

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

**TOWN BOARD MEETING  
March 14, 2012**

**Present:** Councilman Joseph Luna  
Councilman Edward Jessup  
Councilman Gary Polhemus  
Councilman Andrew Dyal

**Absent:** Supervisor Jon Wagner

**Recording Secretary:** Margaret Schmitz, Deputy Town Clerk

**Others Present:** Ron Blass, Esq., Van De Water & Van De Water  
Wanda Livigni, Administrator of Public Works  
Greg Bolner, Clark Patterson Lee  
Diana Campaglione, Environmental Consultants

The regular meeting of the Town Board was held on Wednesday, March 14, 2012, at the LaGrange Town Hall, 120 Stringham Road. Deputy Supervisor Luna called the meeting to order at 7:02 p.m. The Deputy Town Clerk led the flag salute. There were approximately 18 residents in attendance.

Mr. Luna asked for a motion to approve the minutes for February 22, 2012 and February 29, 2012. Councilman Jessup so moved; seconded by Councilman Dyal and carried by all.

**Monthly Reports**

Mr. Luna asked for a motion to accept the monthly reports for February 2012. Councilman Polhemus so moved; seconded by Councilman Jessup and carried by all.

|   |             |
|---|-------------|
| Building, Planning, Zoning & Public Works | \$16,560.00 |
| Parks and Recreation                      | \$4,583.00  |
| Highway Superintendent                    | \$300.00    |
| Justice Caplicki (Inc. State Share)       | \$36,860.00 |
| Justice O'Hare (Inc. State Share)         | \$21,894.50 |
| Town Clerk                                | \$1,542.98  |

**Supervisor's Report**

No Report

## Public Hearings

Deputy Supervisor Luna requested a motion to open the Public Hearing on the Grandview Water District. Councilman Jessup so moved; seconded by Councilman Polhemus and carried by all. (SEE ADDENDUM)

Ms. Livigni explained that the Grandview Water District has been dealing with a lot of outages in the past two months. She stated that this is not a new situation for this district. She said she had thought the problem had been fixed over a year ago; however, apparently it has not. Control experts, engineers, and electricians have all been over there; all the small fixes that were done on a shoestring budget, have not solved the problem.

Councilman Luna added that this is a small district servicing a small number of people. He briefly explained why a larger improvement is being considered at this time.

Greg Bolner, Town Engineer, reviewed the Grandview Water District Map, Plan and Report dated February 29, 2012. He gave a brief historical review of the District.

Ms. Livigni spoke about financing the project and the estimated increase in the benefit unit assessment depending on the different bonding options provided by the Comptroller. A discussion regarding financing followed.

In response to an inaudible question from the audience, Ms. Livigni stated that this will be the exact system as the Deerfield Water District, which is performing well for two years now.

Joe Hutnick of Johnson Road asked what the period of bonding. Mr. Bolner responded the Map, Plan and Report figures are based on 20 years at 5% interest.

Tom Palladino of Johnson Road asked what type of maintenance and warrantee will be coming with the system. Mr. Bolner said there would probably be 5 years on the system. The initial warrantee is typically one year, but not more than 5 years on a system like this. Individual components may have longer warrantees. Pumps are not typically more than 5 years; he would have to check on the specifics of those.

Pat Paraggio of Johnson Road said "We went through this just 12 years ago and now you are telling us it should have a 30 year life span. We are still paying for the last upgrades. It never really worked the way it was promised to us. The generator never works. Is the generator going to work this time if the power goes out?" Ms. Campaglione confirmed that there was a problem with the last power outage.

Mr. Paraggio asked if there is a guarantee that this is going to be better than the last go around.

Mr. Luna responded that the only thing the Town has to go on is what the manufacturers guarantee and tell us. The last time an engineer came up with a fix for this it worked very poorly; we don't have that engineer any longer. Environmental Consultants have bent over backwards to keep it going without costing you an unreasonable amount of money, until now.

Mr. Paraggio stated he is not blaming Environmental Consultants; they have always been very responsive.

Carl Siebert of Johnson Road echo Mr. Paraggio's sentiments and said he hopes that this go around, with new engineers and upgrades, the District will get a system that works this time.

Joe Hutnik, Johnson Road, asked who is responsible for planning this upgrade because it is hard to believe we are getting our monies worth with this upgrade. He expressed his frustration with the current systems poor performance and is concerned they may not get a good deal on this upgrade and may need future upgrades. He asked who owns the water in Deerfield and why the water rates are so high.

Ms. Livigni stated the Town is the administrator of the Deerfield Water District and referred the question to the Mr. Blass for further explanation of water districts.

Councilman Luna requested a motion to close the Public Hearing; Councilman Jessup so moved, seconded by Councilman Polhemus, and carried by all.

An inaudible question was asked from the audience. Councilman Jessup made a motion to re-open the Public Hearing.

