apts Area 3 Bdrms Apts  
 ( ) 4430 0 0 0

Total Units: No. 1 Bdrms Apts No. 2 Bdrms Apts No. 3 Bdrms Apts  
 0 0 0 0

Improvements:  
 Site Number: 1  
 Improvement Number: 3

Structure Code: Dim 1: Dim 2 Quantity Year Built  
 (LP4) Pavng-asphlt 0 0 1 1950

Condition: Grade Sq. Ft.  
 (3) Normal C 7000

Site Number: 1  
 Improvement Number: 4  
 Structure Code:  
 (RP1) Porch-open/deck

Dim 1: Dim 2 Quantity Year Built  
 0 0 0 2005

Condition: Grade Sq. Ft.  
 (3) Normal C 252

Site Number: 1  
 Improvement Number: 1  
 Structure Code:  
 (RP2) Porch-covered

Dim 1: Dim 2 Quantity Year Built  
 4 6 1 1947

Condition: Grade Sq. Ft.  
 (3) Normal C 0

Site Number: 1  
 Improvement Number: 2  
 Structure Code:  
 (RP6) Porch-up cov

Dim 1: Dim 2 Quantity Year Built  
 6 8 1 1947

Condition: Grade Sq. Ft.  
 (3) Normal C 0

Special District Information:  
 Special District: LF018

Spec. Dist. Name: Primary Units: Advalorem Value  
 La Grange Fire 0 388800



Final Roll

Parcel Grid Identification #: 133400-6560-02-504909-0000  
Municipality: La Grange

Parcel Location  
1486 Route 55

Owner Name on March 1  
ARCOS Construction Management , (P)

Primary (P) Owner Mail Address  
1723 Route 82  
Lagangeville NY 125400000



Parcel Details

Size (acres): 3.05 Ac (C) Land Use Class: (210) Residential: One Family Year-Round Residence  
File Map: NYS DOT Agri. Dist.: (0)  
File Lot #: 313 School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:  
\$96300 \$181300 \$181300 \$181300 \$181300 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:  
H: Homestead 1 100 \$ 181300

Tent. Roll: Final. Roll: Valuation:  
5/1/2017 7/1/2017 7/1/2016

Last Sale/Transfer

Sales Price: \$270000 Sale Date: 9/29/2014 10:29:02 AM Deed Book: 22014 Deed Page: 6419 Sale Condition: (G) No. Parcels: 1

Site Information:

Site Number: 1  
Water Supply: (2) Private Sewer Type: (2) Private Desirability: (2) Typical Zoning Code: C1 Used As: ( )

Residential Building Information:

Site Number: 1  
Year Built: 1920 Year Remod.: 0 Building Style: (08) Old style No. Stories: 1.5 Sfla: 902 Overall Cond.: (2) Fair  
No. Kitchens: 1 No. Full Baths: 1 No. Half Baths: 0 No. Bedrooms: 2 No. Fire Places: 0 Basement Type: (4) Full  
Central Air: 0 Heat Type: (3) Hot wtr/stm Fuel Type: (4) Oil First Story: (4) 660 Second Story: (4) 0 Addl. Story: (4) 0  
Half Story: 242 3/4 Story: 0 Fin. Over. Gar.: 0 Fin. Attic: 0 Unfin 1/2 Story: 0 Unfin 3/4 Story: 0  
Fin Rec Room: 200 No. Rooms: 0 Grade: (D) Economy Grade Adj. Pct.: 95

Improvements:

Site Number: 1  
Improvement Number: 2  
Structure Code:  
(RG4) Gar-1.0 det

Dim 1:	Dim 2	Quantity	Year Built
25	40	0	2016

Condition:  
(4) Good

Grade	Sq. Ft.
B	0

Site Number: 1  
Improvement Number: 1  
Structure Code:  
(RG4) Gar-1.0 det

Dim 1:	Dim 2	Quantity	Year Built
0	0	1	1920

Condition:  
(3) Normal

Grade	Sq. Ft.
D	247

Special District Information:

Special District: LF018

Spec. Dist. Name:  
La Grange Fire

Primary Units:  
0

Advalorem Value  
181300

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**Final Roll**

**Parcel Grid Identification #:**  
133400-6560-02-530919-0000  
**Municipality:** La Grange

**Parcel Location**  
1496 Route 55

**Owner Name on March 1**  
Petro Inc , (P)

**Primary (P) Owner Mail Address**  
47 Patrick Ln  
Poughkeepsie NY 12603



**Parcel Details**

**Size (acres):** 1.27 Ac    **Land Use Class:** (441) Commercial: Storage, Warehouse and Distribution Facilities: Gasoline, Fuel, Oil, (C) Liquid Petroleum Storage and or Distribution  
**File Map:** NYSDOT    **Agri. Dist.:** (0)  
**File Lot #:** 4/4    **School District:** (134601) Arlington School District  
**Split Town**

**Assessment Information (Current)**

**Land:** \$63200    **Total:** \$375400    **County Taxable:** \$375400    **Town Taxable:** \$375400    **School Taxable:** \$375400    **Village Taxable:** \$0

**Tax Code:** N: Non-Homestead    **Roll Section:** 1    **Uniform %:** 100    **Full Market Value:** \$ 375400

**Tent. Roll:** 5/1/2017    **Final. Roll:** 7/1/2017    **Valuation:** 7/1/2016

**Last Sale/Transfer**

**Sales Price:** \$0    **Sale Date:** 0    **Deed Book:** 1954    **Deed Page:** 0593    **Sale Condition:** ( )    **No. Parcels:** 0

**Site Information:**

**Site Number:** 1  
**Water Supply:** (1) None    **Sewer Type:** (1) None    **Desirability:** (1) Poor    **Zoning Code:** C1    **Used As:** (F07) Ptrl tnk trm/St

**Commercial Rental Information:**

**Site Number:** 1  
**Use Number:** 1  
**Used As:** (F07) Ptrl tnk trm/St

**Unit Code:** (16) Barrels    **Total Rent Area:** 0    **Area 1 Bdrms Apts:** 0    **Area 2 Bdrms Apts:** 0    **Area 3 Bdrms Apts:** 0

**Total Units:** 9000    **No. 1 Bdrms Apts:** 0    **No. 2 Bdrms Apts:** 0    **No. 3 Bdrms Apts:** 0

**Site Number:** 1  
**Use Number:** 2  
**Used As:** (F07) Ptrl tnk trm/St

**Unit Code:** (16) Barrels    **Total Rent Area:** 0    **Area 1 Bdrms Apts:** 0    **Area 2 Bdrms Apts:** 0    **Area 3 Bdrms Apts:** 0

**Total Units:** 9000    **No. 1 Bdrms Apts:** 0    **No. 2 Bdrms Apts:** 0    **No. 3 Bdrms Apts:** 0

Site Number: 1

Use Number: 3

Used As: (F07) Ptrl tnk trm/St

Unit Code: (16) Barrels	Total Rent Area: 0	Area 1 Bdrms Apts 0	Area 2 Bdrms Apts 0	Area 3 Bdrms Apts 0
----------------------------	-----------------------	------------------------	------------------------	------------------------

Total Units: 7000	No. 1 Bdrms Apts 0	No. 2 Bdrms Apts 0	No. 3 Bdrms Apts 0
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Improvements:

Site Number: 1

Improvement Number: 1

Structure Code: (TK3) Tank-petrolm	Dim 1: 0	Dim 2 0	Quantity 2	Year Built 1973
---------------------------------------	-------------	------------	---------------	--------------------

Condition: (3) Normal	Grade C	Sq. Ft. 500000
--------------------------	------------	-------------------

Site Number: 1

Improvement Number: 2

Structure Code: (CP8) Canpy-com st	Dim 1: 30	Dim 2 28	Quantity 1	Year Built 1973
---------------------------------------	--------------	-------------	---------------	--------------------

Condition: (3) Normal	Grade C	Sq. Ft. 0
--------------------------	------------	--------------

Site Number: 1

Improvement Number: 3

Structure Code: (AP1) Fence-chn lk	Dim 1: 600	Dim 2 6	Quantity 1	Year Built 1973
---------------------------------------	---------------	------------	---------------	--------------------

Condition: (3) Normal	Grade C	Sq. Ft. 0
--------------------------	------------	--------------

Site Number: 1

Improvement Number: 4

Structure Code: (TK6) Tank-hz bulk	Dim 1: 25000	Dim 2 0	Quantity 2	Year Built 1975
---------------------------------------	-----------------	------------	---------------	--------------------

Condition: (3) Normal	Grade C	Sq. Ft. 0
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Special District Information:

Special District: LF018

Spec. Dist. Name: La Grange Fire	Primary Units: 0	Advalorem Value 375400
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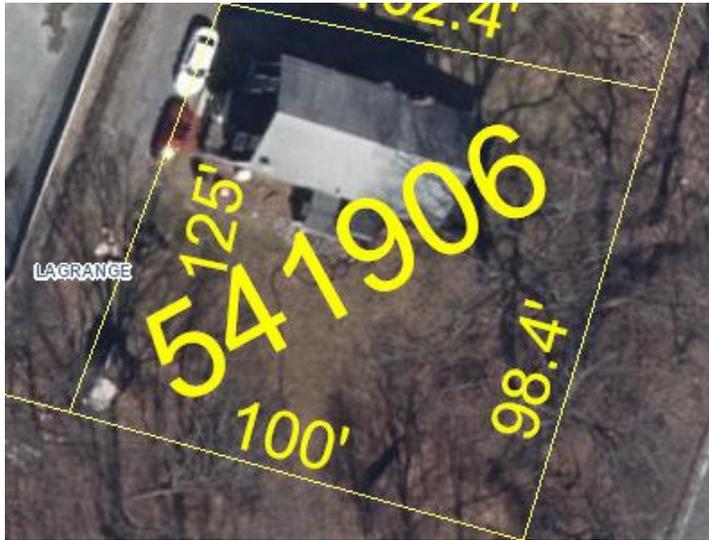
Final Roll

Parcel Grid Identification #: 133400-6560-02-541906-0000  
Municipality: La Grange

Parcel Location  
1498 Route 55

Owner Name on March 1  
D'souza , Ronald R (P)  
D'souza , Rosalie M (A)

Primary (P) Owner Mail Address  
9 Cross Rd  
Lagrangeville NY 125400000



Parcel Details

Size (acres): 0.24 Ac Land Use Class: (220) Residential: Two Family Year-Round Residence  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:  
\$39700 \$167200 \$167200 \$167200 \$167200 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:  
H: Homestead 1 100 \$ 167200

Tent. Roll: Final. Roll: Valuation:  
5/1/2017 7/1/2017 7/1/2016

Last Sale/Transfer

Sales Price: Sale Date: Deed Book: Deed Page: Sale Condition: No. Parcels:  
\$0 0 1671 0605 ( ) 0

Site Information:

Site Number: 1  
Water Supply: Sewer Type: Desirability: Zoning Code: Used As:  
(2) Private (2) Private (2) Typical C1 ( )

Residential Building Information:

Site Number: 1  
Year Built: Year Remod.: Building Style: No. Stories: Sfla: Overall Cond.:  
1920 0 (08) Old style 2 2112 (3) Normal  
No. Kitchens: No. Full Baths: No. Half Baths: No. Bedrooms: No. Fire Places: Basement Type:  
2 2 0 4 0 (4) Full  
Central Air: Heat Type: Fuel Type: First Story: Second Story: Addl. Story:  
0 (1) No central (1) None (1) 1056 (1) 1056 (1) 0  
Half Story: 3/4 Story: Fin. Over. Gar.: Fin. Attic: Unfin 1/2 Story: Unfin 3/4 Story:  
0 0 0 0 0 0  
Fin Rec Room: No. Rooms: Grade: Grade Adj. Pct.:  
0 0 (D) Economy 110

Improvements:

Site Number: 1

Improvement Number: 1

Structure Code:

(FC1) Shed-machine

Dim 1:

10

Dim 2:

14

Quantity:

1

Year Built:

1920

Condition:

(3) Normal

Grade:

D

Sq. Ft.:

0

Special District Information:

Special District: LF018

Spec. Dist. Name:

La Grange Fire

Primary Units:

0

Advalorem Value:

167200

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**Final Roll**

Parcel Grid Identification #:  
133400-6560-02-546919-0000  
Municipality: La Grange

Parcel Location  
1502-1504 Route 55

Owner Name on March 1  
Majac Enterprises Inc , (P)

Primary (P) Owner Mail Address  
120 Northfield Ave  
Dobbs Ferry NY 105220000



Parcel Details

Size (acres): 0.32 Ac Land Use Class: (432) Commercial: Motor Vehicle Services: Service and Gas Stations  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:  
\$28900 \$441600 \$441600 \$441600 \$441600 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:  
N: Non-Homestead 1 100 \$ 441600

Tent. Roll: Final. Roll: Valuation:  
5/1/2017 7/1/2017 7/1/2016

Last Sale/Transfer

Sales Price: Sale Date: Deed Book: Deed Page: Sale Condition: No. Parcels:  
\$0 0 1896 0150 ( ) 0

Site Information:

Site Number: 1  
Water Supply: Sewer Type: Desirability: Zoning Code: Used As:  
(2) Private (2) Private (2) Fair C1 (G03) Body shop

Commercial/Industrial/Utility Building Information:

Site Number: 1  
Bldg Sec.: 1 Bldg. Number: 1  
Year Built: No. Stories: Gross Floor Area: Boeck Model: Const. Qual.:  
0 0 1400 (0712) Service sta with bays load sup (3) Above Average

Air Cond. %: Sprinkler %: Alarm %: No. Elevator: Basement sf.:  
0 0 0 0 1400

Number Identical: Condition Code:  
1 3

Commercial Rental Information:

Site Number: 1  
Use Number: 1  
Used As: (G03) Body shop  
Unit Code: Total Rent Area: Area 1 Bdrms Apts: Area 2 Bdrms Apts: Area 3 Bdrms Apts:  
(10) Bays 0 0 0 0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1  
Use Number: 2

Used As: (D08) Small retail

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
( )	1400	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Site Number: 1  
Use Number: 3

Used As: (Z98) Non-contrib

Unit Code:	Total Rent Area:	Area 1 Bdrms Apts	Area 2 Bdrms Apts	Area 3 Bdrms Apts
(10) Bays	1400	0	0	0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
0	0	0	0

Improvements:

Site Number: 1  
Improvement Number: 4

Structure Code:	Dim 1:	Dim 2:	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	2	1984

Condition:	Grade	Sq. Ft.
(3) Normal	C	2000

Site Number: 1  
Improvement Number: 5

Structure Code:	Dim 1:	Dim 2:	Quantity	Year Built
(LP4) Pavg-asphlt	9200	4	1	1984

Condition:	Grade	Sq. Ft.
(3) Normal	C	0

Site Number: 1  
Improvement Number: 1

Structure Code:	Dim 1:	Dim 2:	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1984

Condition:	Grade	Sq. Ft.
(3) Normal	C	10000

Site Number: 1  
Improvement Number: 2

Structure Code:	Dim 1:	Dim 2:	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1984

Condition:	Grade	Sq. Ft.
(3) Normal	C	5000

Site Number: 1  
Improvement Number: 3

Structure Code:	Dim 1:	Dim 2:	Quantity	Year Built
(TK4) Tank-undrgrn	0	0	1	1984

Condition:	Grade	Sq. Ft.
(3) Normal	C	3000

Special District Information:

Special District: LF018		
Spec. Dist. Name:	Primary Units:	Advalorem Value
La Grange Fire	0	441600



Final Roll

Parcel Grid Identification #: 133400-6560-01-457972-0000  
Municipality: La Grange

Parcel Location  
Route 55

Owner Name on March 1  
Red Wing Properties Inc , (P)

Primary (P) Owner Mail Address  
675 Leetown Rd  
Stormville NY 125820000



Parcel Details

Size (acres): 6.76 AC (S) Land Use Class: (210) Residential: One Family Year-Round Residence  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land: \$155400 Total: \$212200 County Taxable: \$212200 Town Taxable: \$212200 School Taxable: \$212200 Village Taxable: \$0

Tax Code: H: Homestead Roll Section: 1 Uniform %: 100 Full Market Value: \$ 212200

Tent. Roll: 5/1/2017 Final. Roll: 7/1/2017 Valuation: 7/1/2016

Last Sale/Transfer

Sales Price: \$0 Sale Date: 0 Deed Book: 22006 Deed Page: 8401 Sale Condition: ( ) No. Parcels: 0

Site Information:

Site Number: 1 Water Supply: (2) Private Sewer Type: (2) Private Desirability: (2) Typical Zoning Code: Used As: ( )

Residential Building Information:

Site Number: 1  
Year Built: 1930 Year Remod.: 0 Building Style: (09) Cottage No. Stories: 1 Sfla: 576 Overall Cond.: (2) Fair  
No. Kitchens: 1 No. Full Baths: 1 No. Half Baths: 0 No. Bedrooms: 1 No. Fire Places: 0 Basement Type: (4) Full  
Central Air: 0 Heat Type: (3) Hot wtr/stm Fuel Type: (4) Oil First Story: (4) 576 Second Story: (4) 0 Addl. Story: (4) 0  
Half Story: 0 3/4 Story: 0 Fin. Over. Gar.: 0 Fin. Attic: 0 Unfin 1/2 Story: 0 Unfin 3/4 Story: 0  
Fin Rec Room: 0 No. Rooms: 0 Grade: (D) Economy Grade Adj. Pct.: 0

Improvements:

Site Number: 1  
Improvement Number: 1  
Structure Code:  
(RP1) Porch-open/deck

Dim 1:	Dim 2	Quantity	Year Built
0	0	0	1980

Condition:  
(2) Fair

Grade	Sq. Ft.
C	144

Site Number: 1  
Improvement Number: 2  
Structure Code:  
(FC1) Shed-machine

Dim 1:	Dim 2	Quantity	Year Built
0	0	0	2010

Condition:  
(3) Normal

Grade	Sq. Ft.
C	160

Special District Information:

Special District: LF018

Spec. Dist. Name:

La Grange Fire

Primary Units:

0

Advalorem Value

212200

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**Final Roll**

Parcel Grid Identification #:  
133400-6560-02-501968-0000  
Municipality: La Grange

Parcel Location  
1477 Route 55

Owner Name on March 1  
KH Properties LLC , (P)

Primary (P) Owner Mail Address  
1320 Route 44  
Pleasant Valley NY 125690000



Parcel Details

Size (acres):	1.53 AC (D)	Land Use Class:	(400) Commercial
File Map:		Agri. Dist.:	(0)
File Lot #:		School District:	(134601) Arlington School District
Split Town			

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$237500	\$309275	\$309275	\$309275	\$309275	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 309275

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$250000	2/7/2009 1:13:48 PM	22009	1018	(J)	1

Site Information:

Site Number: 1	Sewer Type:	Desirability:	Zoning Code:	Used As:
Water Supply:	(2) Private	(2) Typical	C2	( )
(2) Private				