Mrs. Paraggio, Johnson Road, asked "If the Town owns the water, then why when the water system fails does the owner not pay?" She expressed her belief that these expenses should not be the problem of the residents in the District. Mr. Blass stated that under law there is no one else to bill except for the residents of the Grandview Water District. The District was created for the benefit of this one isolated area. In NY State, the entire town cannot be in the water district. The Town has to create individual water districts and tax only the residents that are getting the water; they are separate taxing entities. The Town cannot tax anyone that doesn't benefit from the system.

An inaudible question was asked from the audience.

Carl Siebert, Johnson Road asked if the pipes that are in the ground now will be able to hold up to this new system and why money wasn't put aside over the years to pay for this system.

Ms. Livigni stated that ideally she would have liked to replace the pipes and the building, however; the cost would be astronomical. Mr. Bolner stated that the new system would not increase the pressure or cause any additional strain to the pipes increasing the likelihood of the pipes to fail.

Irene Hutnik of Johnson Road asked what will happen to the water while the replacement takes place. Ms. Livigni stated that there will be no water for about a day and a notice will go out letting the residents know when the work will be done. After the installation there may be periodic interruption while the system is tweaked.

Mr. Luna asked if there were more comments from the public. Councilman Polhemus made a motion to close the public hearing, seconded by Councilman Jessup and carried by all.

Councilman Luna asked for a motion to approve the Negative Declaration on the Grandview Water District Improvement; Councilman Jessup so moved. There was an objection from the audience and a lengthy discussion about the duration of the loan and interest rates took place. Ms. Livigni request it to be noted for the record that the figures given are estimates that the Comptroller came up with; they are not set in stone and it is unknown at this time what the interest rate will be or the exact figures. The Town Board will have to approve what will go to bond. Mr. Blass explained the purpose of the public hearing and the process of bonding for improvements.

Councilman Dyal assured the residents that their input is important and that the Town is working hard to fix the existing problems so they have a system that works. He stated he can understand the money issue.

Councilman Luna explained that the Town is doing their best to bring the Grandview Water District uninterrupted water service for as long as the new equipment will possibly work; it is the Town's hope that it will work for the next 20 years. We know you need water now and that is where we thought we were headed. If you want to stop us in mid-stream and say "No, we don't want this." and then come back in a couple of months; I don't know what to tell you. It is the Town's intention to get the repairs done for the district at the cheapest possible price. Councilman Luna thanked everyone for their input and stated that it's his impression the majority of the people in the room want the Town to go ahead and fix the system.

Councilman Luna asked for a motion to approve the Environmental Assessment Form. Councilman Jessup so moved, seconded by Councilman Dyal. Mr. Blass amended the motion to approve the Negative Declaration for Grandview Water District. Councilman Jessup made the motion, seconded by Councilman Dyal; carried by all. (SEE ADDENDUM)

Councilman Luna requested a motion to approve the \$221,000.00 Bonding Resolution for Grandview Water District. Councilman Dyal so moved; seconded by Councilman Polhemus; carried by all. (SEE ADDENDUM)

Councilman Luna asked if anyone in the audience was there to comment on the Ch. 199 Public Hearing. There was no one. He moved to the agenda item regarding CSEA Grievances.

Councilman Luna briefly explained the nature of the CSEA Grievances submitted by Brian Aldrich. There was a discussion regarding the current level of the grievances. They were determined to be Level 1. Mr. Aldrich stated that he intended to speak with the Town Board at a workshop meeting in hopes of settlement; eliminating the need to elevate them to Level 2 grievances requiring Town Board action at a Business Meeting. Mr. Aldrich consented to a four week extension before he would elevate them to Level 2, providing ample time for discussion with the Board outside of the Business Meeting. It was decided to continue the discussion directly following the conclusion of this Business Meeting.

## **Public Hearings**

Councilman Polhemus made a motion to open the Public Hearing for Chapter 199 – Land Development Public Improvements, Performance, Security and Dedication Procedures; seconded by Councilman Dyal and carried by all. Deputy Supervisor Luna explained the legislation. There were no comments. Councilman Jessup made a motion to close the Public Hearing; seconded by Councilman Polhemus, carried by all. No action was taken. (SEE ADDENDUM)

## **Correspondence**

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

## **Agenda Items**

Councilman Luna requested a motion to set a Public Hearing for the proposed Local Law Amending the Code of Ethics Law for March 28, 2012. Councilman Polhemus so moved; seconded by Councilman Dyal and carried unanimously. (SEE ADDENDUM)

Councilman Luna requested a motion to set a Public Hearing for the proposed Local Law concerning Chapter 240 – Building Square for April 11, 2012. Councilman Jessup so moved; seconded by Councilman Polhemus and carried by all. (SEE ADDENDUM)

Councilman Luna stated that a Public Hearing needs to be set for a FEMA required proposed Local Law concerning Chapter 120 – Flood Damage Prevention. Councilman Polhemus moved to set the Public Hearing for April 11, 2012; seconded by Councilman Dyal and carried by all. (SEE ADDENDUM)

Deputy Supervisor Luna stated that Eagles Nest Catering, Inc., 14 Maintenance Lane, is requesting a waiver of the 30 day waiting period for a liquor license. Councilman Dyal moved to approve the waiver; seconded by Councilman Polhemus and carried by all.