Improvements:

Site Number: 1	Dim 1:	Dim 2:	Quantity:	Year Built:
Improvement Number: 1	50	80	1	2012
Structure Code:				
(FB7) Barn-pole				

Condition:	Grade:	Sq. Ft.:
(4) Good	B	0

Special District Information:

Special District: LF018	Primary Units:	Advalorem Value:
Spec. Dist. Name:	0	309275
La Grange Fire		

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**Final Roll**

**Parcel Grid Identification #:**  
133400-6560-02-515970-0000  
**Municipality:** La Grange

**Parcel Location**  
1489 Route 55

**Owner Name on March 1**  
Betancourt , Steven Jr (P)

**Primary (P) Owner Mail Address**  
1489 Route 55  
Lagrangeville NY 125400000



**Parcel Details**

**Size (acres):** 2.28 Ac (D)      **Land Use Class:** (210) Residential: One Family Year-Round Residence  
**File Map:**      **Agri. Dist.:** (0)  
**File Lot #:**      **School District:** (134601) Arlington School District  
**Split Town**

**Assessment Information (Current)**

**Land:**      **Total:**      **County Taxable:**      **Town Taxable:**      **School Taxable:**      **Village Taxable:**  
\$77000      \$210200      \$210200      \$210200      \$210200      \$0

**Tax Code:**      **Roll Section:**      **Uniform %:**      **Full Market Value:**  
H: Homestead      1      100      \$ 210200

**Tent. Roll:**      **Final. Roll:**      **Valuation:**  
5/1/2017      7/1/2017      7/1/2016

**Last Sale/Transfer**

**Sales Price:**      **Sale Date:**      **Deed Book:**      **Deed Page:**      **Sale Condition:**      **No. Parcels:**  
\$30000      5/9/2003 4:03:36 PM      22003      6323      (C)      1

**Site Information:**

**Site Number:** 1  
**Water Supply:** (2) Private      **Sewer Type:** (2) Private      **Desirability:** (2) Typical      **Zoning Code:** C2      **Used As:** ( )

**Residential Building Information:**

**Site Number:** 1  
**Year Built:** 1940      **Year Remod.:** 0      **Building Style:** (08) Old style      **No. Stories:** 2      **Sfla:** 1254      **Overall Cond.:** (3) Normal  
**No. Kitchens:** 1      **No. Full Baths:** 1      **No. Half Baths:** 0      **No. Bedrooms:** 3      **No. Fire Places:** 0      **Basement Type:** (3) Partial  
**Central Air:** 0      **Heat Type:** (3) Hot wtr/stm      **Fuel Type:** (4) Oil      **First Story:** (4) 759      **Second Story:** (4) 495      **Addl. Story:** (4) 0  
**Half Story:** 0      **3/4 Story:** 0      **Fin. Over. Gar.:** 0      **Fin. Attic:** 0      **Unfin 1/2 Story:** 0      **Unfin 3/4 Story:** 0  
**Fin Rec Room:** 0      **No. Rooms:** 0      **Grade:** (C) Average      **Grade Adj. Pct.:** 100

**Special District Information:**

**Special District:** LF018

Spec. Dist. Name:  
La Grange Fire

Primary Units:  
0

Advalorem Value  
210200

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**Final Roll**

**Parcel Grid Identification #:**  
133400-6560-02-546974-0000  
Municipality: La Grange

**Parcel Location**  
1493 Route 55

**Owner Name on March 1**  
Page , Brian W (P)

**Primary (P) Owner Mail Address**  
100 Salt Point Tpke  
Poughkeepsie NY 126030000



**Parcel Details**

**Size (acres):** 4.04 Ac **Land Use Class:** (449) Commercial: Storage, Warehouse and Distribution Facilities: Other Storage, Warehouse and Distribution Facilities (D)  
**File Map:** Agri. Dist.: (0)  
**File Lot #:** School District: (134601) Arlington School District  
**Split Town**

**Assessment Information (Current)**

**Land:** \$132800 **Total:** \$250000 **County Taxable:** \$250000 **Town Taxable:** \$250000 **School Taxable:** \$250000 **Village Taxable:** \$0  
**Tax Code:** N: Non-Homestead **Roll Section:** 1 **Uniform %:** 100 **Full Market Value:** \$ 250000  
**Tent. Roll:** 5/1/2017 **Final. Roll:** 7/1/2017 **Valuation:** 7/1/2016

**Last Sale/Transfer**

**Sales Price:** \$695000 **Sale Date:** 8/8/2005 4:51:15 PM **Deed Book:** 22005 **Deed Page:** 7325 **Sale Condition:** (J) **No. Parcels:** 1

**Site Information:**

**Site Number:** 1  
**Water Supply:** (2) Private **Sewer Type:** (2) Private **Desirability:** (3) Normal **Zoning Code:** C1 **Used As:** (F03) Dstr wrhse

**Commercial/Industrial/Utility Building Information:**

**Site Number:** 1  
**Bldg Sec.: 1 Bldg. Number:** 1  
**Year Built:** 1940 **No. Stories:** 1 **Gross Floor Area:** 4800 **Boeck Model:** (0831) 1 sty warehouse load sup **Const. Qual.:** (1) Average -  
**Air Cond. %:** 0 **Sprinkler %:** 0 **Alarm %:** 0 **No. Elevator:** 0 **Basement sf.:** 0  
**Number Identical:** 1 **Condition Code:** 2

**Commercial Rental Information:**

**Site Number:** 1  
**Use Number:** 1  
**Used As:** (F07) Ptrl tnk trm/St  
**Unit Code:** (01) Square feet **Total Rent Area:** 4800 **Area 1 Bdrms Apts:** 0 **Area 2 Bdrms Apts:** 0 **Area 3 Bdrms Apts:** 0

Total Units:	No. 1 Bdrms Apts	No. 2 Bdrms Apts	No. 3 Bdrms Apts
1	0	0	0

Improvements:

Site Number: 1

Improvement Number: 2

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(CP8) Canpy-com st	10	10	1	1973

Condition:	Grade	Sq. Ft.
(3) Normal	D	0

Site Number: 1

Improvement Number: 4

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(CP5) Canpy-roof	43	5	1	1935

Condition:	Grade	Sq. Ft.
(2) Fair	C	0

Site Number: 1

Improvement Number: 6

Structure Code:	Dim 1:	Dim 2	Quantity	Year Built
(LP4) Pavng-asphlt	14600	3	1	1972

Condition:	Grade	Sq. Ft.
(3) Normal	C	0

Special District Information:

Special District: LF018

Spec. Dist. Name:	Primary Units:	Advalorem Value
La Grange Fire	0	250000

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**Final Roll**

Parcel Grid Identification #:  
133400-6560-02-564958-0000  
Municipality: La Grange

Parcel Location  
Route 82

Owner Name on March 1  
Tallini , Reuccio (P)  
Tallini , Muzzio (A)  
Tallini , Sisto (A)

Primary (P) Owner Mail Address  
1311 Hempstead Tpke  
Elmont NY 110030000



Parcel Details

Size (acres): 3 Ac Land Use Class: (330) Vacant Land Located in Commercial Areas  
File Map: 6209 Agri. Dist.: (0)  
File Lot #: 1 School District: (134601) Arlington School District  
Split Town

Assessment Information (Current)

Land:	Total:	County Taxable:	Town Taxable:	School Taxable:	Village Taxable:
\$80000	\$80000	\$80000	\$80000	\$80000	\$0

Tax Code:	Roll Section:	Uniform %:	Full Market Value:
N: Non-Homestead	1	100	\$ 80000

Tent. Roll:	Final. Roll:	Valuation:
5/1/2017	7/1/2017	7/1/2016

Last Sale/Transfer

Sales Price:	Sale Date:	Deed Book:	Deed Page:	Sale Condition:	No. Parcels:
\$0	8/25/2010 12:57:07 PM	22010	6535	(A)	1

Site Information:

Site Number: 1	Sewer Type:	Desirability:	Zoning Code:	Used As:
Water Supply:	(1) None	(2) Typical	C1	(Z98) Non-contrib
(1) None				

Special District Information:

Special District: LF018	Primary Units:	Advalorem Value
Spec. Dist. Name:	0	80000
La Grange Fire		

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### Final Roll

Parcel Grid Identification #:  
133400-6560-02-601974-0000  
Municipality: La Grange

Parcel Location  
2295 Route 82

Owner Name on March 1  
Parsons , Joseph Kenneth Jr (P)  
Parsons , Geodi (A)

Primary (P) Owner Mail Address  
2295 Route 82  
Lagrangeville NY 125400000



### Parcel Details

Size (acres): 2 Ac Land Use Class: (220) Residential: Two Family Year-Round Residence  
File Map: Agri. Dist.: (0)  
File Lot #: School District: (134601) Arlington School District  
Split Town

### Assessment Information (Current)

Land: Total: County Taxable: Town Taxable: School Taxable: Village Taxable:  
\$76100 \$278700 \$278700 \$278700 \$278700 \$0

Tax Code: Roll Section: Uniform %: Full Market Value:  
H: Homestead 1 100 \$ 278700

Tent. Roll: Final. Roll: Valuation:  
5/1/2017 7/1/2017 7/1/2016

### Last Sale/Transfer

Sales Price: Sale Date: Deed Book: Deed Page: Sale Condition: No. Parcels:  
\$315000 7/2/2001 12:00:00 AM 22001 06016 (J) 1

### Site Information:

Site Number: 1  
Water Supply: Sewer Type: Desirability: Zoning Code: Used As:  
(2) Private (2) Private (2) Typical R120 ( )

### Residential Building Information:

Site Number: 1  
Year Built: Year Remod.: Building Style: No. Stories: Sfla: Overall Cond.:  
1920 0 (08) Old style 2 2594 (3) Normal  
No. Kitchens: No. Full Baths: No. Half Baths: No. Bedrooms: No. Fire Places: Basement Type:  
1 2 0 4 1 (4) Full  
Central Air: Heat Type: Fuel Type: First Story: Second Story: Addl. Story:  
0 (3) Hot wtr/stm (4) Oil (4) 1474 (4) 1120 (4) 0  
Half Story: 3/4 Story: Fin. Over. Gar.: Fin. Attic: Unfin 1/2 Story: Unfin 3/4 Story:  
0 0 0 0 0 0  
Fin Rec Room: No. Rooms: Grade: Grade Adj. Pct.:  
0 0 (C) Average 100

### Improvements:

Site Number: 1  
Improvement Number: 1  
Structure Code:  
(RP2) Porch-covered

Dim 1:	Dim 2	Quantity	Year Built
0	0	1	1920

Condition:  
(3) Normal

Grade	Sq. Ft.
C	20

Site Number: 1  
Improvement Number: 2  
Structure Code:  
(RG1) Gar-1.0 att

Dim 1:	Dim 2	Quantity	Year Built
0	0	1	1920

Condition:  
(3) Normal

Grade	Sq. Ft.
C	440

Site Number: 1  
Improvement Number: 3  
Structure Code:  
(RP5) Porch-up opn

Dim 1:	Dim 2	Quantity	Year Built
0	0	1	1980

Condition:  
(3) Normal

Grade	Sq. Ft.
C	300

Site Number: 1  
Improvement Number: 4  
Structure Code:  
(RP1) Porch-open/deck

Dim 1:	Dim 2	Quantity	Year Built
0	0	1	1992

Condition:  
(3) Normal

Grade	Sq. Ft.
C	300

Site Number: 1  
Improvement Number: 5  
Structure Code:  
(FC1) Shed-machine

Dim 1:	Dim 2	Quantity	Year Built
0	0	0	1995

Condition:  
(3) Normal

Grade	Sq. Ft.
C	432

Special District Information:

Special District: LF018

Spec. Dist. Name:  
La Grange Fire

Primary Units:  
0

Advalorem Value  
278700

Exemption Information:

Exemption: 41854

Name:  
BAS STAR

Amount:  
\$38380

**ABSOLUTELY NO ACCURACY OR COMPLETENESS GUARANTEE IS IMPLIED OR INTENDED. ALL INFORMATION ON THIS MAP IS SUBJECT TO CHANGE BASED ON A COMPLETE TITLE SEARCH OR FIELD SURVEY.**

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Appendix C – Proposed Comprehensive Plan Amendment

DRAFT

# Town of LaGrange

## 2005 Comprehensive Plan Proposed Amendments

June 6, 2018

### Background

The Town of LaGrange's Comprehensive Plan, adopted in July 2005, outlined various goals and objectives to preserve the unique character of the community, including active farmlands, natural resources, and important community assets. Additionally, the Plan encouraged commercial and residential development in appropriate locations and in a balanced fashion. One key component of the Plan is the development of a "Town Center" in the center of the community as the primary activity area with a more dense, traditional pattern of development. Outside of this area, commercial development is encouraged in a nodal fashion where similar land uses already exist.

While much of the efforts have centered around the development of Town Center, including water, sewer, and other infrastructure to support future growth, there are instances where other commercial areas of the Town have remained stagnant or otherwise not materialized with past changes in zoning, the primary driver for land use changes. As such, the Town Board desires to seek a new direction and vision for commercial nodes east of Town Center along Route 55 to expand development opportunities that take advantage of their location and potential market changes.

### Rationale

The overall vision, goals, and objectives noted in Section 3.0 of the plan for the Town of LaGrange remain valid and pertinent, with the Town continuing to support the growth and development of Town Center as it is currently outlined on Route 55 west of the Taconic State Parkway. The intent of this addendum is to provide further clarification to address strategic commercial areas in the Town that reflect development trends that have occurred since the 2005 Plan.

Specifically, the areas of interest include the intersections of:

- Route 55 and 82
- Route 55 and the Taconic State Parkway

These locations fall under the "nodes of commercial development within existing commercial districts" as noted in Section 3.2 *Goals and Objectives* (page 115) and are also noted in Section 2.2 *Land Use Trends* (page 18):

"The Town's commercial development is located primarily along NYS Route 55 and County Route 21 (Noxon Road). The commercial areas along Route 55 are limited to the segments of road west of Mandalay Drive and east of the Taconic State Parkway, while Noxon Road's commercial uses are concentrated to the west of Titusville Road."

Commercial activity and uses here are more suburban in nature, characteristics that were present in 2005 and continue today, though in regard to intersections of interest above, still retain the nodal style of development that is desired in the Town.



*Existing development found in the State Route 82/55 area shown above.*

Looking back prior to 2005 at the zoning that was in place, the eastern portion of Route 55/Taconic State Parkway was zoned as part of the Town Center Business (TCB) District while the Route 55/82 intersection was zoned as Commercial 1 (C1), similar to the commercial areas surrounding Titusville/Noxon Road and Titusville Road/Route 55 and the corridors along Noxon Road and Route 55 to the western Town line. The rationale for the changes at Route 55/Taconic intersection are noted on page 123 (with current clarifications noted):

“In addition, the [proposed] Commercial 2 area [now referred to as General Business/GB], shown adjacent to the Town Center designation on the east side of the Taconic, is recommended to replace the existing Town Center Business designation at that location. It reflects the emphasis on public infrastructure planning west of the Taconic, as well as the barrier that the Taconic presents for pedestrian mobility and accessibility.”

The Taconic still is a barrier regarding mobility and accessibility, but it also represents a barrier to the denser commercial style of development that is desired in Town Center – interchanges tend to cater to a specific subset of commercial development that favor automobile-centric uses (such as, but not limited to gas stations, fast food, lodging, or other transient uses) or light industrial uses, taking advantage of the proximity of access and regional distribution. Successful developments at interchanges typically follow this trend though access and design standards can and still should be implemented to provide for more aesthetically-pleasing structures and sites.

In addition, the 2005 Plan sought to condense the three dedicated commercial districts (C-1, C-2, and C-3) into two to accommodate the lower density, commercial centers that are found outside of Town Center. Generally, this future zoning classification was carried out, with slight changes in nomenclature (Commercial 2/C-2 was renamed to General Business/GB) and the extent of the properties that were included in each. The primary difference between these two districts as they are outlined in the Comprehensive Plan are the emphasis on strip commercial developments versus a “smaller scale, lower impact” style, respectively, while including design standards to address scale, design, access, and other site elements. The existing uses in this area are more consistent with the intent of those uses in the Commercial District than they are of the General Business designation.

Development of Town Center, an important component of the 2005 Plan and a long-term vision for LaGrange since the 1960’s, continued to receive additional emphasis with an illustrative conceptual plan along with supporting narrative. This plan, created in 2005, outlined access and proposed development areas for Town Center between Freedom Road/Freedom Road Extension and Stringham Road and State Route 55 down to Todd Hill Road. It should be noted that the intent was to have Town Center fall between these two areas and then develop south, taking advantage of larger, more available land for future mixed-use residential development; improvements and developments continue today to be primarily concentrated in this area, though the Town Center District extends well beyond this to the east. For these reasons, as well as the distinctly unique characteristics noted above regarding interchange areas, the Town Center District is likely overextended in its extent to the east, ultimately reducing the redevelopment potential of the properties in the interchange, observed in the +/- 10 years since the 2005 Plan.



*The 2005 concept plan for Town Center is shown in a limited area west of Stringham Road.*

The proposed changes in preferred land use designations and zoning provide greater opportunities to the areas of interest noted above by allowing existing businesses to enhance their currently underperforming operations – many of them are now considered pre-existing non-conforming with limitations on changes, expansion, or growth. In addition, the changes in zoning designations for these commercial areas will, in essence, support the development and growth that is desired in Town Center (more of a “village” feel) by directing uses that are less desirable to other designated commercial areas. The goals of the 2005 Comprehensive Plan continue to be valid with these changes by supporting the encouragement of commercial development in a nodal fashion.

## Proposed Changes

While the intent for these changes as noted in the 2005 were valid, and though there have been some small improvements made, the results have not materialized for these intersections of interest. Therefore, the following changes are proposed for Section 3.3 (Land Use Recommendations) under item #3 of the 2005 Comprehensive Plan (**additions** and ~~revisions~~ noted where applicable):

Commercial Districts (C-1 and C-2): **Following the development of the 2005 Comprehensive Plan, the Commercial 3 District was dissolved and absorbed into the newly designated General Business (GB) District – formerly called out as the Commercial 2 District.** ~~The existing Commercial 3 Zoning District encompasses one property on Route 82. This zoning designation is not recommended to continue. In addition, the existing Commercial 1 and Commercial 2 designations are shown on the Proposed Zoning Map in a number of locations. The Commercial 1 designation is applied primarily to older strip commercial centers, while the Commercial 2 (General Business) designation is intended as a smaller scale, lower impact commercial district.~~ **The State Route 82/55 intersection has and continues to be of a similar nature to the uses found in the Commercial 1 District; rezoning to General Business has not successfully revitalized this area nor increased the marketability/attractiveness given the extent of uses allowed here. With infrastructure improvements and development attraction focused on Town Center, providing additional commercial opportunities that are different from, but do not compete with, those in Town Center should be encouraged in the State Route 82/55 area as offered by the Commercial 1 District. This takes advantage of the existing building stock and infrastructure that is in place, providing opportunities for revitalization of the area, responding to current market trends and conditions, as well as infill development.**

**The properties in and around the Taconic State Parkway intersection with State Route 55** *(Note: The following section was formerly the last paragraph, reformatted for flow/legibility)*  
**The 2005 Plan noted both the benefits and the constraints brought on with the Taconic State Parkway, providing visibility and easy access to LaGrange, but also limiting connections. The formerly designated** ~~In addition, the Commercial 2 (General Business) area, shown adjacent to the Town Center designation on the east side of the Taconic, is~~ **was** recommended to replace the existing Town Center Business designation at that location. It reflects the emphasis on public infrastructure planning west of the Taconic, as well as the barrier that the Taconic presents for pedestrian mobility and accessibility. **In a similar fashion to the lack of revitalization and development attributed to the State Route 82/55 intersection, the rezoning following the 2005 Plan has not materialized and many properties remain underutilized. For this reason, it is the desire of the Town to providing more opportunities for commercial development in this area under the Commercial 1 District, while balancing the desire to create a more defined gateway into Town Center through design. Physical development on lands in this area are constrained due to environmental features, as outlined in earlier sections of the Plan; therefore, the actual extent and intensity of any future development would be dictated, in part, by the environmental constraints.** Lastly, the Master Plan goal of encouraging revitalization of the Manchester Bridge Area should also be noted and the redevelopment of underutilized properties should be a priority in the future, especially as sewer infrastructure improvements are completed.

In addition to the mapped areas for these Districts, design standards ~~are~~ **continue to be** recommended to address building size, scale, location, setbacks, landscaping, access and provision of pedestrian facilities, where feasible. Many of the goals and recommendations of the County's

Greenway Connections are applicable in ensuring the appropriate design and scale of existing and future commercial development and redevelopment. For example, the ~~Commercial-2~~ **commercial land use** designations **proposed** along Route 55 east of the Taconic ~~are~~ **remain** intentionally nodal in form, rather than circumscribing a continuous strip.

The Proposed Zoning Districts Map (Figure 3.4-1) in the 2005 Comprehensive Plan is also amended to reflect these changes in preferred land uses for the Town, as shown in the attached.

Parcel Boundary

**Proposed Zoning Districts**

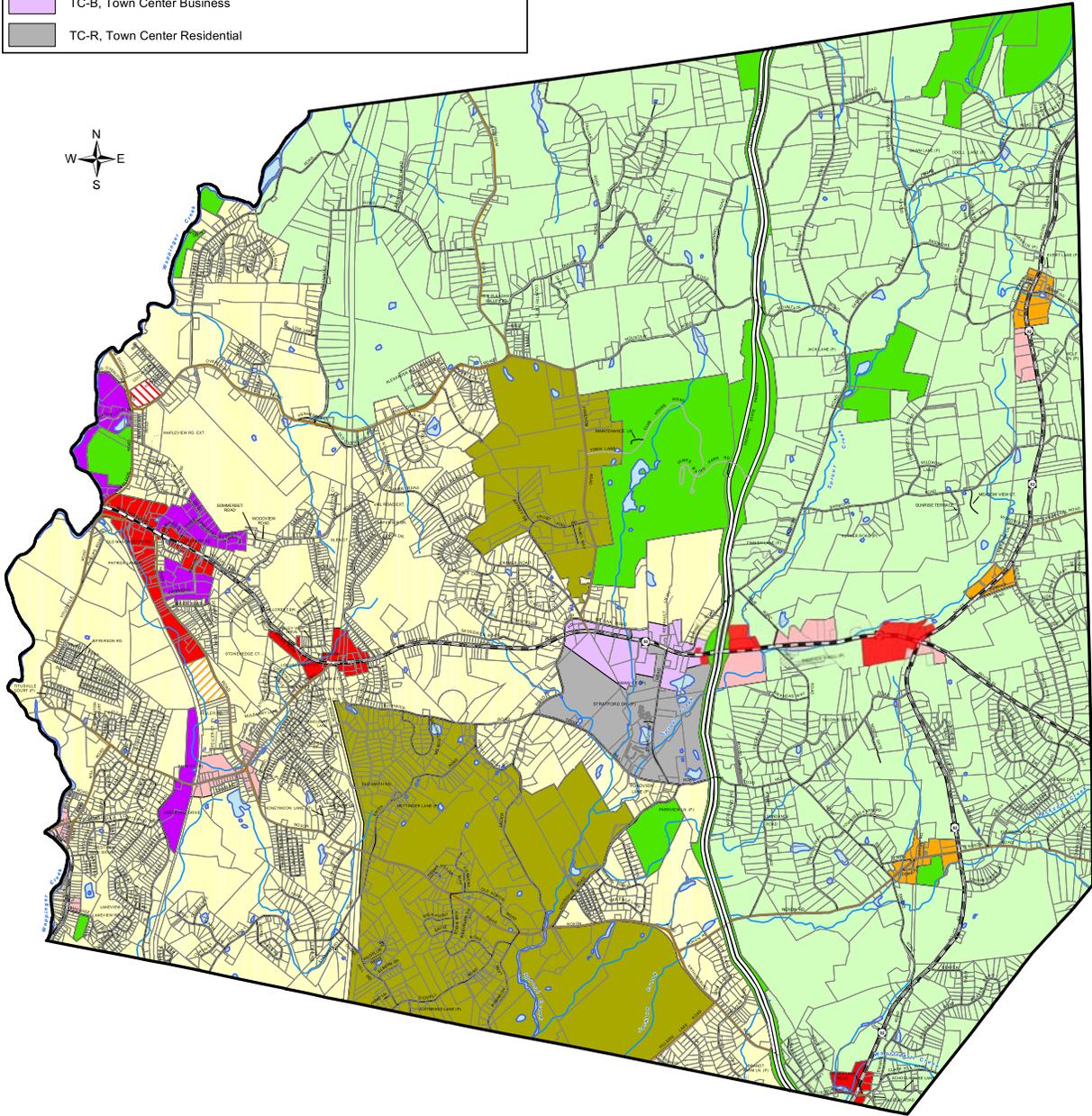
- C-1, Commercial-1
- C-2, Commercial-2
- H, Hamlet
- I, Industrial District
- PD, Parkland District
- PDD, Planned Development District
- PO, Planned Office
- R-40/60/80, Moderate Density Residential
- R-80, Low Density Residential
- R-120, Rural Density Residential
- TC-B, Town Center Business
- TC-R, Town Center Residential

Water Bodies

Streams

**Roads**

- Slate Route
- Taconic State Parkway
- County Road
- Local Road
- Private Road



Data Sources:  
Parcels - Dutchess County Office Of Real Property Services, August 2004.



**CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.**

Dutchess County Office: 21 Fox Street Poughkeepsie, New York 12601 Phone: (845) 454-3980	Orange County Office: 256 Meadow Avenue Newburgh, New York 12550 Phone: (845) 567-1133	Capital District Office: 20 Gurley Avenue Troy, New York 12182 Phone: (518) 235-8050	North Country Office: 110 Glen Street Glens Falls, New York 12801 Phone: (518) 812-0513
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**Town Of LaGrange 2005 Comprehensive Plan  
2018 Amendment  
Figure 3.4-1 Proposed Zoning Districts**

Town Of LaGrange  
Dutchess County, New York

Created by:  
Carol Conolly

Date:  
Revised 05/15/2018

Scale:  
1:46,000

Project #:  
89324.GD

Appendix D – Local Regulations

DRAFT

**Chapter 120 – Flood Damage Prevention**

# Chapter 120

## FLOOD DAMAGE PREVENTION

### GENERAL REFERENCES

Building construction — See Ch. 83.

Subdivision of land — See Ch. 203.

Wetlands and water ways — See Ch. 124.

Zoning — See Ch. 240.

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### § 120-1. Findings.

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

### § 120-2. Statement of purpose.

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

- A. Regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of 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.

### § 120-3. Objectives.

The objectives of this chapter are to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. Provide that developers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **§ 120-4. Word usage and definitions.**

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

APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.

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

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

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

**BASEMENT** — That portion of a building having its floor subgrade (below ground level) on all sides.

**BUILDING** — See "structure."

**CELLAR** — See "basement."

**CRAWL SPACE** — An enclosed area beneath the lowest elevated floor, 18 inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

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

**ELEVATED BUILDING** —

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

**FEDERAL EMERGENCY MANAGEMENT AGENCY** — The Federal Agency that administers the National Flood Insurance Program.

**FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)** — An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

**FLOOD ELEVATION STUDY** — An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding

water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

**FLOOD HAZARD BOUNDARY MAP (FHBM)** — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

**FLOOD INSURANCE RATE MAP (FIRM)** — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** — See "flood elevation study."

**FLOOD or FLOODING** —

- (1) A general or temporary condition of partial or complete inundation of normally dry land areas from:
  - (a) The overflow of inland or tidal waters;
  - (b) The unusual and rapid accumulation or runoff of surface waters from any source.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1) above.

**FLOODPLAIN or FLOOD-PRONE AREA** — Any land area susceptible to being inundated by water from any source. (See "flooding.")

**FLOODPROOFING** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** — See "regulatory floodway."

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

**HIGHEST ADJACENT GRADE** — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE** — Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (a) By an approved state program as determined by the Secretary of the Interior; or
  - (b) Directly by the Secretary of the Interior in states without approved programs.

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

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

**MANUFACTURED HOME** — A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

**MANUFACTURED HOME PARK OR SUBDIVISION** — A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

MOBILE HOME — See "manufactured home."

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

ONE-HUNDRED-YEAR FLOOD or 100-YEAR FLOOD — See "base flood."

PRINCIPALLY ABOVE GROUND — At least 51% of the actual cash value of the structure, excluding land value, is above ground.

RECREATIONAL VEHICLE — A vehicle which is:

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

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

START OF CONSTRUCTION — The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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

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

VIOLATION — The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

#### **§ 120-5. Applicability.**

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

#### **§ 120-6. Basis for establishing areas of special flood hazard. [Amended 5-11-2016 by L.L. No. 3-2016]**

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

- (1) Flood Insurance Rate Map Panel Numbers: 36027C0367E, 36027C0377E, 36027C0378E, 36027C0379E, 36027C0381E, 36027C0385E, 36027C0386E, 36027C0387E, 36027C0388E, 36027C0389E, 36027C0391E, 36027C0392E, 36027C0393E, 36027C0394E, 36027C0401E, 36027C0403E, 36027C0411E, 36027C0413E whose effective date is May 2, 2012, for all Map Panel Numbers with the exception of 36027C0394E, whose record

effective date is August 11, 2014, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Dutchess County, New York, All Jurisdictions," dated May 2, 2012.
  - (3) Letter of Map Revision (LOMR), Case Number 14-02-0734P, effective August 11, 2014, amending Panel 36027C0349E of the Flood Insurance Rate Map, Flood Profile 292 and 293P and Summary of Discharge Table 7 of the Flood Insurance Study.
- B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at: Town of LaGrange Town Hall, office of the Town Clerk, 120 Stringham Road, LaGrangeville, New York 12540.

### **§ 120-7. Interpretation and conflict with other laws.**

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

### **§ 120-8. Severability.**

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

### **§ 120-9. Penalties for offenses.**

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

applied for and received an approved variance under §§ 120-20 and 120-21 will be declared noncompliant, and notification will be sent to the Federal Emergency Management Agency.

**§ 120-10. Warning and disclaimer of liability.**

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

**§ 120-11. Designation of local administrator.**

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

**§ 120-12. Floodplain development permit.**

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

**§ 120-13. Permit application.**

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

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data is available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the local administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 120-16C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any nonresidential floodproofed structure will meet the floodproofing criteria in § 120-18, Standards for nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 120-6, when notified by the local administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or five acres.

**§ 120-14. Duties and responsibilities of local administrator.**

Duties of the local administrator shall include, but not be limited to the following:

- A. Permit application review. The local administrator shall conduct the following permit application review before issuing a floodplain development permit:
  - (1) Review all applications for completeness, particularly with the requirements of § 120-13, Permit application, and for compliance with the provisions and standards of this chapter.
  - (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of §§ 120-15 through 120-19 and, in particular, § 120-15A, Subdivision proposals.
  - (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination, including but not limited to the submission of a stormwater pollution prevention plan (SWPPP) consistent with the requirements of Town of LaGrange Town Code Chapter 197. If the proposed development may result in physical damage to any other property or fails to meet the requirements of §§ 120-15 through 120-19, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.
  - (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by state or federal law.
- B. Use of other flood data.
  - (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to § 120-13G, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

- (2) When base flood elevation data is not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this chapter.
- C. Alteration of watercourses.
- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Director, Region II, Federal Emergency Management Agency.
  - (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- D. Construction stage.
- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by the same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
  - (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.
- E. Inspections. The local administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.
- F. Stop work orders.
- (1) The local administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without

a development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 120-9 of this chapter.

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

G. Certificate of compliance.

- (1) In areas of special flood hazard, as determined by documents enumerated in § 120-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this chapter.
- (2) A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Subsection E of this section, Inspections, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

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

**§ 120-15. General construction standards.**

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

- A. Subdivision proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
- (1) Proposals shall be consistent with the need to minimize flood damage;
  - (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
  - (3) Adequate drainage shall be provided to reduce exposure to flood damage.
- B. Encroachments.
- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
    - (a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location; or
    - (b) The Town of LaGrange agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of LaGrange for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of LaGrange for all costs related to the final map revision.
  - (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 120-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
    - (a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood; or
    - (b) The Town of LaGrange agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of LaGrange for all fees and other costs in relation to the application. The applicant must

also provide all data, analyses and mapping and reimburse the Town of LaGrange for all costs related to the final map revisions.

**§ 120-16. Standards for all structures.**

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

- A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
- B. Construction materials and methods.
  - (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
  - (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
  - (3) Enclosed areas.
    - (a) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
      - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
      - [2] The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.
    - (b) Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

## C. Utilities.

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

**§ 120-17. Standards for residential structures.**

- A. Elevation. The following standards, in addition to the standards in § 120-15A, Subdivision proposals, and § 120-15B, Encroachments, and § 120-16, Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard as indicated:
- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
  - (2) Within Zone A, when no base flood elevation data is available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
  - (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified).

- B. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

**§ 120-18. Standards for nonresidential structures.**

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

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any nonresidential structure shall either:
- (1) Have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
  - (2) Be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:
- (1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
  - (2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 120-18A(2).
- C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § 120-18A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- D. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

- E. Within Zone A, when no base flood elevation data is available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

**§ 120-19. Standards for manufactured homes and recreational vehicles.**

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

A. Recreational vehicles.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
  - (a) Be on site fewer than 180 consecutive days;
  - (b) Be fully licensed and ready for highway use; or
  - (c) Meet the requirements for manufactured homes in Subsections B, C and D.
- (2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

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

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

**§ 120-20. Appeals Board.**

A. The Zoning Board of Appeals as established by the Town of LaGrange shall hear and decide appeals and requests for variances from the requirements of this chapter.

- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the local administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
- (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
  - (12) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to

the granting of variances as it deems necessary to further the purposes of this chapter.

- F. The local administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

**§ 120-21. Conditions for variances.**

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 120-20D(1) through (12) have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (1) The proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure; and
  - (2) The variance is the minimum necessary to preserve the historic character and design of the structure.
- C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (1) The criteria of Subsections A, D, E and F of this section are met.
  - (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- F. Variances shall only be issued upon receiving written justification of:
- (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing chapters, local laws or ordinances.

## G. Notice to applicant.

- (1) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
  - (a) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
  - (b) Such construction below the base flood level increases risks to life and property.
- (2) Such notification shall be maintained with the record of all variance actions as required in § 120-14H of this chapter.

**Chapter 124 – Freshwater Wetlands, Watercourses and Waterbodies**

## Chapter 124

# FRESHWATER WETLANDS, WATERCOURSES AND WATER BODIES

### GENERAL REFERENCES

Building construction — See Ch. 83.

Subdivision of land — See Ch. 203.

Flood damage prevention — See Ch. 120.

Zoning — See Ch. 240.

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#### § 124-1. Title.

This chapter shall be known as the "Freshwater Wetlands, Watercourse and Water Body Law of the Town of LaGrange."

#### § 124-2. Declaration of policy.

- A. It is declared to be the public policy of the Town of LaGrange to preserve, protect and conserve freshwater wetlands, watercourses and water bodies and the benefits derived therefrom; to prevent despoilation and destruction of freshwater wetlands, watercourses and water bodies; and to regulate development in such wetlands and protect such watercourses and water bodies in order to secure the natural benefits derived therefrom consistent with the general welfare and the beneficial economic, social and agricultural development of the Town.
- B. It is declared to be the policy of the Town of LaGrange to exercise shared authority to regulate wetlands, watercourses and water bodies with the Department of Environmental Conservation under the provisions of Article 24 of New York State Environmental Conservation Law.

#### § 124-3. Legislative intent.

- A. It is the intent of the Town of LaGrange to insure 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.
- B. This chapter shall apply to all lands defined as wetlands, wetland buffers, watercourses and water bodies in § 124-5, and to any proposed regulated activity as defined in § 124-7.

#### § 124-4. Findings.

- A. The freshwater wetlands, watercourses and water bodies located in the Town of LaGrange are invaluable resources for flood protection, wildlife habitat, open space, and water resources.

- B. Considerable acreage of freshwater wetlands in the Town may be lost, despoiled or impaired by unregulated draining, dredging, filling, excavating, building, pollution or other acts.
- C. Recurrent flooding, aggravated or caused by loss of freshwater wetlands, has serious effects upon natural ecosystems.
- D. Freshwater wetlands, watercourse and water body conservation is a matter of the Town's concern.
- E. Loss of freshwater wetlands and degradation of watercourses and water bodies deprives the people of the Town of LaGrange of some or all of the multiple benefits to be derived therefrom, as follows:
  - (1) Flood and storm control by the hydrologic absorption and storage capacity of freshwater wetlands.
  - (2) Wildlife habitat by providing breeding, nesting and feeding grounds and cover for many forms of wildlife and rare species.
  - (3) Protection of subsurface water resources and provision for valuable watersheds and recharging ground supplies.
  - (4) Recreation by providing areas of hunting, fishing, boating, birdwatching, photography, camping and other uses, if permission is given by owners.
  - (5) Pollution treatment by serving as biological and chemical oxidation basins.
  - (6) Erosion control by serving as sedimentation areas and filtering basins, absorbing silt and organic matter.
  - (7) Educational and scientific research by providing readily accessible outdoor biophysical laboratories, living classrooms and training and education resources, if permission is given by owners.
  - (8) Open space and aesthetic appreciation.
  - (9) Sources of nutrients in freshwater food cycles and nursery grounds and sanctuaries for freshwater fish.
- F. The wetlands, watercourses and water bodies in the Town of LaGrange are invaluable resources for aquatic fish and bird habitat, fishing, boating and aesthetic appreciation.
- G. The wetlands, watercourses and water bodies in the Town of LaGrange may be endangered by rapid development and the resulting degradation caused by the following:
  - (1) Siltation resulting from surface runoff from construction sites, road, bridge and pipeline construction and lack of erosion control on steep slopes.