Deputy Supervisor Luna stated that the Town Assessor is requesting Town Board approval to attend a Cost Market and Income Approach to Value class to be held from July 16-20, 2012 at Cornell University. The cost to the Town will be approximately \$634.00 for tuition, lodging, meals and travel. Councilman Polhemus made a motion to approve the request; seconded by Councilman Dyal and carried by all.

Mr. Luna stated that the Court Clerk's requested Town Board approval to attend a round table discussion of the Association of Towns on Monday, April 2, 2012, at Copperfield's Restaurant at no cost to the Town. Councilman Jessup moved to approve the request; seconded by Councilman Dyal and carried unanimously.

## **COMMITTEE REPORTS**

### **Water and Sewer**

No Report.

**Recreation**

No Report.

**Open Space**

Councilman Jessup reported that the committee is waiting to meet with Dutchess Land Conservancy regarding the Sleight Property.

**Highway**

Councilman Jessup reported that the next Highway Committee meeting is on March 26<sup>th</sup> at 4:15 p.m.

**Town Board Comments**

Deputy Supervisor Luna stated there are some issues with Ryan Excavation that will require legal advice and for that reason the Town Board needs to establish an escrow account in the amount of \$2,000.00. A brief discussion followed. Councilman Jessup moved to approve the establishment of the escrow account in the amount of \$2,000.00; seconded by Councilman Polhemus and carried by all.

Councilman Polhemus reported that the Town of Poughkeepsie received a grant for air conditioning upgrades that were covered 100%. He requested that Ms. Livigni look into a grant that he received via email that has a deadline of March 21, 2012. Ms. Livigni agreed to look into it.

Councilman Luna publically thanked Peter Huff for the time and effort he put into modifying the old court office countertop and installing it in the lunchroom.

Councilman Dyal publically recognized LaGrange resident, Dennis Robin, who is headed to the New York State, 65 Pound Weight Division Wrestling Championship Regional's in New Jersey.

**Town Attorney**

Mr. Blass reported that there is an issue of funding legal work for the gas station on the northwest corner of Route 55 and the Taconic. Mr. Blass explained the situation under consideration and a discussion followed. Councilman Luna asked for motion to approve expenditures for legal fees not to exceed \$5,000.00. Councilman Jessup so move; seconded by Councilman Dyal and carried unanimously.

**Administrator of Public Works**

No Report

**Environmental Consultants**

Ms. Campaglione reported that in the last couple of weeks there have been no problems with Grandview.

**Public Comment**

Councilman Polhemus moved to open the meeting to Public Comment. Councilman Dyal seconded the motion and it carried unanimously.

Duane Beyer reported on behalf of the LaGrange Library Trustees that during the month of February e-book downloads were up 900% over last year and 42 volunteers put in approximately 350 hours. He added that there is no news on the litigation with the Library's movement toward Special District, however; they are on track for September. Councilman Luna stated that he had a discussion with the Supervisor recently and it's the recommendation of the Supervisor to have the public vote on Election Day.

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

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

The meeting was adjourned at 8:50 p.m.

Respectfully Submitted,



Margaret Schmitz  
Deputy Town Clerk

#### ADDENDUM

- **Affidavit of Publication – Grandview Water District Public Hearing**
- **Negative Declaration – Grandview Water District**
- **Bond Resolution – Grandview Water District**
- **Affidavit of Publication – Grandview Water District Notice of Estoppel**
- **Affidavit of Publication – LL\_\_ 2012 – Ch. 199 Land Development Public Improvement Performance Security & Dedication**
- **Resolution – LL\_\_ - 2012 – Code of Ethics**
- **Resolution – LL\_\_ - 2012 – Ch. 240 Building Square**
- **Resolution – LL\_\_ - 2012 – Ch. 120 Flood Damage Prevention**
- **Memorandum – Robert Taft, Assessor**

# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

Rita Lombardi, \_\_\_\_\_ of the City of Poughkeepsie,  
Dutchess County, New York, being duly sworn, says  
that at the several times hereinafter mentioned he/she  
was and still is the Principle Clerk of the Poughkeepsie  
Newspapers Division of Gannett Satellite Information  
Network, Inc., publisher of the Poughkeepsie Journal, a  
newspaper published every day in the year 2012 in the  
city of Poughkeepsie, Dutchess County, New York, and  
that the annexed Notice was duly published in the said  
newspaper for one insertion  
successively, in each week, commencing on the 3rd  
day of Mar. in the year of 2012 and  
on the following dates thereafter, namely on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

*Rita Lombardi*

Subscribed and sworn to before me this 7th day  
of March in the year of 2012.