- (2) Pollution by road salt, chemical pollution from parking lot and tennis court runoff.
- (3) Pollution by garbage, litter and refuse.
- (4) Potential pollution, thermal, chemical and bacteriological, from numerous approved or planned residential sewage treatment plants.
- (5) Reduction in flow of watercourses due to destruction of wetlands and lowering of the water table due to the rapid increase in water demands of residential development.

#### **§ 124-5. Definitions.**

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

**AGRICULTURAL ACTIVITY** — The activity of an individual farmer or other landowner in grazing and watering livestock, making reasonable use of water resources for agricultural purposes, harvesting the natural products of wetlands, selective harvesting of trees, but excluding peat mining. Agricultural activity does not include clear-cutting of trees, filling or deposition of spoil, soil mining or draining of wetlands for growing agricultural products or for other purposes.

**APPLICANT** — Any person who files an application for any permit issued by the approval authority pursuant to this chapter; applicants may include owners, the agent of the owner, or a contract vendee.

**APPROVAL AUTHORITY** — The administrative board or public official empowered to grant or deny permits under this chapter. The approval authority shall be empowered to require posting of bonds, as necessary, and to revoke or suspend a permit where lack of compliance is established. The approval authority shall be the Planning Board of the Town of LaGrange. **[Amended 5-10-2000 by L.L. No. 4-2000]**

**BOARD** — The Freshwater Wetlands Appeal Board established under Article 14 of the New York Environmental Conservation Law.

**BUFFER AREA** — Protective areas surrounding or adjacent to wetlands, watercourses or water bodies that are subject to regulation. The size or extent of the buffer areas are defined under "wetland/watercourse/water body buffer" in this section.

**CLEAR-CUTTING** — Any cutting of more than 30% of trees four inches or more in diameter at breast height (4.5 feet) over any ten-year cutting cycle as determined on the basis of wetland area per lot or group of lots under single ownership, including cutting of trees which results in the total removal of one or more naturally occurring species, whether or not the cut meets or exceeds the 30% threshold.

**CONSERVATION ADVISORY COUNCIL (CAC)** — The duly appointed Conservation Advisory Council of the Town of LaGrange.

DEPOSIT — To fill, grade, discharge, emit, dump or place any material.

DISCHARGE — The emission of any water, substance or material into a wetland, watercourse or water body or their buffers, whether or not such substance causes pollution.

DOMINANT(S) or DOMINANCE — A dominant species is either the dominant plant species (i.e., the only species dominating a vegetative unit) or a codominant species (i.e., when two or more species dominate a vegetative unit). The measures of spatial extent are percent area cover for all vegetation units other than trees and basal area for trees. In this chapter, dominance refers to the spatial extent of a vegetative species because spatial extent is directly measurable or discernible in the field.

DRAIN — To deplete or empty of water by drawing off by degrees or in increments.

DREDGE — To excavate or remove sediment, sand, soil, mud, shells, gravel or other aggregate.

ECOLOGIST/BOTANIST — A person having special knowledge by reason of education or experience of the physical, chemical and biological sciences related to the physiology, identification and distribution of native plants and vegetative associations in wetland and upland systems and of methods to describe, classify and delineate vegetative species.

FACULTATIVE SPECIES — Vegetative species that can occur in both wetland and upland systems. There are three subcategories of facultative species: facultative wetland, straight facultative and facultative upland. Under natural conditions a facultative wetland species is usually (estimated probability 67% to 99%) found in wetlands, but occasionally in uplands. A straight facultative species has basically a similar likelihood (estimated probability of 34% to 66%) of occurring in both wetlands and uplands. A facultative upland species is usually (estimated probability 67% to 99%) found in uplands, but occasionally in wetlands. Facultative species for the Northeast are listed in the "National List of Plant Species That Occur in Wetlands, New York State; 1988," or as amended and updated.

FLAGGING — Placement of visible markers at the wetland boundary which, upon the approval of the Town, may be transferred by a qualified surveyor onto the site plan or other project map.

GRADING — To adjust the degree of inclination of the natural contours of the land, including leveling, smoothing and other modification of the natural land surface.

HYDRIC SOIL — A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in its upper portions and as further defined under "wetland" in this section.

HYDROPHYTIC VEGETATION — Plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content and as further defined under "wetland" in this section.

MUNICIPALITY — The Town of LaGrange.

MUNSELL SOIL COLOR CHART — A soil color designation system that specifies the relative degree of the three simple variables of color: hue, value and chroma, produced by the Kollmorgen Corporation, 1975, or as amended and updated.

OBLIGATE UPLAND SPECIES — Plant species that, under natural conditions, always occur in uplands (i.e., 99% of the time).

OBLIGATE WETLAND SPECIES — Plant species that, under natural conditions, always occur in wetlands (i.e., greater than 99% of the time).

ORGANIC SOILS/HISTOSOILS — A taxonomic order composed of organic soils (mostly peats and mucks) that have organic materials in over half the upper 32 inches unless the depth to rock or to fragmental materials is less than 32 inches (a rare condition) or the bulk density is very low, and as further defined under "wetland" in this section.

PERMIT or WETLANDS/WATERCOURSE/WATER BODY PERMIT — That form of written Town approval required by this chapter for the conduct of a regulated activity.

PERSON — Any corporation, firm, partnership, association, trust or estate; one or more individuals and any unit of government agency or subdivision thereof.

PLANNING BOARD — The duly appointed Planning Board of the Town of LaGrange.

POLLUTION — The presence of conditions or contaminants in quantities which are, or may be, injurious to humans, plants, animals or property.

PROJECT — Any collection of actions which may result in direct or indirect physical or chemical impact on a freshwater wetland, wetland buffer, watercourse or water body, including but not limited to a regulated activity.

REGULATED ACTIVITY — Those activities to be conducted in wetlands, wetland buffers, watercourses or water bodies that require a permit from the Town.

SELECTIVE CUTTING — The annual or periodic removal of trees, individually or in small group, in order to realize the yield and establish a new crop and to improve the forest which removal does not involve the total elimination of one or more species of trees.

SOIL SCIENTIST — A person having special knowledge by reason of education or experience of the physical, chemical and biological sciences applicable to the genesis and morphology of soils as natural bodies and of the methods to describe, classify and map soil units.

STATE AGENCY — Any department, bureau, commission, board or other agency or public authority of the State of New York.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) — The law promulgated at Article 8 of the New York State Environmental Conservation

Law, and the regulations promulgated thereunder by the Commissioner of the Department of Environmental Conservation.

**STRUCTURE** — Anything constructed or erected, the use of which requires location on or within the ground or attachment to something having location on the ground, including but not limited to buildings, tennis courts, swimming pools, as examples.

**SUBDIVISION OF LAND** — The division of any parcel of land into two or more lots in accordance with the provisions of Chapter 203 of the Town Code of the Town of LaGrange.

**TOWN** — Town of LaGrange.

**TOWN BOARD** — The duly elected Town Board of the Town of LaGrange.

**TOWN CLERK** — The duly elected Town Clerk of the Town of Lagrange.

**TOWN ENGINEER** — Any person or firm designated by or contracted by the Town of LaGrange as Town Engineer.

**WATER BODY** — Any natural or artificial pond, lake, reservoir or other area which ordinarily contains water, has a discernible shoreline and an area of one acre or more, but not including a watercourse as defined in this chapter.

**WATERCOURSE** — A running stream of water; a natural stream fed from permanent or natural sources, including rivers, creeks, runs and rivulets. There must be a stream, generally flowing in a definite channel, having a bed or banks and usually discharging itself into some other stream or body of water. It must be something other than mere surface drainage over the entire face of a tract of land, occasioned by unusual freshets or other extraordinary causes.

**WETLAND** — Any area which meets one or more of the following criteria:

- A. Lands and waters that meet the definition provided in § 24-0107.1 of the New York State Environmental Conservation Law, "Freshwater Wetlands Act," or as amended and updated. The approximate boundaries of such lands and waters are indicated on the official wetlands map promulgated by the Commissioner of the New York State Department of Environmental Conservation, or as amended and updated. **[Amended 6-26-2002 by L.L. No. 6-2002]**
- B. All areas of one acre or more in area 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.

WETLAND ADMINISTRATOR — An official(s) designated to enforce this chapter. **[Amended 11-14-2012 by L.L. No. 6-2012]**

WETLAND DELINEATION —

- A. The process of determining wetlands and their boundaries. The boundaries of a wetland shall ordinarily be determined by field investigation, flagging and survey. Identification of the general location of wetlands shall be aided by reference to:
- (1) The Freshwater Wetlands Map filed with the Clerk of the Town of LaGrange by the New York State Department of Environmental Conservation, as amended and updated; and
  - (2) The Soils Map of Dutchess County — Soil Survey Series 1991, or as from time to time updated; and
  - (3) Other maps such as the 1990 US Fish and Wildlife Service Map which may assist in the location and delineation of wetlands.
- B. Wetlands not depicted on any such maps are not thereby exempted from regulation under the provisions of this chapter.

WETLAND HYDROLOGY — The sum total of wetness characteristics in areas that are inundated or have saturated soils for a sufficient duration to support hydrophytic vegetation.

WETLAND PLANTS OF THE STATE OF NEW YORK — The list of obligate and facultative wetland and upland species developed by the United States Department of Interior, Fish and Wildlife Service, "National List of Plant Species that Occur in Wetlands, New York State: 1988," in cooperation with the National and Regional Wetland Plant List Review Panels, or as amended and updated.

WETLAND/WATERCOURSE/WATER BODY BUFFER — The wetland/watercourse/water body buffer areas surrounding or adjacent to a wetland, watercourse or water body are also subject to regulation. The size and extent of the buffers shall be as follows:

- A. For wetlands and water bodies of at least one acre but less than two acres, the buffer shall be 50 feet. For wetlands and water bodies of at least two acres but less than three acres, the buffer shall be 75 feet. For wetlands of three acres and more, the buffer shall be 100 feet. The buffers cited above may be greater where designated by either the Commissioner of the DEC or local approval authority. The buffers shall be measured horizontally and away from and paralleling the wetland or water body boundary.
- B. The buffer for certain watercourses shall be as described in § 240-31B(1), (2), (3) and (4) of Chapter 240, Zoning, of the Town Code of the Town of LaGrange, to wit, buffer zones of 200 feet on either side of the center lines of Wappingers, Sprout and Jackson Creeks, and such other tributaries as the Town Board may designate.

- C. For all other watercourses, the buffer zone shall extend to a minimum of 20 feet to either side to the bank of the stream.

ZONING ADMINISTRATOR — The duly appointed Zoning Administrator of the Town of LaGrange.

**§ 124-6. Rules for establishing and interpreting wetland boundaries.**

The boundaries of a wetland ordinarily shall be determined by field investigation. Flagging and subsequent survey by a licensed land surveyor may be required by the approval authority. The approval authority may consult and/or may require the applicants to consult with approved biologists, hydrologists, soil scientists, ecologists, botanists, legal counsel, engineers, or other experts necessary to make this determination.

**§ 124-7. Permitted, regulated and prohibited activities.**

- A. Regulated activities are not prohibited by this chapter, but no regulated activity shall be conducted in a wetland, watercourse or water body, nor the adjacent buffer zones, without a written permit from the approval authority and full compliance with the terms of this chapter.
- B. Permitted activities. No permit is required for the following activities within a wetland, watercourse or water body nor adjacent buffer zones, provided they do not constitute a pollution or erosion hazard or interfere with proper drainage; and do not require structures, grading, fill, draining or dredging for which a permit may be required:
- (1) Normal ground maintenance including mowing, trimming of vegetation, but excluding removal of vegetation that may cause erosion of sediment into a wetland, watercourse or water body.
  - (2) Repair of existing decorative landscaping and planting in a wetland, watercourse or water body buffer zones.
  - (3) Repair of existing walkways, walls and driveways.
  - (4) Public health activities, in emergencies only, of the Dutchess County Department of Health and/or New York State Department of Health.
  - (5) Operation of existing dams and water control devices.
  - (6) The activities of farmers in grazing and watering livestock to the extent that such grazing and watering does not cause erosion of sediment into a watercourse, making reasonable use of water resources, harvesting natural products of wetlands and wetland buffers, but excluding clear-cutting of timber and draining of wetlands.
- C. Regulated activities that require a wetlands/watercourse/water body permit. Except as provided in § 124-7B of this chapter, a written permit

issued by the approval authority is required for any of the following activities in any wetland, watercourse, water body or buffer area:

- (1) Any form of draining, dredging, excavation or removal of soil, mud, sand, shells, gravel or other aggregate from any wetland, watercourse, water body or buffer area, either directly or indirectly.
  - (2) Any form of dumping, filling or depositing of any soil, stones, sand, gravel, mud, rubbish or fill of any kind, either directly or indirectly.
  - (3) Erecting any structures or roads, the driving of pilings or placing of any other obstructions, whether or not changing the ebb and flow of the water.
  - (4) Any form of pollution, including but not limited to installing a septic tank, running a sewer outfall or discharging sewage treatment effluent or any other wastes directly into or so as to drain into a wetland, watercourse or water body.
  - (5) Installation of any pipes, wells, service lines and cable conduits.
  - (6) Alteration and modification of natural drainage patterns and contours.
  - (7) Construction of docks, pilings, bridges, dams or other water control devices whether or not they change the natural drainage characteristics.
  - (8) Any other activity which impairs any of the several functions served by freshwater wetlands, watercourses, water bodies and buffer areas or the benefits derived therefrom as set forth in § 124-4 of this chapter.
- D. Prohibited activities. It shall be unlawful for any person to place or deposit 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.

**§ 124-8. Procedures for permits. [Amended 5-10-2000 by L.L. No. 4-2000]**

The issuance of permits for regulated activities under this chapter shall be the responsibility of the Planning Board, which shall be referred all permit applications deemed to be complete by the Zoning Administrator. Applications for permits for regulated activities shall be filed with the Zoning Administrator.

**§ 124-9. Permit procedure. [Amended 5-10-2000 by L.L. No. 4-2000]**

- A. No person shall undertake, permit, conduct or cause to be conducted a regulated activity in a wetland, watercourse, water body or buffer area

without applying for and obtaining a written permit as provided for in this chapter.

- B. Application procedure; preapplication consultation. The applicant, prior to filing an application for a permit under the provisions of this chapter, will consult with the Zoning Administrator on the compliance requirements related to wetlands, watercourses and water bodies as well as application procedures for the Town of LaGrange. The applicant shall describe the general nature of the proposed project as it relates to this chapter.
- C. Application for a wetlands/watercourse/water body permit.
- (1) The applicant shall file with the Wetlands Administrator an application, in such form and with such information as the approval authority shall prescribe along with the required application fee. The application fee shall be in an amount as set forth on the prevailing fee schedule adopted by resolution of the Town Board and as such schedule is modified from time to time by resolution of the Town Board. At a minimum, the following information shall be required: **[Amended 7-22-2009 by L.L. No. 2-2009]**
- (a) A written explanation of why the proposed activity cannot be located at another site, i.e., out of the wetland, watercourse, water body or buffer areas.
  - (b) Applications affecting the water retention capacity, water flow, or other drainage characteristics of any wetland, watercourse or water body shall include a statement of the impact of the project on upstream and downstream areas giving appropriate consideration to flood and drought levels and the amount of rainfall.
  - (c) A map showing all wetlands, watercourses, water bodies and buffer areas on the site under review and within 200 feet of the site boundaries.
  - (d) A description of the vegetative cover of the area, including dominant species.
  - (e) A description of the soil types on the site.
  - (f) Where creation of a lake or pond is proposed, details of the construction of any dams, embankments, outlets or other water control devices and an analysis of the wetland hydrologic system including seasonal water fluctuation, inflow/outflow calculations and subsurface soil, geology and groundwater conditions.
  - (g) An environmental assessment form under SEQRA.
- (2) Additional information. The approval authority may require additional information in order to make a determination on the

application. Additional information may include, but shall not be limited to, a schedule and sequence of proposed activities and the type of equipment to be used, the study of flood, erosion and other hazards at the site, and any other information deemed necessary to evaluate the proposed use in terms of the standards of this chapter.

- (3) Filings shall be maintained on file in the office of the Zoning Administrator.
- D. Transmittal of the application. Upon completion of the application, the approval authority shall transmit a copy of the application to:
- (1) The Conservation Advisory Council; and
  - (2) In the case of a regulated activity within 500 feet of the Town line on a watercourse that crosses a Town line, or any regulated activity on a wetland that crosses the Town line, to the clerk of the abutting Town.
- E. Public hearings. A public hearing shall be conducted upon public notice published in the Town's official newspaper and posted in a conspicuous place at the LaGrange Town Hall, each to occur at least 10 days before the date designated for the public hearing.

**§ 124-10. Standards for permit decisions.**

In granting or denying or conditioning any application for a permit, the approval authority shall consider the following:

- A. All evidence offered at any public hearing.
- B. Any reports from other environmental councils, boards or commissions and/or federal, county, state or Town agencies.
- C. The environmental impact of the proposed action.
- D. Irreversible and irretrievable commitments of natural resources that would be involved in the proposed activity.
- E. The suitability or unsuitability of the activity to the area for which it is proposed.
- F. The effect of the proposed activity to the protection or enhancements of functions of wetlands, watercourses and water bodies and the benefits they provide as set forth in § 124-4 of this chapter.
- G. The possibility of avoiding further reduction of the wetlands', watercourses', or water bodies' natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage and provide recreation and open space.
- H. The extent to which the exercise of property rights and the public benefit to be derived from such use may or may not outweigh or justify

the possible degradation of the wetland, watercourse or water body, the interference with the exercise of other property rights and the impairment or endangerment of public health, safety and welfare.

- I. Whether the property is grandfathered by virtue of approvals predating the adoption of Article 24 of the Environmental Conservation Law, and the extent to which it might be deemed unfair or unreasonable to regulate wetlands under this chapter to limit development which is accordingly grandfathered from state regulation. **[Added 5-10-2000 by L.L. No. 4-2000]**
- J. The comments of the Zoning Administrator, which shall be submitted in writing to the Planning Board. **[Added 5-10-2000 by L.L. No. 4-2000]**

### **§ 124-11. Findings.**

- A. Permits will be issued by the approval authority pursuant to this chapter only if the approval authority shall find that:
  - (1) The proposed regulated activity is consistent with the policy of this chapter to preserve, protect and conserve wetland, watercourse and water body functions and the benefits derived therefrom.
  - (2) The permit issued for the proposed regulated activity is at least as restrictive as would result under application of the Freshwater Wetlands Act of the State of New York.<sup>1</sup>
  - (3) The proposed activity is compatible with the public health and welfare.
  - (4) The proposed regulated activity cannot practicably be relocated on site to eliminate or reduce the intrusion into the wetland, watercourse or water body or the buffer areas adjacent thereto.
  - (5) The proposed regulated activity minimizes the degradation to, or loss of, any part of the wetland, watercourse or water body buffer and minimizes the adverse effects on the benefits of wetlands, watercourses and water bodies as set forth in § 124-4 of this chapter.
  - (6) The proposed regulated activities are in compliance with the standards set forth in 6 NYCRR 665.7(e) and 665.7(g), or as amended and updated.
- B. The applicant shall have the burden of proof in demonstrating that the proposed activity will be in accordance with the policies and provisions of this chapter.

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1. Editor's Note: See Environmental Conservation Law § 24-0501 et seq.

**§ 124-12. Permit conditions.**

Any permit issued pursuant to this chapter may be issued with conditions to assure the preservation and protection of affected wetlands, watercourses and water bodies, and compliance with the policy and provisions of this chapter.

**§ 124-13. Effect of other laws and regulations.**

No permit granted pursuant to this chapter shall remove an applicant's obligation to also comply in all respects with the applicable provisions of any other federal, state or local laws or regulations, including but not limited to, the acquisition of any other permit or approval.

**§ 124-14. Expiration of permit.**

- A. All wetland/watercourse/water body permits shall expire upon completion of the activities specified and, unless otherwise indicated, shall be valid for a period of one year from the date of issue. No original permit granted pursuant to this ordinance shall be valid for a period longer than three years from the date of issue. The approval authority may extend the time in which the activities specified in the permit must be completed if, in its opinion, such extension is warranted by the particular circumstances thereof for not to exceed two additional periods of 90 days each. A request for extension shall be made in writing to the approval authority at least 30 days prior to the expiration date of the original permit, or the first ninety-day extension.
- B. Should a permittee fail to complete the activities specified in the permit prior to the expiration of the second ninety-day extension, the original permit shall become null and void and a new permit must be applied for. The request for a new permit shall follow the same form and procedure as the original application except that the approval authority shall have the option of not holding a hearing if the original intent of the permit is not altered or extended in a significant way.
- C. Notice of change of ownership of the parcel covered by the permit must be filed with the Zoning Administrator within 30 days of the transfer. This shall be a condition attached to all permits issued under this chapter.

**§ 124-15. Violations; penalties for offenses. [Amended 11-14-2012 by L.L. No. 6-2012]****A. Violations.**

- (1) Unless exempted under § 124-7B, it shall be unlawful to conduct any regulated activity, as described in § 124-7C, in a wetland, watercourse, water body or buffer area without a permit issued pursuant to this chapter.

- (2) It shall be unlawful to conduct a prohibited activity, as described in § 124-7D, in a wetland, watercourse, water body or buffer area.
- (3) It shall be unlawful to conduct any activity in a wetland, watercourse, water body or buffer area in a manner which deviates from an approved wetlands permit unless previously approved, in writing, by the approval authority who issued the permit.

B. Penalties for offenses.

- (1) Any violation of this chapter is an offense punishable by:
  - (a) A fine not exceeding \$1,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense;
  - (b) A fine of not less than \$1,000 nor more than \$5,000 or imprisonment for a period not to exceed 15 days, or both, for conviction of a second offense, both of which offenses were committed within a period of five years; and
  - (c) A fine of not less than \$2,000 nor more than \$15,000 or imprisonment for a period not to exceed 15 days, or both, upon conviction of a third or subsequent offense, all of which offenses were committed within a period of five years.
- (2) Each day that a violation continues shall constitute a separate offense.

**§ 124-16. Enforcement.**

- A. This chapter shall be enforced by the Town Administrator of Public Works, the Building Inspector or Deputy Building Inspector(s), or such other officials as may be designated by resolution of the Town Board. All enforcement officials designated under this section shall have the authority to issue appearance tickets under Article 150 of the Criminal Procedure Law of this state for purposes of enforcement of this chapter. **[Amended 11-14-2012 by L.L. No. 6-2012]**
- B. The Town is specifically empowered to seek injunctive relief restraining any violation, threatened violation or breach of any permit condition under the provisions of this chapter, and/or to compel the restoration of the affected wetland, watercourse, water body or buffer to its condition prior to the violation, or breach of any permit condition. If the Town is successful in obtaining preliminary and/or permanent injunctive relief, it shall be entitled to an award by the court of its reasonable attorney's fees.

**§ 124-17. Severability; consultant fees.**

In order to carry out the purposes and provisions of this chapter, and in addition to the provisions specified elsewhere in this chapter, the following general provisions shall apply:

- A. Severability. The provisions and sections of this chapter shall be deemed to be severable and the invalidity of any portion of this chapter by a court of competent jurisdiction shall not affect the validity of the remainder of this chapter.
- B. The applicant, and the owner of the property which is the subject of an application for a permit under this chapter, shall be responsible for the actual consultant fees incurred by the Town in the review of the application, and the provisions of § 240-88 of the LaGrange Town Code shall apply procedurally and substantively to define this responsibility.

**Chapter 240 – Zoning**

(§240-31, Preservation Overlay Districts; §240-35, Town Center Design Standards; & §240-39, Design Standards for Commercial (C) and General Business Districts)

## **§ 240-31. Preservation Overlay Zones.**

### **A. General provisions.**

- (1) The Town of LaGrange declares that the protection of its stream corridors, groundwater resources, historic resources, scenic areas, important farmlands, hilltops, and ridgelines is an important public purpose and that, to the extent practicable, future development of the Town should minimize intrusive alteration of or construction in these areas.
- (2) In furtherance of this objective, the Town hereby creates the overlay zones herein which regulate the use of these areas of public importance. The restrictions applicable in these zones are supplementary to, and do not replace, the underlying use and bulk regulations in each zoning district. If there is any conflict between the requirements of the overlay zone and the zoning district, the more restrictive requirement shall apply.
- (3) In considering any special permit, project development plan or subdivision plan, the Planning Board shall, to the maximum extent practicable, maintain the areas delineated in all overlay zones except the Groundwater Protection Overlay Zone as perpetual open space, directing allowable development into those areas not mapped as overlay zones. In the case of the Ridgeline Protection Overlay Zone, applicants are encouraged to site projects off of the viewable areas on ridgetops and hilltops, out of sight lines from the valleys, and below the tree canopy.
- (4) The Town Board may adopt and revise from time to time, as a supplement to the Zoning Map, an overlay zone map or maps delineating the zones established herein. One or more of the overlay zones herein may also be placed on the Zoning Map itself. The provisions of this section shall take effect only if, as and when each overlay zone created herein has been referred to a specific map.
- (5) In the event of uncertainty as to the exact boundaries of any overlay zone, the Zoning Board of Appeals shall interpret this chapter by designating the exact boundary pursuant to the criteria established below for creating each overlay zone.

### **B. Stream Corridor Overlay Zone.**

- (1) Purpose. The protection of stream corridors is essential to the maintenance of water quality. It is, therefore, necessary to create a buffer zone to protect these stream corridors from

development encroachment, erosion, and water pollution from surface or subsurface runoff.

- (2) **Boundaries.** The Stream Corridor Overlay Zone shall consist of all lands lying within 200 feet on either side of the center line of Wappinger Creek, Jackson Creek, Sprout Creek, and such other stream and tributaries as may be designated by the Town Board. Where these creeks are split into two or more channels by islands, the district shall include such islands, and zone boundaries shall be measured from the center lines of the outer channels.
- (3) **Restrictions.** The Stream Corridor Overlay Zone strictly limits activities within the delineated corridors. Within this zone, no construction, filling, excavation, clearing of mature trees, grading or other alteration of the natural landscape shall be permitted except by special permit. No application of fertilizers, pesticides, or herbicides or dumping or disposal of any materials shall be permitted except by special permit.
- (4) The Planning Board may issue a special permit to allow one or more activities restricted in Subsection B(3) above if the Board finds that:
  - (a) The restrictions in Subsection B(3) are unreasonable as applied to a particular parcel; and
  - (b) The restrictions in Subsection B(3) are an unreasonable economic burden upon the owner; and
  - (c) The granting of such special permit, with appropriate conditions attached, will not result in erosion or stream pollution from surface or subsurface runoff.
- (5) When considering the standards for the issuance of a special permit, as required by Subsection B(4)(a) through (c) above, the Planning Board shall consider the following facts:
  - (a) The use of the parcel;
  - (b) The natural topography of the parcel; and/or
  - (c) That the restricted activity may be necessary to protect health and safety (for example, a rotting tree that is in danger of falling).

C. Farmland Preservation Overlay Zone.

- (1) Purpose. It is in the interest of the Town to protect the best agricultural lands from development in order to maintain their availability for productive use. The Town therefore seeks to channel development away from such farmland and to permit sufficient flexibility in its zoning to maintain agriculture as a viable industry in the Town.
- (2) Boundaries. The Farmland Preservation Overlay Zone shall consist of those farmlands designated as Class I or Class II by the Soil Conservation Service of the United States Department of Agriculture which have been determined by the Town Board to be of special significance to the Town and have been specifically identified on a map adopted by the Town Board.
- (3) Procedure.
  - (a) Any site plan or subdivision plan that includes the subdivision or development of mapped farmlands shall, to the maximum extent practicable, designate such farmlands as perpetual open space.
  - (b) The Planning Board shall require an applicant for subdivision to cluster lots, insofar as practical, on those portions of a tract of land lying outside this overlay zone. An applicant who is able to place 80% or more of such farmland lying on his tract in perpetual open space, dedicated to agricultural use, shall be entitled to a density bonus of 40% above the number of residential units that would be permitted using a standard plan as defined in § 240-32A(34)(a). In order to achieve this density bonus, an applicant may be permitted to construct multifamily housing, provided that he complies with all provisions of § 240-51 and that adequate buffer between residential and agricultural uses is provided to minimize conflicts between agricultural and residential uses.
  - (c) In considering any project development plan application, the Planning Board shall require that structures and impermeable surfaces be located, insofar as practical, on those portions of a tract of land lying outside this overlay zone.
- (4) Special use permit for auxiliary uses. Notwithstanding any other provision of this chapter, the owner of a bona fide commercial farming operation may request a special use permit to allow uses not permitted in the underlying Zoning

use district if such uses would contribute to the economic viability of the farming operation without detracting from the rural character of the surrounding area. Such uses would include, without limitation, construction, reconstruction and reuse of farm buildings for agriculturally related light industry, farm labor housing and roadside stands for sale of products that include locally grown or processed products.

D. Historic Overlay Zone.

- (1) Purpose. The Town wishes to preserve its historic sites, lands, places, areas, structures, buildings, features and landmarks by channeling intensive new development away from those historic areas and onto lands that do not have historic significance. Where development occurs in these sensitive areas, the Town wishes to assure that such development is consistent with maintaining the existing character of such areas.
- (2) Boundaries. In furtherance of this purpose, the Town has conducted a historic resource survey that specifically identifies historic resources worthy of preservation. At such time as the Town Board approves a map identifying historic resources based on this survey, those locations identified on that map shall be protected by the provisions of this section. The specific area to be protected shall include all lands within 500 feet of any identified historic resource which are visible from that resource. Visibility shall be determined when there are no leaves on the trees.
- (3) No structure or building shall be constructed, altered, repaired, moved or demolished in a Historic Overlay Zone unless a certificate of approval is issued pursuant to the requirements of this section.
- (4) Duties and powers of the Planning Board.
  - (a) In addition to any and all other powers possessed by the Planning Board, the Planning Board shall have the following powers and duties:
    - [1] To recommend to the Town Board the addition of any historic resource to the map described in Subsection D(2), above.
    - [2] To review and determine applications for a certificate of approval.

- [3] To require all structures and buildings proposed to be built on property that includes land within a Historic Overlay Zone to be sited and clustered in such a way as to avoid occupying lands in the Historic Overlay Zone.
  - [4] To require, as a condition of approval, the execution of a perpetual historic conservation easement to assure the maintenance of the historic character of the site.
- (b) The certificate of approval required by this section shall be in addition to, and not in lieu of, any building or other permit or approval that may be required by any ordinance, local law, code, rule or regulation of the Town of LaGrange.
- (c) In reviewing the plans, the Planning Board shall give consideration to the following criteria:
- [1] The compatibility of the proposed construction, repair, alteration, movement or demolition with the historical significance of the neighboring properties and the Historic Overlay Zone as a whole. In applying the principle of compatibility, the Planning Board shall consider the following factors:
    - [a] The general design, character and appropriateness of the proposed construction, repair, alteration, movement or demolition.
    - [b] The scale of the proposed construction, repair, alteration, movement or demolition in relation to the property itself and neighboring properties.
    - [c] The texture, materials and color of the proposed construction, repair, or alteration and its relation to similar features of other properties in the neighborhood.
  - [2] The visual compatibility of the proposed construction, repair, alteration, movement or demolition with the Historic Overlay Zone's existing buildings, structures, special character and general appearance in regard to style, material, scale, location, proportion, composition, mass, line, detail, setback, landscaping and related items.

[3] Any other factors relating to historical or aesthetic considerations which are deemed pertinent to the benefit of the Historic Overlay Zone.

(5) Procedure.

- (a) Application for a certificate of approval shall be made to the Planning Board in such form and providing such information as may be required by the Planning Board.
  - (b) An application for a certificate of approval which is not part of a site plan shall be made to the Planning Board, which shall approve, approve with modifications or deny the application within 62 days of the receipt of the completed application.
  - (c) If an application for a certificate of approval is part of a site plan, the application shall be made to the Planning Board simultaneously with the site plan application. The application shall be reviewed by the Planning Board simultaneously with the Board's review of the site plan. When the application for a certificate of approval is part of a site plan, the Planning Board shall approve, approve with modifications or deny the application at the same time it is required to render a decision on the site plan application pursuant to New York State Town Law and the Town Code of the Town of LaGrange.
  - (d) No building permit shall be issued for such proposed work covered by this section until a certificate of approval to perform the proposed construction, alteration, movement or demolition has been issued by the Planning Board.
  - (e) Any person aggrieved by a decision of the Planning Board under this section shall have the right to appeal the decision of the Planning Board within 30 days after the decision of the Planning Board is filed in the office of the Town Clerk.
- (6) Nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of property within a Historic Overlay Zone which does not involve a change in design, material or outward appearance.
- (7) Application fees. A nonrefundable filing and administration fee shall accompany all applications for a certificate of

approval as specified in the fee schedule adopted by the Town Board of the Town of LaGrange, which is on file with the Town Clerk's office.

- (8) Applicants for a certificate of approval are responsible for the actual cost of all engineering, legal and consulting fees incurred by the Town for the review of the application, as provided in § 240-88 of the Town Code.
- (9) Penalties for offenses. Violations of this section are subject to the enforcement penalties provided by § 240-86 of the Town Code.

E. Scenic Overlay Zone.

- (1) Purpose. The Town wishes to preserve the views from its roadways and public recreation areas by channeling intensive new development away from those areas and onto lands that do not have scenic significance. Where development occurs in these sensitive areas, the Town wishes to assure that such development is consistent with maintaining the existing character of such scenic areas.
- (2) Boundaries. At such time as the Town Board approves a map identifying scenic resources, those locations identified on that map shall be protected by the provisions of this section. The specific area to be protected shall include all lands visible within 1,200 feet of public viewing areas specifically identified on the map. Visibility shall be determined when there are no leaves on the trees.
- (3) Procedure.
  - (a) No new structures, including single-family homes, or major exterior modifications of existing structures may be constructed within a Scenic Overlay Zone without first obtaining site plan approval from the Planning Board.
  - (b) To the extent practicable, all structures to be built on a tract of land that includes land within a Scenic Overlay Zone shall be sited and clustered on their tracts in such a way as to avoid occupying or obstructing views of lands in the overlay zone. Any structures to be built within the Scenic Overlay Zone shall be reviewed for architectural compatibility with the existing landscape and surrounding architectural styles, and the Planning Board must find that such structures will not detract from the scenic character of the area. The Planning Board may

require, as a condition of approval, the execution of a perpetual scenic conservation easement to assure the protection of the viewshed.

F. Ridgeline Protection Overlay Zone.

- (1) Purpose. It is the purpose of this overlay zone to protect the aesthetic, scenic, and ecological character and nature of the higher-elevation areas. Ridgelines and hilltops are exceptional aesthetic and ecological resources, and ensuring that tree lines are uninterrupted and ridgetops are free from visually intrusive man-made structures will prevent the degradation of the rural character and scenic beauty of the Town. This overlay zone provides standards for regulating the numbers, height, design, placement, and impacts of any structures on hilltops and ridgelines in order to minimize structural intrusions upon the visual landscape, to preserve ecological integrity, and to maintain the rural, rustic character of the Town.
- (2) Boundaries. The Ridgeline Protection Overlay Zone shall consist of all lands labeled as "Ridgeline Protection Zones" on the Ridgeline Protection Overlay Zone Map, which is included as part of this section.<sup>1</sup> The method used to determine the boundaries of the Ridgeline Protection Overlay Zone, as shown on the map, is as follows: Any hill with a USGS elevation of 500 feet or higher at the highest point is classified as within a Ridgeline Protection Overlay Zone, the boundary of which zone is 200 feet in elevation below the highest point of the hill.
- (3) General provisions.
  - (a) With the exception of construction of a single-family home and structures accessory thereto on a lot separately and lawfully existing as of the effective date of Town of LaGrange Local Law No. 1 of 1998, any proposed new construction or development within a Ridgeline Protection Overlay Zone, including but not limited to projects involving subdivision of land for purposes of residential development, shall require a special permit from the Planning Board, and such new construction or development shall constitute a Type I action pursuant

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1. Editor's Note: The Ridgeline Protection Overlay Zone Map is included in the online version of the Code (eCode 360®). Hard copies of said map may be obtained from the Town Clerk's office.

to the State Environmental Quality Review Act.<sup>2</sup> The application process for development within this area is outlined in § 240-31F(5), Application procedures for ridgeline development special permits, which supplements the procedures and requirements of § 240-71, Standards for special permits, and § 240-72, Project development plans.

- (b) Should an applicant request a variance from the regulations in this section, the regulations in §§ 240-72E and/or 240-71, or the relevant bulk and area restrictions of this chapter, the proposed action will be considered a Type I action.
- (4) Standards. In preparing its decision concerning any special permit application, the Planning Board shall consider the standards detailed in Article VII, §§ 240-72E and 240-71H, as well as the following:
- (a) Lot siting. All structures, access roads, buffers, setbacks, fences, and all other facility appurtenances shall be located on one lot and shall not straddle a boundary line.
  - (b) Height. The total height of proposed buildings, structures and/or accessory elements of buildings and structures shall not extend more than 35 feet above ground level. The total height of any building, structure or accessory element shall be measured as defined generally within § 240-26O and P of this chapter.
  - (c) Lighting. The location, height, design, arrangement and intensity of outside lighting shall minimize glare and shall be directed and shaded such that light shall not be directed off the site. Residential and nonresidential structures may be lit to the minimum extent required to provide safe ingress and egress to the structure, and the applicant shall demonstrate compliance with the governing regulations.
  - (d) Clearing. The maximum area permitted to be cleared shall be no more than 50 feet in extent from the outer edge of the primary structure's footprint. During construction and installation of facilities and structures, only the minimum amount of existing vegetation shall be cleared.