*Rose Ann Simpson*

Notary Public

My commission expires 1/4/2014

### NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at the Town Hall, 120 Stringham Road, LaGrangeville, New York on March 14, 2012 at 7:00 p.m., prevailing time, for the purpose of conducting a public hearing relating to a map and plan bearing date of February 29, 2012 on file with the Town Clerk at Town Hall, 120 Stringham Road, LaGrangeville, New York addressing an expenditure of \$221,000.00 for the Grandview Water District's replacement of existing pumps and controls with skid mounted pumping system with integrated controls, which sum includes capital costs, and associated engineering and legal expenses, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

DATED:  
LaGrange, New York  
February 29, 2012

CHRISTINE  
O'NEILLY-RAO,  
TOWN CLERK 4257

ROSE ANN SIMPSON  
Notary Public, State of New York  
No. 01SI6215893  
Qualified in Dutchess County  
Commission Expires January 4, 2014

PROJECT I.D. NUMBER

617.20

SEQR

## Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART 1-PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

|  |  |
|--|--|
| 1. APPLICANT/SPONSOR<br><b>Town Board, Town of LaGrange</b>  | 2. PROJECT NAME<br><b>Grandview Water Improvements</b> |
| 3. PROJECT LOCATION:<br>Municipality <b>Town of LaGrange</b> County <b>Dutchess</b>  |  |
| 4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map)<br><b>Grandview Water District, Town of LaGrange, New York</b>  |  |
| 5. IS PROPOSED ACTION:<br><input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration  |  |
| 6. DESCRIBE PROJECT BRIEFLY:<br><b>Replacement of existing pump system with integrated controls to assure continuation of public water supply services to the residents of the Grandview Water District.</b>   |  |
| 7. AMOUNT OF LAND AFFECTED:<br>Initially <u>0</u> acres Ultimately <u>0</u> acres  |  |
| 8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING AND OTHER EXISTING LAND USE RESTRICTIONS?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly   |  |
| 9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT?<br><input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agricultural <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other<br>Describe: |  |
| 10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <b>Dutchess County Health Department</b>               |  |
| 11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL?<br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval <b>Department of Environmental Conservation and Department of Health</b>  |  |
| 12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION?<br><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  |  |
| I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE  |  |
| Applicant/sponsor name: <b>Town of LaGrange</b>  | Date: <b>March 14, 2012</b>                            |
| Signature: _____   |  |

If the action is in the Coastal Area, and you are a state agency, complete the  
 Coastal Assessment Form before proceeding with this assessment

OVER

**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PARTY 617.47 If yes, coordinate the review process and use the FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN NYCRR, PART 617.67 If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:  
 NO

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources: or community or neighborhood character. Explain briefly:  
 NO

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:  
 NO

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly.  
 NO

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:  
 NO

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:  
 NO

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:  
 NO

D. WILL PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS.  
 Yes  No If Yes, explain briefly

**PART III – DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (1) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

TOWN OF LAGRANGE

Name of Lead Agency

JON J. WAGNER JOSEPH LUINA

DEPUTY SUPERVISOR

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

*[Handwritten Signature]*

Signature of Preparer (if different from responsible officer)

March 14, 2012

Date

**RESOLUTION**

At a regular meeting of the Town Board of the Town of LaGrange, Dutchess County, New York, held at the Town Hall, in LaGrange, New York, in said Town, on the 14<sup>th</sup> day of March, 2012, at 7:00 o'clock p.m., Prevailing Time.

The meeting was called to order by Deputy Supervisor Luna, and upon roll being called, the following were

PRESENT: Deputy Supervisor Luna

Councilman Jessup

Councilman Polhemus

Councilman Dyal

ABSENT: Supervisor Jon Wagner

The following resolution was offered by Councilman Dyal, who moved its adoption, seconded by Councilman Polhemus, to-wit:

RESOLUTION AUTHORIZING THE INCREASE AND  
IMPROVEMENT OF THE FACILITIES OF THE  
GRANDVIEW WATER DISTRICT IN THE TOWN  
OF LAGRANGE, DUTCHESS COUNTY, NEW YORK  
AT A MAXIMUM ESTIMATED COST OF \$221,000.00  
AND AUTHORIZING THE ISSUANCE OF \$221,000.00 SERIAL BONDS OF  
SAID TOWN TO PAY THE COST THEREOF

Councilman Dyal offered the following resolution which was seconded by Councilman Polhemus, who moved its adoption:

WHEREAS, the Town Board of the Town of LaGrange has received a plan and report dated February 29, 2012 prepared by Clark Patterson Lee (the "Report") which describes (a) the proposed increase and improvement of the facilities of the Grandview Water District in the nature of replacement of existing pumps and controls with a skid mounted pumping station with integrated controls; and

WHEREAS, according to the Report, the estimated cost of such increases and improvements of the facilities of the Grandview Water District is \$221,000.00, including professional and design costs; and

WHEREAS, the Town Board of the Town of LaGrange accepted such Report on February 29, 2012 and a public hearing on the Report and the proposed increase and improvement of the facilities of the Grandview Water District was duly noticed for March 14, 2012 at 7:00 p.m., prevailing time; and