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2. Editor's Note: See Environmental Conservation Law § 8-0101 et seq.

- (e) Buffer strip. A buffer strip is required to minimize, to the maximum extent possible, any visual impacts of the proposed freestanding facilities.
  - [1] The buffer shall be a minimum of 25 feet wide and shall begin at the outer edge of the cleared area. The buffer strip shall contain, or be planted with, vegetation of sufficient height and density as determined by the Planning Board.
  - [2] The buffer strip shall be free of any man-made structures, including but not limited to fences, facilities, and roads.
- (f) Setbacks. The proposed yard setbacks from the property line must be no less than 1.5 times the height of the proposed structure or the setback requirements in the existing zoning regulations, whichever are greater.
- (g) In cases where a special permit is sought in furtherance of a clustered open space subdivision of land for residential purposes, under § 240-32 of this chapter, the Planning Board shall have the authority to modify the standards set forth above in Subsection F(4)(d), (e) and (f) of this section. The Planning Board shall consider the following criteria in determining whether to, and the extent to which it will, modify those standards:
  - [1] The extent to which the proposed clustered improvements are to be located outside the Ridgeline Protection Overlay Zone.
  - [2] The extent to which the proposed area of open space exceeds the minimum open space requirements of § 240-32A(7)(e)[5].
  - [3] The extent to which proposed areas of open space are situated within the Ridgeline Protection Overlay Zone.
  - [4] The extent to which improvements clustered on Ridgeline Protection Overlay Zone portions of the project, or related physical disturbances of the land, are visible from, or shielded from, external viewing points and/or the extent to which existing tree lines remain uninterrupted on portions of the project within the Ridgeline Protection Overlay Zone.

- (h) For noncluster conventional single-family residential development within a Ridgeline Protection Overlay Zone, the Planning Board shall have the discretion to modify the maximum clearing distance set forth in Subsection F(4)(d) of this section to the minimum extent necessary to accommodate an individual in-ground septic system.
- (5) Application procedures for ridgeline development special permits. When applying for a special permit for ridgeline development, the applicant shall follow all procedures and shall submit all forms, plans, documentation, and fees required by Article VII, § 240-71D, Application and referral; § 240-71G, Required plan; and § 240-72C, Application procedures. In addition, applicants shall meet with a representative of the Zoning Department prior to submitting a formal application for a proposed development within the Ridgeline Protection Overlay Zone. The purpose of the preapplication meeting is for the applicant to disclose to the representative of the Zoning Department the specific location and nature of the proposed development. **[Amended 7-22-2009 by L.L. No. 2-2009]**
- (6) Submittal requirements. An application for development in an area designated as a Ridgeline Protection Overlay Zone shall be complete and in a form acceptable to the Planning Board and shall contain the following:
  - (a) A SEQRA full environmental assessment form (Parts I, II, III).
  - (b) For residential subdivisions, a full buildout plan of the site, including building envelopes, lot lines, clearing limits, and accessory structures.
  - (c) A visual analysis, the methodology of which is to be approved by the Planning Board prior to the commencement of this analysis.
  - (d) Identification of and remediation plans for proposed landscaping and buffer screening areas.
  - (e) Additional information as requested by the Planning Board and/or the Town Zoning Administrator.
- (7) Duration of special use permits. For residential structures, the special permit will not require renewal. For nonresidential structures, the special permit will expire after

two years from date of issue. If construction does not begin within one year of the date of issue of the special permit, the permit shall expire.

- (8) Alterations. All modifications to a structure shall require that the applicant submit a new special use permit application to the Planning Board. The following exceptions do not require a new special use permit but shall require a building permit:
  - (a) Increasing the originally approved size of any structure's building footprint a maximum of 250 square feet; and
  - (b) Increasing the originally approved height of the structure by a maximum of 10 feet.
- (9) Renewal of special use permits.
  - (a) Renewal must not be unreasonably withheld if the applicant is in conformance with the original approval and all conditions attached thereto.
  - (b) No less than 60 days prior to the expiration of a special use permit, the holder of the special use permit must submit to the Zoning Administrator a renewal application for a special use permit. If the holder fails to submit the application within the sixty-day period, and has not arranged with the Zoning Administrator for an extension of the sixty-day period the special use permit will expire. The renewal application shall contain the following:
    - [1] A current, updated buildout plan.
    - [2] A special use permit renewal application.
    - [3] Clear and convincing proof of the continued necessity for the structure.
    - [4] Other materials or information deemed necessary by the Zoning Administrator.
  - (c) Within 45 days of the submission of a completed application and a determination by the Zoning Administrator that the application is technically sufficient, the Zoning Administrator shall act to renew or revoke the special use permit. A copy of the Administrator's decision shall be filed in the offices of the Town Clerk, Zoning Administrator and mailed to the applicant.

- (10) Structure removal. If a special permit has been revoked per § 240-71L of this chapter or has expired, all nonresidential structures and improvements shall be removed.

G. Groundwater Protection Overlay Zone.

- (1) Purpose. The Groundwater Protection Overlay Zone is intended 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. One of the primary groundwater quality threats in residential areas comes from wastewater releases from septic systems, which can degrade groundwater and well water quality if placed at densities that do not allow sufficient ground area for wastewater dilution. The designation of a Groundwater Protection Overlay Zone and the establishment of density standards based on the underlying aquifer characteristics will further the preservation of groundwater resources quality for public or private water supply.

- (2) Boundaries.

- (a) The Groundwater Protection Overlay Zone consists of all designated areas as shown on the Groundwater Protection Overlay Zone Map, which is included by reference as part of this section and which is on file at the Town Hall.<sup>3</sup> There are distinct, delineated areas included within the District which are defined based on the characteristics of the surficial geology underlying the Town according to data presented in the 1989 Surficial Geology Map Sheet prepared by the New York State Geological Survey and New York State Museum, the existence of public water and sewer in the area, and the underlying zoning of the area. As public water and sewer districts are enlarged or established within the Town, the boundaries of said map may be changed.

- (b) In the event that the boundaries of this Groundwater Protection Overlay Zone are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where the boundaries should properly

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3. Editor's Note: The Groundwater Protection Overlay Zone Map is included in the online version of the Code (eCode 360®). Hard copies of said map may be obtained from the Town Clerk's office.

be located. The Town may engage a qualified hydrogeologist, soil scientist, or registered professional engineer to review analysis performed by an owner's agent to determine the location of the Groundwater Protection Overlay Zone boundary, and the Town shall charge the owner(s) for the cost of such review. The Zoning Board shall determine any and all disputes regarding the location of the Groundwater Protection Overlay Zone boundaries.

- (3) Applicability. The provisions of § 240-31G shall apply to all new development and uses within the Groundwater Protection Overlay Zone as identified on the Groundwater Protection Overlay Zone Map;<sup>4</sup> however, only the general provisions in Subsection G(4) below shall apply to new development and uses in those areas that are served by both public water and sewer. The term "served by both public water and sewer" shall mean the owner has received all required regulatory approvals to establish public water and sewer districts, and/or has agreed to connect to the existing public water and sewer districts, and the Town or respective water and/or sewer district has agreed to provide sufficient system capacity in order to serve the proposed development. Lawful development and uses located within the Groundwater Protection Overlay Zone existing as of the effective date of the local law adding this Subsection G to this chapter are not subject to this subsection and shall be considered lawfully nonconforming. Alteration of lawfully nonconforming uses and buildings shall be subject to the requirements of § 240-29, Nonconformity.
- (4) General provisions. The following conditions shall apply to all land in the Groundwater Protection Overlay Zone:
- (a) The installation of any underground fuel tank or tanks whose combined capacity is less than 1,100 gallons is prohibited. (The installation of underground fuel tanks with a combined capacity of 1,100 gallons or more requires a permit from the New York State Department of Environmental Conservation.)
  - (b) Farm animal wastes shall not be concentrated and stored in one area except where provisions have been made to

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4. Editor's Note: The Groundwater Protection Overlay Zone Map is included in the online version of the Code (eCode 360®). Hard copies of said map may be obtained from the Town Clerk's office.

prevent seepage of said animal wastes into groundwater. Suitable storage facilities, such as those having a concrete liner or other impervious lining material, are required when it is not possible to spread or dispense of wastes on a daily basis. Animal waste storage facilities shall be located as far from water wells as is practical.

- (c) All bulk storage of artificial fertilizers for agricultural or commercial use must be within a completely enclosed building or structure that will prevent any seepage and runoff. Fertilizer storage facilities shall be located as far from water wells as is practical.
  - (d) New septic systems within the Groundwater Protection Overlay Zone shall be located a minimum of 400 feet from any public water system wellhead.
- (5) Residential density regulations. The following standards apply to all land in the Groundwater Protection Overlay Zone where use of wells and/or septic systems is proposed:
- (a) In areas mapped on the Groundwater Protection Overlay Zone Map<sup>5</sup> as sand and gravels (outwash or kame) with higher rates of aquifer recharge (18 inches of aquifer recharge annually), the maximum residential density shall be one unit per 40,000 square feet.
  - (b) In all other aquifer areas on the Groundwater Protection Overlay Zone Map, the maximum residential density shall be one unit per 120,000 square feet.
  - (c) With the exception of the maximum density established in Subsection G(5)(a) and (b), and the general provisions in Subsection G(4) above, which are intended to provide for groundwater protection, all other standards of the underlying zoning district of a site shall remain unchanged and shall correspond with the standards listed within the Schedule of Bulk Regulations and Coverage Limitations.
- (6) The Planning Board may issue a special permit to allow one or more activities restricted in Subsection G(4) above if the Board finds that:

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5. **Editor's Note: The Groundwater Protection Overlay Zone Map is included in the online version of the Code (eCode 360®). Hard copies of said map may be obtained from the Town Clerk's office.**

- (a) The restrictions in Subsection G(4) are unreasonable as applied to a particular parcel; and
  - (b) The restrictions in Subsection G(4) are an unreasonable economic burden upon the owner; and
  - (c) The granting of such special permit, with appropriate conditions attached, will not result in pollution of groundwater.
- (7) When considering the standards for the issuance of a special permit, as required by Subsection G(4)(a) through (c) above, the Planning Board shall consider the following facts:
- (a) The use of the parcel;
  - (b) The natural topography of the parcel; and/or
  - (c) That the restricted activity may be necessary to protect health and safety (for example, a rotting tree that is in danger of falling).

**§ 240-35. Town Center design standards. [Amended 9-10-2014 by L.L. No. 4-2014]**

A. Purpose.

- (1) The Town Center Business (TCB) District and the Town Center Residential (TCR) District in Freedom Plains are intended to implement the goals and objectives of the Town of LaGrange Comprehensive Plan adopted in 2005 and the Town Center Illustrative Plan (the Illustrative Plan) adopted in 2003 as part of the Comprehensive Plan. The Illustrative Plan is not a mandatory design plan; rather, it is intended to serve as a template for the application of specified design principles in order to achieve a desired form and appearance of development.
- (2) The general design pattern for the Town Center 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. The TCR District provides for higher-density residential development and selected uses compatible with residential streets in the immediate area surrounding the TCB District.

(3) The provisions of this section, when in conflict, shall take precedence over other sections of the Zoning Law.

B. Design principles: Town Center Business (TCB). Design principles for this district are shown in the Illustrative Plan. The primary objective of the TCB District is to create a traditional main street area. New buildings should relate to a traditional main street design as well as enhance the positive qualities that currently exist. Specifically, the design principles for the TCB District are to:

- (1) Establish a coordinated image for the Town Center.
- (2) Bring buildings up toward the sidewalk and street edge.
- (3) Promote a mix of commercial and residential uses in multistory buildings.
- (4) Promote the prominent positioning of civic buildings and central green spaces in order to enhance community identity and public interaction.
- (5) Promote pedestrian activity through a safe and walkable environment.
- (6) Create narrow, tree-lined streets to slow traffic.
- (7) Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.
- (8) Create an interconnected street system for both pedestrian and vehicular traffic.
- (9) Encourage the development of both on-street parking and shared parking areas between nearby uses.
- (10) Provide multiple housing options.
- (11) Protect important natural and historic features.

C. Design principles: Town Center Residential (TCR). Design principles for this district are shown in the Illustrative Plan. The primary objective of the TCR District is to create a traditional neighborhood development. New buildings and street layouts should relate to a traditional neighborhood design as well as enhance the positive qualities that currently exist. Specifically, the design principles for the TCR District are to:

- (1) Establish a coordinated image for the Town Center.

- (2) Provide a variety of housing options.
  - (3) Promote pedestrian activity through a safe and walkable environment.
  - (4) Create narrow, tree-lined streets to slow traffic.
  - (5) Promote the prominent positioning of civic buildings and central green spaces in order to enhance community identity and public interaction.
  - (6) Create an interconnected street system for both pedestrian and vehicular traffic.
  - (7) Protect important natural and historic features.
- D. Location of TCB and TCR. As per § 240-22, the location of the TCB and TCR Districts is shown on the map entitled "Zoning Map of the Town of LaGrange," adopted by the Town Board.
- E. TCB and TCR Schedule of Permitted Uses. The schedule of permitted uses and specially permitted uses for the TCB and TCR Districts is found in § 240-27, Schedules A1, A2 and A3, Permitted Uses and Special Permit Uses.<sup>6</sup>
- F. Bulk requirements for TCB and TCR. The bulk requirements for the TCB and TCR Districts are found in § 240-28, Schedules B1 and B2, Schedules of Bulk Regulations and Coverage Limitations, Residential and Nonresidential, and Schedule B3, Schedule of Bulk Regulations and Coverage Limitations for TCB, and Schedule B4, Schedule of Bulk Regulations and Coverage Limitations for TCR.<sup>7</sup>
- G. Planning Board review of projects in TCB and TCR.
- (1) The design standards of this section are intended to provide guidance to the Planning Board in its review of projects within the TCB and TCR Districts. It is the intent of these standards to provide the Planning Board and applicants with guidance as to favored forms and principles of site design.
  - (2) The following terms have meanings as follows:
    - (a) The word "shall" means the standard is mandatory;

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6. Editor's Note: Schedules A1, A2 and A3 are attached to this chapter as Appendix A.

7. Editor's Note: Schedules B1 through B4 are attached to this chapter as Appendix B.

(b) The words "should" or "may" mean the standard is recommended, and its application is optional at the discretion of the Planning Board.

(3) The Planning Board is empowered to require a mix of uses in any development project. Further, the Planning Board is empowered to require that a development be phased to ensure the required mix of uses is implemented. Applicants are encouraged to meet with the Planning Board prior to an application to discuss concepts, clarify procedures, and coordinate all applicable zoning in this chapter.

(4) The Planning Board may modify those standards that are mandatory upon written finding that such modification is warranted. Circumstances that may warrant modification of any mandatory standard include, but are not limited to, physical constraints such as the location of existing buildings or changes in grade between adjacent properties.

(5) In reviewing any proposed modification of a mandatory standard, the Planning Board shall consider whether granting the modification will be consistent with the purpose of this section, the Comprehensive Plan, and the design principles in § 240-35B and C.

H. Design standards. The TCB District encourages a mixture of retail uses, restaurants, services, workplaces, entertainment and civic facilities, and moderate- to high-density housing in a compact pattern that balances automobile access with strong pedestrian elements to create a walkable environment. The TCR District encourages complete traditional neighborhoods with a diverse range of dwelling types, such as single- and two-family houses, attached townhouses, and condominium or apartments mixed together for a moderate- to high-density compact pattern of development that balances automobile access with strong pedestrian elements to create a walkable environment. The following are the specified standards for the TCB and TCR Districts:

(1) Streetscape standards.

(a) Street standards.

[1] The design and construction of streets within the TCB District should be consistent with the TCB street standards as shown in Figure 1.<sup>8</sup>

- [a] "Commercial town center street" should be defined as streets within the TCB District and will exclude Route 55.
- [2] The design of streets within the TCR District should be consistent with the TCR street standards as shown in Figure 2.<sup>9</sup>
  - [a] "Residential collector streets" should be defined as streets within the TCR District providing access between the TCB District and any of the following roads: Lauer Road, Todd Hill Road, and/or Stringham Road.
  - [b] "Residential access streets" should be defined as streets within the TCR District providing primarily residential access to a residential collector street.
  - [c] "Residential rear lane" should be defined as a secondary means of access to the rear of residences generally to the property abutting along its length. The residential rear lane will provide access to garages and accessory structures.
- [3] Intersections should be at right angles whenever possible.
- [4] New streets should connect to existing streets and use a block system to avoid dead ends whenever practicable.
- (b) Blocks and lots.
  - [1] Street layouts should provide for a variety of block and lot sizes. Blocks should be generally in the range of 200 to 400 feet deep by 400 to 800 feet long, to create shorter walking distances and help diffuse traffic on multiple access routes. Blocks exceeding 600 feet should have a rear lane access or a pedestrian right-of-way for midblock access.
  - [2] Multiple buildings and uses are permitted on a lot in the TCB District.

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8. Editor's Note: Figure 1 is included at the end of this chapter.

9. Editor's Note: Figure 2 is included at the end of this chapter.

[3] Multiple buildings are permitted on a lot in the TCR District.

[4] In order to facilitate fewer curb cuts, shared driveways should be used for access to parking lots behind buildings.

[5] Residential rear access lanes should be used for access to garages and parking lots behind buildings.

(c) Sidewalks.

[1] Sidewalks in the TCB District should be consistent with the TCB street standards as shown in Figure 1.<sup>10</sup> All sidewalks should be ADA compliant.

[2] Sidewalks in the TCR District should be consistent with the TCR Street Standards as shown in Figure 2.<sup>11</sup> All sidewalks should be ADA compliant.

[3] Restaurants may be permitted to operate outdoor cafes in front of and on public sidewalks as long as at least seven feet are maintained free for sidewalk passage.

[4] A retail business may be permitted to have a temporary sidewalk display of store merchandise on up to 25% of its sidewalk frontage.

(d) Landscaping.

[1] A landscaped area shall be provided along both sides of all streets within the TCB District. The landscaped area shall be consistent with the TCB street standards shown in Figure 1.<sup>12</sup> Within the landscaped area, one shade tree (minimum of three-inch caliper diameter at four feet in height) should be provided per every 25 to 30 linear feet.