WHEREAS, after all proceedings were duly had and taken by the Town Board of the Town of LaGrange, Dutchess County, New York, pursuant to Section 202-b of the Town Law, the Town Board has found it to be in the public interest to increase and improve the facilities of the Grandview Water District in said Town at a maximum estimated cost of \$221,000.00 consisting of the increases and improvements described in the Report and summarized herein; and

WHEREAS, it is now desired to authorize such increase and improvement of the facilities of the Grandview Water District and to provide for the financing thereof in the amount of \$221,000.00; and

NOW, THEREFORE, IT IS RESOLVED as follows:

1. The increase and improvement of the facilities of the Grandview Water District in the Town of LaGrange, Dutchess County, New York, consisting of replacement of existing pumps and controls with a skid mounted pumping station with integrated controls is hereby authorized at a total maximum estimated cost of \$221,000.00, which sum includes capital costs and associated engineering and legal expenses.

2. The plan for the financing of such specific object or purpose is by the issuance of \$221,000.00 serial

bonds of said Town, hereby authorized to be issued therefore pursuant to the Local Finance Law.

3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty (40) years, pursuant to Section 11.00(a)(1) of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein will exceed five (5) years.

4. The faith and credit of said Town of LaGrange, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. Such bonds shall be payable from a levy on property in the Grandview Water District in the manner provided by law, but if not paid from such source, all the taxable real property within said Town shall be subject to the levy of an *ad valorem* tax, without limitation as to rate or amount, sufficient to pay the principal of and interest on said bonds.

5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the

Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and content, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money; or

2) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

3) such obligations are authorized in violation of the provisions of the Constitution.

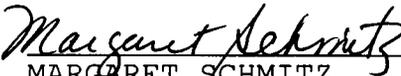
8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

9. Upon this resolution taking effect, the same shall be published in summary form in the Poughkeepsie Journal, which is hereby designated as the official newspaper for said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided for in Section 81.00 of the Local Finance Law.

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

|                     |        |
|---------------------|--------|
| Supervisor Wagner   | ABSENT |
| Councilman Luna     | AYE    |
| Councilman Jessup   | AYE    |
| Councilman Polhemus | AYE    |
| Councilman Dyal     | AYE    |

DATED: LaGrangeville, New York  
March 14, 2012

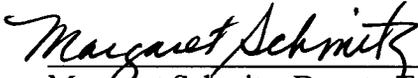
  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

LEGAL NOTICE OF ESTOPPEL

The bond resolution, summary of which is published herewith, has been adopted on March 14, 2012, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of LaGrange, Dutchess County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town of LaGrange for a period of twenty days from the date of publication of this Notice.

Dated: LaGrangeville, New York,  
March 14, 2012

  
Margaret Schmitz, Deputy Town Clerk

RESOLUTION DATED MARCH 14, 2012

RESOLUTION AUTHORIZING THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE GRANDVIEW WATER DISTRICT IN THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$221,000.00 AND AUTHORIZING THE ISSUANCE OF \$221,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF

|                                     |  |
|-------------------------------------|--|
| Class of objects or purposes:       | Increase and Improvement of Facilities of Grandview Water District consisting of replacement of existing pumps and controls with skid mounted pumping station with integrated controls |
| Maximum estimated cost:             | \$221,000.00   |
| Period of probable usefulness:      | Forty years  |
| Amount of obligations to be issued: | \$221,000  |
| Maximum Maturity of Obligations:    | Forty Years  |

**CERTIFICATION FORM**

STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF DUTCHESS )

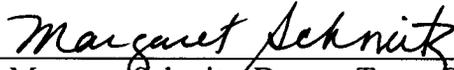
I, the undersigned Deputy Clerk of the Town of LaGrange, County of Dutchess, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 14th day of March, 2012.
2. That such meeting was a **regular** meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (*the meeting at which the proceeding was adopted*) was caused to be given **PRIOR THERETO** in the following manner:

**PUBLICATION: January 23, 2012: Poughkeepsie Journal**

**POSTING: January 3, 2012; Town Clerk Sign Board**

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this 14th day of March, 2012.

  
\_\_\_\_\_  
Margaret Schmitz, Deputy Town Clerk

(CORPORATE SEAL)



# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

Elizabeth A. Farkas  
Notary Public

My commission expires 9/30/13

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

this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution. A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk of the Town of LaGrange for a period of twenty days from the date of publication of this Notice. Dated: LaGrangeville, New York, March 14, 2012

Margaret Schmitz, Deputy Town Clerk

**LEGAL NOTICE OF ESTOPPEL**  
The bond resolution, summary of which is published herewith, has been adopted on March 14, 2012, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of LaGrange, Dutchess County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of

**RESOLUTION DATED MARCH 14, 2012 AUTHORIZING THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE GRANDVIEW WATER DISTRICT IN THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AT A MAXIMUM ESTIMATED COST OF \$221,000.00 AND AUTHORIZING THE ISSUANCE OF \$221,000.00 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF**  
Class of objects or purposes: Increase and improvement of Facilities of Grandview Water District consisting of replacement of existing pumps and controls with skid mounted pumping station with integrated controls  
Maximum estimated cost: \$221,000.00  
Period of probable usefulness: Fifty years  
Amount of obligations to be issued: \$221,000  
Maximum Maturity of Obligations: Forty Years  
9724

# Poughkeepsie Journal

Poughkeepsie, N.Y.

## AFFIDAVIT OF PUBLICATION

State of New York  
County of Dutchess  
City of Poughkeepsie

Rita Lombardi, of the City of Poughkeepsie,  
Dutchess County, New York, being duly sworn, says  
that at the several times hereinafter mentioned he/she  
was and still is the Principle Clerk of the Poughkeepsie  
Newspapers Division of Gannett Satellite Information  
Network, Inc., publisher of the Poughkeepsie Journal, a  
newspaper published every day in the year 2012 in the  
city of Poughkeepsie, Dutchess County, New York, and  
that the annexed Notice was duly published in the said  
newspaper for one insertion  
successively, in each week, commencing on the 3rd  
day of Mar. in the year of 2012 and  
on the following dates thereafter, namely on:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

And ending on the \_\_\_\_\_ day of \_\_\_\_\_ in  
the year of 2012, both days inclusive,

Rita Lombardi  
Subscribed and sworn to before me this 7th day  
of March in the year of 2012.

Rose Ann Simpson  
Notary Public

My commission expires 1/4/2014

**NOTICE OF PUBLIC HEARINGS**  
TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, La-Grangeville, New York on March 14, 2012 at 7:00 o'clock, p.m., on Local Law No. \_\_\_ of the Year 2012, amending various provisions of Chapter 199 of the La-Grange Town Code dealing with Land Development Public Improvements, Performance Security and Dedication Procedures.  
TAKE FURTHER NOTICE that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, La-Grangeville, New York between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays when the hours are between 8:00 a.m. and 3:30 p.m., between the date of this notice and the date of the hearing.  
TAKE NOTICE persons interested in the opportunity to be heard on said proposed local law, time and place as aforesaid.

DATED: LaGrange, New York  
February 8, 2012

CHRISTOPHER O'REILLY MAO  
TOWN CLERK  
4258

ROSE ANN SIMPSON  
Notary Public, State of New York  
No. 01S16215893  
Qualified in Dutchess County  
Commission Expires January 4, 2014

## RESOLUTION

Councilman Polhemus, seconded by Councilman Dyal, introduced the following proposed local law, to be known as Local Law No. \_\_\_\_\_ of 2012, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING CHAPTER 28, "CODE OF ETHICS", OF THE TOWN CODE.

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

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

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

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

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

Section 3. This local law shall be effective upon filing with the New York State Secretary of State.

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on March 28, 2012, at 7:00 o'clock, p.m., on Local Law No. \_\_ of the Year 2012, Amending Sections 28-14(B) and 28-21(D) of Chapter 28, "Code of Ethics", of the Town Code.

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

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

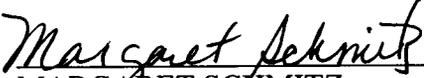
DATED:       LaGrangeville, New York  
              March 14, 2012

  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

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

|                     |        |
|---------------------|--------|
| Supervisor Wagner   | ABSENT |
| Councilman Luna     | AYE    |
| Councilman Jessup   | AYE    |
| Councilman Polhemus | AYE    |
| Councilman Dyal     | AYE    |

DATED: LaGrangeville, New York  
March 14, 2012

  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

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**RESOLUTION**

Councilman Jessup, introduced the following proposed local law, which was seconded by Councilman Polhemus, to be known as Local Law No. \_\_\_\_\_ of 2012, entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING CHAPTER 240 "ZONING", TO AMEND THE DEFINITION OF "BUILDING SQUARE".

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

Section 1. Section 240-112, "Definitions", is amended as follows:

BUILDING SQUARE - The minimum area of a lot, having dimensions as specified in Schedule B, in which a building may be sited. No portion of this minimum building square shall contain, include or be encumbered by any of the following environmental constraints: wetlands, water bodies, one-hundred-year floodplains or slopes of 25% or more along at least a 40 foot continuous distance within the building square (i.e., measured by utilizing two-foot contours, the building square includes at least one 10 foot change in elevation, or greater, over that 40 feet).

Section 2: The last sentence of Section 240-26(E) is amended to read as follows:

"No portion of this minimum building square shall contain, include or be encumbered by any of the following environmental constraints: wetlands, water bodies, one-hundred-year floodplains or slopes of 25% or more along at least a 40 foot continuous distance within the building square (i.e., measured by utilizing two-foot contours, the building square

includes at least one 10 foot change in elevation, or greater, over that 40 feet)."