[2] Landscaped areas shall be provided along both sides of streets, as shown in the TCR street standards.<sup>13</sup> The landscaped area shall be consistent with the TCR street standards as shown in Figure 2. Within the

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**10.Editor's Note: Figure 1 is included at the end of this chapter.**

**11.Editor's Note: Figure 2 is included at the end of this chapter.**

**12.Editor's Note: Figure 1 is included at the end of this chapter.**

**13.Editor's Note: The TCR street standards, provided in Figure 2, are included at the end of this chapter.**

landscaped area, one shade tree (minimum of three-inch caliper at four feet in height) should be provided per every 30 to 40 linear feet.

- [3] Street trees should be tolerant of urban conditions, especially salt and sand deposited with snow removal. Mulched tree wells should be placed around the base of each tree for protection and moisture retention.
  - [4] Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below 10 feet above the established street grades. All landscaping (trees, shrubs, planted beds) shall be maintained within 20 feet of any street intersection or 10 feet of driveway/street intersections. This restriction is for the purposes of maintaining visibility at all times.
  - [5] Where parking lots and drives abut the landscaped strip along the street right-of-way, evergreen shrubs and/or a three-foot stone wall, as approved by the Planning Board, should be provided for screening. The screening should be a plant species that is a minimum of three feet high and a maximum of six feet high and extend along the entire street frontage of the parking lot, exclusive of driveways and visibility lines.
  - [6] Visibility. Street-level landscaping shall not interfere with visibility and safety.
  - [7] Street trees are a major means of providing a pedestrian amenity as well as visual coherence. Property owners shall have responsibility for planting and maintaining trees along street frontage(s) within the Town's right-of-way.
  - [8] Maintenance of landscaping within the Town's right-of-way shall be the responsibility of the property owner.
- (e) Lighting. Streetlights and other lighting shall be 10 to 15 feet in height. Lighting shall be metal halide or other full-spectrum fixture and should avoid illumination above the horizontal level into the night sky. All exterior lights shall be designed and located in such a manner as to prevent

objectionable light and glare to spill across property lines.

(f) Furniture and waste receptacles. Street furniture and waste receptacles approved by the Planning Board should be provided along street frontages.

(g) On-street parking.

[1] On-street parking arrangements within 500 feet of each new building are strongly encouraged along TCB commercial streets, as illustrated in the TCB street standards. See Figure 1.<sup>14</sup>

[2] On-street parking shall be permitted along residential collector and access streets, as illustrated in the TCR street standards. See Figure 2.<sup>15</sup>

[3] On-street parking along and adjacent to the property frontage may apply toward the minimum parking requirements.

(2) Site standards.

(a) TCB site development.

[1] Connections between the parking lots to the rear and the main retail frontage are desirable. Wherever practical, through-store passages should be provided.

[2] The frequency of store entrances along commercial Town Center streets is important in maintaining retail continuity and viability. In new buildings, a maximum distance of 60 feet between individual store entrances is encouraged.

[3] Two- or three-story buildings are required for the entire TCB District. Larger-scale, single-use facilities (conference spaces, theaters, supermarkets or department stores, for example) shall occur behind smaller-scale buildings or storefronts with pedestrian orientation and may be one story with a two-story facade.

[4] The ground floor should reinforce retail continuity along specified street frontages within the TCB

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**14.Editor's Note: Figure 1 is included at the end of this chapter.**

**15.Editor's Note: Figure 2 is included at the end of this chapter.**

District (see the Illustrative Plan). Second stories and above may be used for a mix of residential, commercial, and/or office space.

- [5] Buildings should be brought up toward the right-of-way line, consistent with the TCB street standards as shown in Figure 1 for the TCB District.<sup>16</sup>
  - [6] Balconies, bay windows and cornice features, open porches, canvas-type awnings, and projecting signs may encroach up to six feet into the front setback or up to six feet over the sidewalk area above seven feet six inches.
  - [7] The Planning Board may waive height and setback requirements for landmark civic buildings, including government buildings, churches, schools, or libraries, and for pedestrian-oriented places such as plazas or outdoor eating areas.
  - [8] Drive-through service facilities are not permitted for restaurants, fast-food restaurants, or the retail sale and distribution to vehicle occupants of food or beverage as either a primary or subordinate commercial activity. **[Amended 1-11-2012 by L.L. No. 1-2012; 4-9-2014 by L.L. No. 2-2014]**
  - [9] Gas station pump canopies shall be located to the rear of the building.
- (b) TCR site development.
- [1] A variety of housing types from single-family houses on lots of 6,000 square feet to 10,000 square feet to attached townhouses and apartments are permitted, with an overall density of up to 12 dwelling units per acre.
  - [2] Side yard and rear yard setbacks for garages or accessory structures shall be a minimum of six feet.
  - [3] Access to driveways and garages should be from the rear access drive. Any lot with a front driveway shall recess the garage 20 feet from the front building line.

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16. Editor's Note: Figure 1 is included at the end of this chapter.

- [4] Balconies, bay windows, cornice features, and/or open porches may encroach up to six feet into the front setback for the TCR District.
- [5] Residential units should be located toward Route 55 to preserve the more rural qualities and open fields facing Lauer Road and Todd Hill Road, as shown on the Illustrative Plan.

(c) Parking.

- [1] Parking lots and garages shall be located to the rear of a building wherever possible, and access to parking and garages should be from a rear access lane.
- [2] Shared driveways should be used to access parking lots behind buildings and facilitate fewer curb cuts. Shared driveways and/or entrances for ingress and egress access between neighboring buildings and parking lots is strongly encouraged for the TCB District.
- [3] Interior parking lot landscaping. Interior parking lots shall be landscaped in accordance with the off-street parking, loading and driveway standards (§ 240-42E) as determined necessary by the Planning Board.
- [4] Exterior parking lot landscaping. A landscaped strip should be provided around the perimeter of parking lots, exclusive of driveways. The landscaped strip should be a minimum of five feet wide.
- [5] Each parking space shall be nine feet wide and 18 feet long, except handicap-accessible spaces that are to be eight feet by 20 feet parking along with the required side aisle space (five feet). Back-up and maneuvering aisles between rows of parking spaces shall be at least 24 feet wide, except where the Planning Board approves a lesser dimension as adequate to serve parking spaces arranged at less than a ninety-degree angle or landscaped area.
- [6] The Planning Board may, at its sole discretion, approve the joint use of a parking facility and allow a reduction in the parking requirement of up to 30% for two or more principal buildings or uses, either on the same, adjacent, or nearby parcels, where it is clearly

demonstrated that the reduction in spaces and shared use of the parking facility will substantially meet the intent of the parking requirements by reason of variation in time of use by patrons or employees among such establishments (offset peak parking demand). There shall be a covenant on the separate parcel or lot guaranteeing the maintenance of the required off-street parking facilities during the existence of the principal use. Such covenant shall be:

- [a] Executed by the owner of said lot or parcel of land and by all other parties having beneficial use of, or some other legal interest in, the property, such as, but not limited to, a collateral or security interest;
  - [b] Enforceable by any of the parties having shared beneficial use of the facility; and
  - [c] Enforceable against the owner, the parties having beneficial use, and their heirs, successors and assigns.
- [7] Parking spaces shall not exceed minimum requirements unless clearly justified by parking generation data submitted by the applicant.
- [8] Minimum off-street parking space requirements are found in § 240-35H(2)(c)[9] and § 240-42J. The Planning Board shall interpret these requirements in light of the design purposes of the Town Center Districts, and may reduce parking space requirements based on shared parking or availability of on-street parking. For single-family dwellings, garage parking spaces may be counted toward required parking spaces, provided that a homeowners' association's (HOA) restrictions, or other community restrictions, require the continued availability of such spaces for parking. **[Amended 8-27-2008 by L.L. No. 7-2008]**
- [9] Minimum off-street parking space requirements apply to the following uses within the TCB District; all other uses within the TCB District apply to the parking requirements found in § 240-42J: **[Amended 8-27-2008 by L.L. No. 7-2008]**

<b>Use</b>	<b>Minimum Off-Street Parking Spaces</b>
Retail or service business	1 for each 275 square feet of gross floor area
Restaurant	1 for each 250 square feet of gross floor area
Office for business or professional use	1 for each 275 square feet of gross floor area
Apartments within a mixed-use building	1.65 spaces per unit
Carriage units	1 space per unit
Hotel	1 per key

[10]Waiver of improvement. Where the authority approving a site plan or special permit application determines that less than the required number of parking spaces will satisfy the intent of this chapter, said Board may waive the requirement in part, but not in excess of 50% of the number required according to this section. In all cases, it shall be expressly demonstrated on the site plan that sufficient space remains for the provision of the total amount of off-street parking required, and the site plan shall bear such designation. All such undeveloped parking space shall be used and maintained as additional landscaped grounds until required for parking. Written guarantees shall be submitted by the applicant for the eventual improvement of any such spaces that may have been waived; these spaces must be constructed by the property owner within six months of the date of written notice to the property owner by the Planning Board that such spaces have been determined as necessary and must be constructed. Written guarantees and proposed designs of future parking shall be shown on the site plan.

(d) Landscaping.

[1] Landscaping should be designed to avoid existing overhead or underground utility lines. Where the location of existing overhead or underground utility lines conflicts with the required landscaping strip and

tree planting, the Planning Board may approve an alternate plan.

- [2] Required landscaping shall be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, the mowing of grass, irrigating, fertilizing, pruning, and other permanent maintenance of all plantings as needed.
- [3] Site trees should be no smaller than three-inch caliper diameter at four feet in height. Density of site trees shall be at the discretion of the Planning Board as determined necessary.

(e) Lighting.

- [1] All exterior lights shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines.
- [2] Exterior lighting should be architecturally compatible with the building style, material, and colors. Cutoff fixtures are preferred over cobra-type light fixtures and directional floodlights.
- [3] Streetlights and other lights shall be 10 to 15 feet in height, except pole lights in parking lots, which shall be a maximum of 20 feet high.

(f) Loading areas. Loading and delivery areas may be shared between nearby uses and shall be determined by the Planning Board on a case-by-case basis.

(g) Mechanical equipment, garbage containers, and electrical transformers. Mechanical equipment, garbage containers, and electrical transformers should be concealed from public view on all sides by architectural elements and/or landscaping satisfactory to the Planning Board's approval.

(h) Fencing and walls.

- [1] The design of fences and walls should be compatible with the architecture of the principal building(s) and should use similar materials.
- [2] All fences or walls 50 feet in length or longer, and four feet in height or taller, should be designed to

minimize visual monotony by changing plane, height, material, or material texture, or significant landscape massing.

[3] Chain link fencing is discouraged.

(i) Utilities.

[1] Site design is predicated on connection to central water and central sewer with improvements built by the private developer. If access to central sewer is not immediately available, the project should still be consistent with Town Center principles and standards to accommodate a later connection to a central sewer system.

[2] All new utilities shall be underground.

(j) Open space. Where appropriate and practical, new development should create public open spaces and should maintain existing public open space.

(3) Architectural standards.

(a) The architectural standards are intended for buildings that are compatible with the design standards in § 240-35H(3). Design compatibility includes complementary building style, form, size, color, materials, and detailing. In reviewing projects, the Planning Board shall consider each of the following principal features contributing to the identity of buildings within the TCB and TCR Districts:

[1] Size: the relationship of the project to the site.

[2] Scale: the relationship of the building to those around it.

[3] Massing: the relationship of the building's various parts to each other.

[4] Fenestration: the placement of windows and doors.

[5] Rhythm: the relationship of fenestration, recesses, and projections.

[6] Setback: the relation of a building setback to its immediate surroundings.

- [7] Materials: their compatibility with other buildings constructed under the Town Center standards in the Town Center District.
  - [8] Context: the overall relationship of the project to its surroundings.
- (b) The following architectural design concepts are encouraged:
- [1] Street-level continuity of shopfronts.
  - [2] Street-level expression line, visually tying together the retail base and separating the upper stories.
  - [3] Diversity of architectural design should be encouraged.
  - [4] Multiple buildings on the same lot should be designed to create a cohesive visual relationship between the buildings.
  - [5] Blank wall areas and long, uninterrupted rooflines shall be avoided and should exhibit more detail and elements appropriate for close-range pedestrian view. Building surfaces over 50 feet in length should be relieved with changes of wall plane (i.e., recesses and projections) that provide strong visual interest.
  - [6] All sides of a building may have an impact on its surroundings and should be considered for treatment with an architectural finish. Architectural features, materials, windows, and articulation of a facade of a building should be continued on all sides visible from a street or public parking areas.
  - [7] Exterior building materials on the primary structure should not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, highly reflective, shiny, or mirrorlike materials, mill-finish (noncolored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks.
  - [8] Facade colors should be low-reflectance colors. High-intensity colors, metallic colors, black, or fluorescent

colors should not be used. Building trim and accent areas may feature brighter colors.

[9] Building colors should be carefully chosen so that each building's color complements that of its neighbors.

[10]The scale of a building should be compatible with the surrounding buildings.

[11]Pitched roofs with gables/dormers or symmetrically shaped parapet roofs are encouraged.

[12]Consideration should be given to the height of the cornice line or other expression lines.

[13]The use of canvas-type awnings on buildings is recommended to provide protection from sun, wind, and rain and to improve the aesthetics of the building exterior.

[14]Existing structures, if deemed historic or architecturally significant, should be protected from demolition or incompatible adjacent development.

(c) Finish materials should include:

[1] Facades:

[a] Brick.

[b] Stone.

[c] Stucco.

[d] Wood.

[e] Wood shingles.

[f] Fiber cement siding.

[2] Roofs:

[a] Pitched.

[b] Shingles, wood, imitation wood asphalt.

[c] Metal, aluminum (Kynar), copper, terne, zinc (standing seam or batten seam).

[d] Architectural-style asphalt shingles.

## [3] Windows:

- [a] Windows should be greater in height than width or at least of equal proportion.
- [b] Mirrored, reflective, or darkly tinted glass, all-glass walls, or exterior roll-down security gates shall not be permitted.

**§ 240-39. Design standards for Commercial (C) and General Business (GB) Districts. [Amended 10-24-2007 by L.L. No. 4-2007; 9-10-2014 by L.L. No. 4-2014]**

## A. Purpose; conflict with other provisions.

- (1) The intent of the C District is to provide for the development of traditional, higher-intensity commercial uses that are concentrated in centers rather than in strip developments. The GB District is intended to provide for lower-intensity, smaller-scale neighborhood-oriented development.
- (2) The purpose of these design standards for 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.
- (3) The provisions of this section, when in conflict, shall take precedence over other sections of the Zoning Law.

## B. Design principles: Commercial (C) District. The primary objective of the C District is to create commercial centers with larger-scale uses. New buildings should relate to and enhance the positive qualities that currently exist. Specifically, the design principles for the C District are to:

- (1) Locate buildings close to the sidewalk and street edge.
- (2) Promote pedestrian activity through a safe and walkable environment.
- (3) Minimize the visual impact of the automobile by managing curb cuts and the placement and screening/landscaping of parking areas.
- (4) Create an interconnected street system for both pedestrian and vehicular traffic.

- (5) Create opportunities for shared and interconnected systems of driveways in instances where these elements can be designed compatible with the uses and when it promotes safe vehicular and pedestrian movement.
  - (6) Encourage the development of both on-street parking and shared parking areas between nearby uses.
  - (7) Protect important natural and historic features.
  - (8) Facilitate transitions and site planning for commercial development so that it is compatible and in context with adjacent zoning districts and residential neighborhoods.
- C. Design principles: General Business (GB) District. The primary objective of the GB District is to create smaller-scale, neighborhood-oriented commercial areas. Specifically, the design principles for the GB District are to:
- (1) Promote pedestrian activity through a safe and walkable environment.
  - (2) Promote development on a scale that is consistent with adjacent neighborhood uses.
  - (3) Create an interconnected street system for both pedestrian and vehicular traffic.
  - (4) Protect important natural and historic features.
- D. Location of C and GB. As per § 240-22, the location of the C and GB Districts is shown on the map entitled "Zoning Map of the Town of LaGrange," adopted by the Town Board.
- E. C and GB Schedule of Permitted Uses. The schedule of permitted uses and specially permitted uses for the C and GB Districts is found in § 240-27, in Schedules A1, A2 and A3, Schedules of Permitted Uses and Special Permit Uses.<sup>17</sup>
- F. Bulk requirements for C and GB. The bulk requirements for the C and GB Districts are found in § 240-28, Schedule B2, Schedule of Bulk Regulations and Coverage Limitations, Nonresidential.<sup>18</sup>
- G. Planning Board review of projects in C and GB.
- (1) The design standards of this section are intended to guide the Planning Board in its review of projects within the C and GB

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**17. Editor's Note: Schedules A1, A2 and A3 are attached to this chapter as Appendix A.**

**18. Editor's Note: Schedule B2 is attached to this chapter as part of Appendix B.**

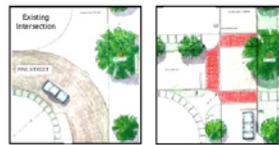
Districts and to guide the Planning Board and applicants as to favored forms and principles of site design.

- (2) The following terms have meanings as follows:
  - (a) The word "shall" means the standard is mandatory;
  - (b) The words "should" or "may" mean the standard is recommended and its application is optional at the discretion of the Planning Board.
- (3) The Planning Board may modify those standards that are mandatory upon written finding that such modification is warranted. Circumstances that may warrant modification of any mandatory standard include, but are not limited to, physical constraints such as the location of existing buildings or changes in grade between adjacent properties.
- (4) In reviewing any proposed modification of a mandatory standard, the Planning Board shall consider whether granting the modification will be consistent with the purpose of this section, the Comprehensive Plan, and the design principles in § 240-39B and C.

H. Design standards. The C District encourages a mix of retail uses, restaurants, services, workplaces, and entertainment and civic facilities. The GB District encourages a similar mix of commercial and retail uses, in addition to single-family uses, in a nodal form and a more compact pattern than the C District. The following are the specified standards for the C and GB Districts:

- (1) Streetscape standards.
  - (a) Blocks and lots.
    - [1] Multiple buildings and uses are permitted on a lot in the C and GB Districts.
    - [2] In order to facilitate fewer curb cuts, shared driveways should be used for access to parking lots behind buildings. Curb cuts should be the minimum width required for safe ingress and egress in order to provide for managed access and egress onto public roads as well as to provide a safe pedestrian environment. Large expanses of street frontage with open, uncurbed lengths should be avoided as it can increase the likelihood of accidents.

- [3] Residential rear access lanes should be used for access to garages and parking lots behind buildings.
- [4] Pavers or similar hardscape should be utilized at all block corners to enhance the pedestrian environment, increase pedestrian safety, and have a traffic-calming effect. The crosswalk should continue the materials and theme across the street. The role of these physical enhancements is to influence slower vehicle speeds at these locations and to help people perceive that there is a transition in the road, driveway and sidewalk network.



*Source: Dutchess County Greenway Connections, Dutchess County Department of Planning and Development.*

(b) Sidewalks.