Section 3: The last sentence of 240-32(A)(7)(c)[2] is amended to read as follows:

"No portion of this minimum building square shall contain, include or be encumbered by any of the following environmental constraints: wetlands, water bodies, one-hundred-year floodplains or slopes of 25% or more along at least a 40 foot continuous distance within the building square (i.e., measured by utilizing two-foot contours, the building square includes at least one 10 foot change in elevation, or greater, over that 40 feet)."

Section 4: This local law shall be effective upon filing with the New York State Secretary of State.

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties of interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on April 11, 2012, at 7:00 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on April 11, 2012 at 7:00 o'clock, p.m., on Local Law No. \_\_\_ of the Year 2012, amending Chapter 240, "Zoning", to amend the definition of "Building Square."

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

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

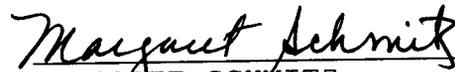
DATED: LaGrangeville, New York  
March 14, 2012

  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

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

|                     |        |
|---------------------|--------|
| Supervisor Wagner   | ABSENT |
| Councilman Luna     | AYE    |
| Councilman Jessup   | AYE    |
| Councilman Polhemus | AYE    |
| Councilman Dyal     | AYE    |

DATED: LaGrangeville, New York  
March 14, 2012

  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

S:\WPDOCS\LaGrange (0070)\Local Laws & Misc. Resolutions\2012\Square On Lot (887)\03.06.12 draft  
RESOLUTION OF INTRO.doc

## RESOLUTION

Councilman Polhemus, seconded by Councilman Dyal, introduced the following proposed local law, to be known as Local Law No. \_\_\_\_ of 2012 entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK TO AMEND TOWN CODE CHAPTER 120 "FLOOD DAMAGE PREVENTION."

BE IT ENACTED by the Town Board of the Town of LaGrange as follows:

### CHAPTER 120

### FLOOD DAMAGE PREVENTION

#### 120-1. FINDINGS

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

#### 120-2. STATEMENT OF PURPOSE

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

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

F. Qualify and maintain for participation in the National Flood Insurance Program.

### 120-3. OBJECTIVES

The objectives of this local law are:

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

### 120-4. WORD USAGE AND DEFINITIONS

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

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

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

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

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

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

**Building** – See "Structure"

**Cellar** – See "Basement"

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

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

**Elevated Building** –

1. A non-basement building:

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

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

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

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

“Flood” or “flooding” also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

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

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

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

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

**Flood Insurance Study** - See “flood elevation study”.

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

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

**Floodway** – See “Regulatory Floodway”.

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

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

**Historic structure** - Any structure that is:

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

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

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

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

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

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

**Mobile home** - See "Manufactured home".

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

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

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

**Recreational vehicle** - A vehicle which is:

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

**Regulatory Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in § 120-13B of this chapter.

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

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

ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

## 120-5. APPLICABILITY

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

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

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

1. Flood Insurance Rate Map Panel Numbers:

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

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

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

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

#### 120-7. INTERPRETATION AND CONFLICT WITH OTHER LAWS

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

#### 120-8. SEVERABILITY

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

#### 120-9. PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this chapter and any other applicable regulations. Any infraction of the provisions of this chapter by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Town of LaGrange from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this chapter for which the developer and/or owner has not applied for and received an approved variance under §§ 120-19 and 120-20 will be declared noncompliant and notification sent to the Federal Emergency Management Agency.

#### 120-10. WARNING AND DISCLAIMER OF LIABILITY

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

#### 120-11. DESIGNATION OF THE LOCAL ADMINISTRATOR

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

#### 120.12. FLOODPLAIN DEVELOPMENT PERMIT.

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

#### 120-13. PERMIT APPLICATION

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

- A. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data is available. Upon completion

of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

- B. The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- C. A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in § 120-15C, Utilities.
- D. A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in § 120-17, Nonresidential structures.
- E. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in § 120-6, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- F. A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- G. In Zone A, when no base flood elevation data is available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

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

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

- A. Permit Application Review. The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:
  - (1) Review all applications for completeness, particularly with the requirements of § 120-12, 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 §§ 120-14 through 120-18 and, in particular, § 120-14A, 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 §§ 120-14 through 120-18, 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 § 120-12G, 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 § 120-8 of this chapter.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this chapter and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in § 120-8 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, 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 Subsection D(1) and (2), and whether or not the structures contain a basement.
- (3) Floodproofing certificates required pursuant to Subsection D(1) and whether or not the structures contain a basement;
- (4) Variances issued pursuant to §§ 120-19 and 120-20.
- (5) Notices required under § 120-13C, Alteration of watercourses.

#### 120-15. GENERAL CONSTRUCTION STANDARDS

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

- A. Subdivision Proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):
- (1) Proposals shall be consistent with the need to minimize flood damage;
  - (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,

(3) Adequate drainage shall be provided to reduce exposure to flood damage.

B. Encroachments

(1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:

(a) The applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,

(b) The Town of LaGrange agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of LaGrange for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of LaGrange for all costs related to the final map revision.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in § 120-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

(a) A technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

(b) The Town of LaGrange agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Town of LaGrange for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Town of LaGrange for all costs related to the final map revisions.

120-16. STANDARDS FOR ALL STRUCTURES.

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

A. Anchoring. New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during

the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

#### B. Construction Materials and Methods

- (1) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data is available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
  - a. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
  - b. the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

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

#### C. Utilities

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such wet items in wet locations;
- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### 120-17. RESIDENTIAL STRUCTURES

Elevation. The following standards, in addition to the standards in § 120-14A, Subdivision proposals, and § 120-14B, Encroachments, and § 120-15, Standards for all structures apply to new and substantially improved residential structures located in areas of special flood hazard as indicated:

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

#### 120-18. NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in § 120-14A, Subdivision proposals, and § 120-14B, Encroachments, and § 120-15, Standards for all structures.

- A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data is available, new construction and substantial improvements of any non-residential structure shall either:
  1. Have the lowest floor, including basement or cellar, elevated to or two feet above the base flood elevation; or

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

#### 120-19. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards, in addition to the standards in § 120-14, General standards, and § 120-15, Standards for all structures, apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

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

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

- B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- C. Within Zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 120-6 (at least two feet if no depth number is specified).

#### 120-20. APPEALS BOARD

- A. The Zoning Board of Appeals as established by the Town of LaGrange shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- D. In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter and:
  - 1. the danger that materials may be swept onto other lands to the injury of others;
  - 2. the danger to life and property due to flooding or erosion damage;
  - 3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - 4. the importance of the services provided by the proposed facility to the community;
  - 5. the necessity to the facility of a waterfront location, where applicable;

6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  7. the compatibility of the proposed use with existing and anticipated development;
  8. the relationship of the proposed use to the Comprehensive Plan and floodplain management program of that area;
  9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  10. the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
  11. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  12. the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- E. Upon consideration of the factors of Subsection D and the purposes of this chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- F. The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

#### 120-21. CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the items in § 120-19D(1) through (12) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- B. Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
1. the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic Structure"; and
  2. the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- (1) The criteria of Subsections A, D, E and F of this section are met.
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

D. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

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

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

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

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

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

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

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

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

WHEREAS, on March 14, 2012, Councilman Luna has introduced this local law for the Town of LaGrange, to be known as "Town of LaGrange Local Law No. \_\_\_ of the Year 2012, a local law of the Town of LaGrange, Dutchess County, New York, to amend Town Code Chapter 120 "FLOOD DAMAGE PREVENTION."

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York, on March 28, 2012, at 7:00 o'clock, p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of LaGrange, by the Town Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

**NOTICE OF PUBLIC HEARING**

TAKE NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on March 28, 2012 at 7:00 o'clock, p.m., on Local Law No. \_\_\_ of the Year 2012, to amend Town Code Chapter 120 "FLOOD DAMAGE PREVENTION."

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

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

DATED:       LaGrangeville, New York  
              March 14, 2012

  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

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

|                     |        |
|---------------------|--------|
| Supervisor Wagner   | ABSENT |
| Councilman Luna     | AYE    |
| Councilman Jessup   | AYE    |
| Councilman Polhemus | AYE    |
| Councilman Dyal     | AYE    |

DATED: LaGrangeville, New York  
March 14, 2012

  
MARGARET SCHMITZ  
DEPUTY TOWN CLERK

S:\WPDOCS\LaGrange (0070)\Local Laws & Misc. Resolutions\2012\Flood Damage Prevention\LaGrange - Flood Damage - Draft 1.24.12 - updated 3.5.12 for introduction.docx





**TOWN OF LAGRANGE**  
**OFFICE OF THE ASSESSOR**  
120 Stringham Road, Lagrangeville, NY 12540  
TEL (845) 452-5889: FAX (845) 452-8997

MEMORANDUM

March 7, 2012

To: Jon J. Wagner, Supervisor  
LaGrange Town Board

From: Robert Taft, Assessor

Re: Cornell Education seminar

As required by New York State to complete my Certification as Assessor, The following courses must be completed.

- Assessor Orientation- Completed on 06/08/2011
- Ethics- Completed on 10/05/2010
- Fundamentals of Assessment Administration- Completed 09/01/2011
- Fundamentals of Data Collection- Completed 06/01/2011
- Cost, Market and Income Approach to Value- Not Completed**
- Fundamentals of Mass Valuation- Not completed
- Introduction to Farm Appraisal- Not completed

**The next class I need to attend, The Cost, Market and Income Approach to Value class is coming up July 16<sup>th</sup> to 20<sup>th</sup>. It is being offered at Cornell University. The class is a five day course and the course cost is \$470.00 there will be additional lodging, meals and travel expenses. The conference is being held by the New York State Assessors Association and will be taught by professional instructors. I have attached a description of NYS Real Property Tax guidelines for reimbursement for your review.**

Please consider this request and let me know as soon as possible your intentions so I may enroll in a timely manner.

Yours Truly,

Robert Taft  
Assessor