- [1] Sidewalks should be at least five feet wide to easily accommodate pedestrians, joggers, and bicyclists and shall be ADA compliant. Sidewalks may be wider to accommodate outdoor seating and cafes.
- [2] Restaurants may be permitted to operate outdoor cafes in front of and on public sidewalks as long as at least seven feet are maintained free for sidewalk passage.
- [3] A retail business may be permitted to have a temporary sidewalk display of store merchandise on up to 25% of its sidewalk frontage.

(c) Landscaping.

- [1] A landscaped area shall be provided along both sides of all streets within the C and GB Districts. Within the landscaped area, one shade tree (minimum of three-inch caliper diameter at four feet in height) should be provided per every 30 linear feet to 35 linear feet.
- [2] Street trees are a major means of providing a pedestrian amenity as well as visual coherence. Property owners shall have responsibility for planting

and maintaining trees along street frontage(s) within the Town's right-of-way.

- [3] Street trees should be tolerant of salt and sand deposited with snow removal. Mulched tree wells should be placed around the base of each tree for protection and moisture retention.
  - [4] Street trees should have a canopy that is sufficiently high (at least eight feet) so as not to block views of storefronts, conflict with streetlighting, or inhibit safe sight distances for vehicles at intersections. Street trees should be no smaller than four-inch caliper diameter at four feet in height. Trees should be of a type that does not create droppings, that would mar the sidewalk and parked cars.
  - [5] Shrubbery shall be no higher than four feet above existing street grades, nor shall any tree with foliage extend below eight feet above the established street grades. It shall be the responsibility of the property owner to maintain all landscaping (trees, shrubs, planted beds) within 20 feet of any street intersection or 10 feet of driveway/street intersections to the above standards. This restriction is for purposes of maintaining visibility at all times.
  - [6] Where parking lots and drives abut the landscaped strip along the street right-of-way, evergreen shrubs and/or a three-foot stone wall, as approved by the Planning Board, should be provided for screening. The screening should be a plant species that is a minimum of three feet high and a maximum of six feet high and extend along the entire street frontage of the parking lot, exclusive of driveways and visibility lines.
  - [7] Street-level landscaping shall not interfere with visibility and safety.
  - [8] Maintenance of landscaping within the Town's right-of-way shall be the responsibility of the property owner.
- (d) Lighting. Streetlights and parking lot lights shall be no more than 15 feet in height. Lighting shall be metal halide or other full-spectrum fixture and should avoid

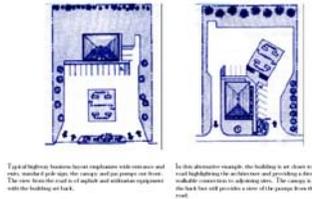
illumination above the horizontal level into the night sky. All exterior lights shall be designed and located in such a manner as to prevent objectionable light and glare and to minimize spillage.

(2) Site standards.

(a) Site development.

- [1] Connections between the parking lots to the rear and the main retail frontage are desirable. Wherever practical, sidewalks accessed along landscaped alleys and/or access through store passages should be provided.
- [2] Building entrances and storefronts should face the main roadway frontage. Additional entrances should be provided if parking is located to the side and/or rear of the buildings. (As noted below, distinct building architecture and landscaping should help guide and orient users to the main entrances.)
- [3] Two- and three-story buildings are encouraged in the Commercial Districts. Depending on the site context, larger-scale, single-use facilities (conference spaces, theaters, supermarkets or department stores, for example) should occur behind smaller-scale (one- or two-story) buildings or storefronts in order to aid the sense of scale of buildings, particularly in relation to the pedestrian.
- [4] Second stories and above may be used for a mix of commercial and/or office space.
- [5] The Planning Board may waive height and setback requirements for landmark civic buildings, including government buildings, churches, schools, or libraries and for pedestrian-oriented places such as plazas or outdoor eating areas or vest pocket parks, such as where there is seating and landscaping adjacent to sidewalk or open space.
- [6] There should be careful consideration of the location of gas station pump canopies on the site. Gas station canopies should be located to the rear of the building whenever possible and shall not exceed 50% of the floor area of the parcel or 2,500 square feet, whichever is less. See the illustration below. Canopies

shall have downward-facing lights and no internally illuminated signage or lettering. As noted in § 240-39H(3), there should also be consideration of the design and treatment of the facades and roofs associated with these structures.



Source: Town of Warwick Design Guidelines, 2002.

(b) Parking.

[1] Parking lots and garages shall be located to the rear of a building wherever possible, and access to parking and garages should be from a rear access lane. Alternatively, there should be an attempt to locate parking in the side yard, such as on corner lots. Parking lots as the terminal vista of an approach should be avoided wherever possible. See the illustration below.



Left: Traditional siting of building and parking lot

Right: Preferred siting of building and parking lot

Source: Dutchess County Greenway Connections, Dutchess County Department of Planning and Development.

[2] Shared driveways should be used to access parking lots behind buildings and to facilitate fewer curb cuts. Shared driveways and/or entrances for ingress and egress access between neighboring buildings and parking lots are strongly encouraged.

[3] Parking lot buffers and landscaping.

[a] For large parking lots (20,000 square feet or larger), a minimum of 10% of the interior of the

parking lot should be landscaped with trees and other plants. Where feasible, large lots should be broken up into smaller sections by use of landscaping and site planning.



Source: Dutchess County Greenway Connections, Dutchess County Department of Planning and Development.

[b] Landscaped planters and tree islands should be located among the parking spaces in a lot. Diagonal islands, such as the one illustrated below, provide aesthetic and shade benefit without resulting in the loss of parking spaces.



Source: Dutchess County Greenway Connections, Dutchess County Department of Planning and Development.

[c] (Reserved)<sup>19</sup>

[d] Curbing around the perimeter of parking areas is encouraged in higher density developments within the C District and said curbing is to be granite or cast concrete curbing.

[4] (Reserved)<sup>20</sup>

[5] Parking lots should not be composed entirely of asphalt. It is strongly encouraged that, to provide visual interest and to reduce water runoff, bricks, pavers, and/or textured surfaces should be used for

19. Editor's Note: Former Subsection H(2)(b)[3][c], regarding landscaped strips around parking lots, was repealed 12-14-2016 by L.L. No. 15-2016.

20. Editor's Note: Former Subsection H(2)(b)[4], regarding dimensions of parking spaces and backup and maneuvering aisles, was repealed 12-14-2016 by L.L. No. 15-2016.

crosswalks and stalls, where possible. Grass block or other pervious landscaping treatment is encouraged for overflow/reserved parking areas.

[6] An area for snow and ice storage should be identified that does not impact vehicle sight lines or the view of a site from public roads.

[7] Joint parking.

[a] Joint parking between uses is encouraged, as it reduces the amount of impervious surface area and is more economical to install and maintain. It also serves to reduce the visual impact of parking lots. Joint parking standards can be found in § 240-42 of the Town Code. **[Amended 12-14-2016 by L.L. No. 15-2016<sup>21</sup>]**

[8] (Reserved)<sup>22</sup>

[9] Minimum off-street parking space requirements are found in § 240-35H(2)(c)[9] and § 240-42J.

[10] Since C and GB Districts have the potential for high levels of impervious coverage, stormwater management practices should ideally be addressed across sites and the use of high-quality landscaping should be integrated with the stormwater management objectives. Specifically, where feasible, stormwater management should be coordinated across sites, and new commercial development or redevelopment may be well-suited for applications of innovative stormwater management technology, such as subsurface stormwater management systems. Similarly, small vegetated and landscaped alternative stormwater quality treatment systems, such as rain gardens or bioretention practices, should also be considered.

[11] (Reserved)<sup>23</sup>

(c) Landscaping.

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21. Editor's Note: This local law also repealed former Subsection H(2)(b)[7][b] through [e].

22. Editor's Note: Former Subsection H(2)(b)[8], regarding minimum requirements for parking spaces, was repealed 12-14-2016 by L.L. No. 15-2016.

23. Editor's Note: Former Subsection H(2)(b)[11], waiver of improvement, was repealed 12-14-2016 by L.L. No. 15-2016.

- [1] A landscape plan should be prepared by a qualified professional, such as a landscape architect.
- [2] Landscaping should be designed to avoid conflicts with existing overhead or underground utility lines. Where the location of existing overhead or underground utility lines conflicts with the required landscaping strip and tree planting, the Planning Board may approve an alternate plan.
- [3] Required landscaping shall be permanently maintained in a healthy growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other permanent maintenance of all plantings as needed.
- [4] Site trees should be no smaller than three-inch caliper diameter at four feet in height at the time of planting. Density of site trees shall be at the discretion of the Planning Board as determined necessary.
- [5] Loading areas shall be screened from view with landscaping, decorative fencing, and/or earthen berms.



- [6] Aboveground or in-ground open drainage features, such as swales, catch basins, and detention ponds, should be treated as design elements and as part of the overall site landscaping plan. These features should be modeled after the naturally occurring swales, wetlands, and ponds found throughout the Town.

(d) Lighting.

- [1] All exterior lights shall be designed and located in such a manner as to prevent objectionable light and glare to spill across property lines.
- [2] Exterior lighting should be architecturally compatible with the building style, material, and colors. Cutoff

fixtures are preferred over cobra-type light fixtures and directional floodlights.

[3] Accent lighting or decorative lighting is encouraged but should be of a low wattage (no more than 100 watts) and should not cast light upward except to light a building facade.

(e) Loading and delivery areas may be shared between nearby uses and shall be determined by the Planning Board on a case-by-case basis.

(f) Mechanical equipment, garbage containers, and electrical transformers, including rooftop installations, should be concealed from public view on all sides by architectural elements and/or landscaping satisfactory to the Planning Board's approval.

(g) Fencing and walls.

[1] The design of fences and walls should be compatible with the architecture of the principal building(s) and should use similar materials. The Planning Board should determine whether a fence is desirable along a public street frontage given surrounding landscape and land use patterns.

[2] All fences or walls 50 feet in length or longer, and four feet in height or taller, should be designed to minimize visual monotony by changing plane, height, material, or material texture or significant landscape massing.

[3] Chain link fencing is discouraged.

(h) Utilities. All new utilities shall be underground.

(i) Open space. Where appropriate and practical, new development should create public open spaces and should maintain and/or relate to existing public open space.



Source: Town of Warwick Design Guidelines, 2002.

(3) Architectural standards.

- (a) The architectural standards are intended to provide for design compatibility between new and existing buildings. Design compatibility includes complementary building style, form, size, color, materials, and detailing. In reviewing projects, the Planning Board shall consider each of the following principal features contributing to the identity of buildings within the C and GB Districts and shall determine whether site or building locations warrant special architectural detail:

- [1] Size: the relationship of the project to the site.
- [2] Scale: the relationship of the building to those around it.
- [3] Massing: the relationship of the building's various parts to each other.
- [4] Fenestration: the placement of windows and doors.
- [5] Rhythm: the relationship of fenestration, recesses, and projections.
- [6] Setback: the relation of a building setback to its immediate surroundings.
- [7] Materials: their compatibility with other buildings constructed in the Commercial Districts.
- [8] Context: the overall relationship of the project to its surroundings.

- (b) The following architectural design concepts are encouraged:

- [1] Street-level expression line, visually tying together the retail base and separating the upper stories. Entrances and doors shall be defined and articulated by architectural elements compatible with the style, materials, colors and details of a building as a whole. Window fenestration should be compatible with the style, materials, colors and details of a building as a whole.
- [2] Diversity of architectural design. Trim and decorative lighting are examples of features that may provide emphasis. Any residential uses should have a porch,

covered portico, or otherwise architecturally defined entrance on the street facade of the building.

- [3] Multiple buildings on the same lot should be designed to create a cohesive visual relationship between the buildings.
- [4] Blank wall areas and long, uninterrupted rooflines shall be avoided and should exhibit more detail and elements appropriate for close-range pedestrian view. Building surfaces over 50 feet in length should be relieved with changes of wall plane (i.e., recesses and projections) that provide strong visual interest.
- [5] Buildings should incorporate visual separation between the lower facade and upper facades, as this creates a strong orientation toward the pedestrian scale. Some design elements that are successful in creating this separation include utilizing canopies, varying textures, varying window patterns, and incorporating storefront cornices.
- [6] Buildings should be located to front towards public streets, both functionally and visually (building should not be oriented to front towards a parking lot). There should be special consideration of buildings on the edges of the District which may serve as gateways and which mark a transition. Buildings on corner lots shall be considered significant structures, and there should be consistent architectural treatment on all sides facing public streets. Architectural features, materials, windows, and articulation of a facade of a building should be continued on all sides visible from a street or public parking areas.
- [7] Exterior building materials on the primary structure should be durable and of high quality and should not include smooth-faced concrete block, tilt-up concrete panels, or prefabricated steel panels, highly reflective, shiny, or mirror-like materials, mill-finish (noncolored) aluminum metal windows or door frames; exposed, unfinished foundation walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks. Facade finish materials should include the following: brick, stone, stucco, wood, wood shingles, and fiber cement siding.

- [8] Facade colors should be low-reflectance colors. High-intensity colors, metallic colors, black, or fluorescent colors shall not be used. Building trim and accent areas may feature brighter colors.
- [9] Building colors should be carefully chosen so that each building color complements that of its neighbors.
- [10] The scale of a building should be compatible with the surrounding buildings.
- [11] Pitched roofs with gables/dormers or symmetrically shaped parapet roofs are encouraged to provide visual interest to buildings. Considerations should be given to the height of cornice line or other expression lines. Minimum pitch should be 6/12, and flat roofs should be avoided. See the illustration below.



*Source: Town of Warwick Design Guidelines, 2002.*

- [12] Roof design should be functional and in keeping with the scale and character of the building and surroundings. Roofs should not make up more than 50% of the visible facade area of the building.
- [13] The use of canvas-type awnings on buildings is recommended to provide protection from sun, wind, and rain and to improve the aesthetics of the building exterior.
- [14] Existing structures, if deemed historic or architecturally significant, should be protected from demolition or incompatible adjacent development.
- [15] Windows should be greater in height than width or at least of equal proportion. Mirrored, reflective, or darkly tinted glass, all-glass walls, or exterior roll-down security gates shall not be permitted.
- [16] First-floor windows and display signs should create a sense of transparency on the ground floor of the building. Signage on windows may be appropriate in

some instances but should be limited as it can detract from the sense of transparency and the identity of a district.

(c) Architectural standards applicable to gas stations. The following guidelines are encouraged in gas station uses:

[1] Gas stations should have an overall architectural theme. Separate structures on the site (canopy, cashier booth, carwash, etc.) must have consistent architectural detail and design elements to provide a cohesive project site.

[2] The canopy must incorporate design elements that are found on the main building, including color, roof pitch, and materials. The canopy must not act as an attention-getting device. Canopy support poles must incorporate decorative corbels consistent with the overall theme of the site or pole covers 18 inches or wider with similar surface material and architectural treatments as the dominant masonry material on the main structure.

(4) Signage standards. The purpose of this subsection is to provide standards for signage. The standards are in addition to, but override in the event of inconsistency, the regulations for signs found in § 240-43, Signs. The following standards are intended to assist the Planning Board in improving the quality of signage in the C and GB Districts:

(a) Signs should be compatible with surroundings and appropriate to the architectural character of the buildings on which they are placed.



*Source: Dutchess County Greenway Connections, Dutchess County Department of Planning and Development.*

Appendix E – Traffic memorandum for proposed Stewart’s Shops

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## Memorandum

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**To:** Wanda Livigni; Administrator of Planning and Public Works, Town of LaGrange  
**From:** Alex Auld, Anthony Russo; AKRF, Inc.  
**Date:** October 18, 2018  
**Re:** Stewart's Shops, LaGrange – Trip Generation  
**cc:** Tyler Fronte; Stewart's Shops

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This memorandum presents the potential trip generation associated with the proposed Stewart's Shops convenience market and gas station to be developed on the land parcel at the northeast corner of the intersection of NYS Route 55 and NYS Route 82 in the Hamlet of Billings, Town of LaGrange, NY.

The proposed development would comprise of a 3,695 SF convenience store with 4 pumps (8 fueling positions). Trip generation rates for this type of land use researched in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*<sup>1</sup>. Based on the land use descriptions provided in the manual, ITE Land Use Code (LUC) 853, "Convenience Market with Gasoline Pumps" was determined to be the most appropriate LUC for use the corresponding trip generation rate, as shown in **Table 1**.

The new primary site generated trips for the Weekday AM, Weekday PM, and Saturday Midday peak hours were calculated based on the ITE trip generation rates. A Pass-by trip (trips that are attracted to the proposed development that would have already be present on a street adjacent to the proposed development) rate of 63% was applied to the primary site generated trips based on information provided in the ITE *Trip Generation Handbook, 3<sup>rd</sup> Edition (Revised February 6, 2018)*. The pass-by trips were subtracted from the primary site generated trips to determine the overall net trip generation for the proposed development. The net new trips generated by the proposed project would be 55, 68, and 63 new vehicle trips during the Weekday AM, Weekday PM, and Saturday Midday peak hours, respectively, as shown in **Table 1**.

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<sup>1</sup> The ITE *Trip Generation Manual, 10<sup>th</sup> Edition* (the most recent edition) only provides trip generation rates for the Weekday AM and Weekday PM peak hours. Trip generation rates for the Saturday Midday Peak hour were sourced from the ITE *Trip Generation Manual, 9<sup>th</sup> Edition*.

**Table 1**  
**Project Trip Generation**  
**Stewart's Shops, LaGrange**

Building Component	ITE Code	Units	Weekday AM Peak Hour <sup>1</sup>			Weekday PM Peak Hour <sup>2</sup>			Saturday Midday Peak Hour <sup>3</sup>		
			In	Out	Total	In	Out	Total	In	Out	Total
Convenience Market with Gasoline Pumps	853	3.695 SF	75	75	150	91	91	182	87	83	170
<i>Pass-by Trips<sup>4</sup></i>			-47	-48	-95	-57	-57	-114	-55	-52	-107
Net New Trips <sup>5</sup>			28	27	55	34	34	68	32	31	63

**Notes:**

- (1) ITE rate of 40.59/1,000 SF (50% entering, 50% exiting) was used for the Weekday AM Peak Hour  
(Source: ITE *Trip Generation Manual, 10th Edition*)
- (2) ITE rate of 49.29/1,000 SF (50% entering, 50% exiting) was used for the Weekday PM Peak Hour  
(Source: ITE *Trip Generation Manual, 10th Edition*)
- (3) ITE rate of 45.94/1,000 SF (51% entering, 49% exiting) was used for the Saturday Midday Peak Hour  
(Source: ITE *Trip Generation Manual, 9th Edition*--ITE *Trip Generation Manual 10th Edition* does not provide trip generation rates for the Saturday Peak Hour)
- (4) Pass-by trip percentage of 63% utilized, based on average of pass-by trip percentages presented in the Institute of Transportation Engineers (ITE) *Trip Generation Handbook, 3<sup>rd</sup> Edition (February 6, 2018 Revision)* for ITE Land Use Code 853.
- (5) If trips associated with the former day care center on the site (currently inactive) were accounted for, the number of net new trips generated would be lower.