

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

**TOWN BOARD MEETING  
April 11, 2012**

**Present:** Supervisor Jon Wagner  
Councilman Joseph Luna  
Councilman Gary Polhemus

**Absent:** Councilman Edward Jessup  
Councilman Andrew Dyal

**Recording Secretary:** Christine O'Reilly-Rao, Town Clerk

**Others Present:** Ron Blass Esq., Van De Water & Van De Water

The regular meeting of the Town Board was held on Wednesday, April 11, 2012, at the LaGrange Town Hall, 120 Stringham Road. Supervisor Wagner called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Wagner asked for a motion to accept the minutes for the regular meeting on March 28, 2012.  
Councilman Luna so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Supervisor Wagner asked for a motion to open the Public Hearing for Local Law # 5: Building Square. The law is an amendment to change the definition of Building Square; i.e. steep slopes. Councilman Luna so moved, seconded by Councilman Polhemus. The motion carried unanimously.

There were no comments from the public.

Supervisor Wagner asked for a motion to close the Public Hearing.  
Councilman Luna so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Councilman Polhemus moved to adopt the Negative Declaration, seconded by Councilman Luna. The motion carried.(SEE ADDENDUM)

Councilman Luna moved to adopt Local Law #5: Building Square, seconded by Councilman Polhemus. The motion carried.(SEE ADDENDUM)

Supervisor Wagner asked for a motion to accept the monthly reports for March 2012. Councilman Polhemus so moved, seconded by Councilman Luna. The motion carried unanimously.

- Building, Zoning, Public Works & Planning      Total \$19,210.00
- Highway Department      Total \$1,200.00
- Justice Caplicki (incl. State Share)      Total \$20,115.00
- Justice O'Hare (incl. State Share)      Total \$21,130.00
- Recreation      Total \$7,271.00
- Town Clerk      Total \$1,243.62

### **Supervisor's Report**

Mr. Wagner stated that the Town had entered into an agreement with Dutchess County Soil and Water Conservation Districts in applying for grants for flood mitigation. Pleasant Valley is also doing this. Large trees and brush downed by last year's hurricane are clogging the Wappingers Creek and causing flooding concerns for Milano Drive. The Town is also in the process of acquiring a piece of property on Milano Drive which may help to alleviate flooding there.

The purchase of the Sleight Farm property may be completed sometime in May. Dutchess County Land Conservancy is in the process of applying for a grant which would offset some cost of the purchase.

The Board of Assessment Review is required to transcribe minutes of hearings. Under the Open Meetings Law minutes are required to be taken at all open meetings of a public body and must contain all motions, votes and testimony of every person's examination and complaint. These minutes must be filed with the Town Clerk.

Mr. Wagner stated that the Legislative Aide will be informing the Board and the Tax Assessor of this requirement.

### **Correspondence**

Mr. Wagner stated that information from Timer Warner Cable regarding rates changes will be available in the Clerk's office for one week.

Mr. Wagner stated that the Clerk had received a letter of resignation from the Code Enforcement Officer, Timothy Sayles.

Councilman Luna moved to acknowledge the resignation, seconded by Councilman Polhemus. The motion carried. Mr. Wagner stated that he felt that Mr. Sayles had done a good technical job and added that he regretted to hear of his resignation.

## **Agenda Items**

Supervisor Wagner asked for a motion to re-appoint Sandra Lane as an alternate for the Zoning Board of Appeals.

Councilman Polhemus moved to do so, seconded by Councilman Luna. The motion carried.

Mr. Wagner asked for the Board to consider approval of a refund for a building permit which was issued but the resident never actually constructed the addition to the home. The refund amount would be \$ 325.00. The administrative and applications fees would not be included in the refund.

Councilman Luna moved to approve the refund, seconded by Councilman Polhemus. The motion carried.

Mr. Wagner stated that the Building Inspector had received a request from States Grill for outdoor seating. The restaurant is located in the A&P Plaza on Route 82.

A discussion followed.

The Town Board decided that as an advisory opinion, they had no objection to outdoor seating for the States Grill as long as it does not pose any zoning code violations. In addition, they would like to have on record that the A&P Plaza owner does not have any objections.

It was agreed that the Building Inspector should conduct an assessment to address these issues prior to having the Building Department grant permission for outdoor seating.

Councilman Dyal arrived at 7:15 pm.

## **Committee Reports**

### **Water and Sewer**

No report

### **Recreation**

Councilman Polhemus reported that Mr. Harry Bryant of the Baseball League had thanked him for the offer regarding the dug outs and added that the League will work with Mr. Huff on this project.

### **Open Space**

No report

### **Highway**

No report

## **Board Comments**

Mr. Polhemus informed the Board of an upcoming workshop that the County will host for accessing State funding.

Mr. Wagner stated that he was sending Mr. Bolner who has grant writing experience. The hope is to get money for Town Center infrastructure.

## **Town Attorney**

No comments

## **Environmental Consultants**

No comments

## **Administrator of Public Works**

Ms. Livigni stated that she, Mr. Mance, Mr. Bolner and Councilman Dyal had met with B&K excavating to discuss the pipes at Overlook Park. It was agreed that two sections of pipe will be exposed and examined to ascertain the quality of the pipes.

## **Public Comment**

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

County Legislator Borchert of district 3 addressed the Board.

He commented that he was in attendance to make sure the Board was aware of the workshop on accessing State funding.

Mr. Borchert added that the re-districting for the area has been completed. Some public information sessions will be held in the coming months to get input from residents as to the re-districting.

Councilman Luna asked if the new maps will be ready for the upcoming election.

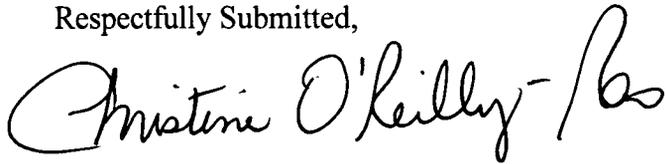
Mr. Borchert replied that the maps will be completed over the summer.

Councilman Polhemus moved to close the Public Comment, seconded by Councilman Dyal. The motion carried unanimously.

Councilman Luna moved to adjourn the meeting, seconded by Councilman Polhemus. The motion carried.

The meeting adjourned at 7:24 p.m.

Respectfully Submitted,



Christine O'Reilly-Rao  
Town Clerk

#### **ADDENDUM**

- Affidavit of Publication: Public Hearing: Local Law #5 (Building Square)
- Affidavit of Posting: Public Hearing: Local Law #5 (Building Square)
- Dutchess County Zoning Referral: Local Law #5
- Full Environmental Assessment Form: Local Law #5
- Negative Declaration: Local Law #5
- Resolution of Adoption: Local Law #5
- Memo and Correspondence: States Grill

# 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 4th  
day of April 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 5th day  
of April 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 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  
6206

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



<b>Dutchess County Department of Planning and Development</b>	To <u>T/LA GRANGE</u>	Date <u>4/6/12</u> # pgs <u>1</u>		
	Co./Dept <u>TOWN BOARD</u>	From <u>J. CLARKE</u>		
	Fax #	Phone # <u>486 7600</u>		
<b>Zoning Referral</b>				
Municipality:	Town of LaGrange			
Referring Agency:	Town Board			
Tax Parcel Number(s):	-----			
Project Name:	LL: Amend Definition of "Building Square"			
Applicant:	Town Board			
Address of Property:	-----			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;"> <p style="text-align: center;"><b>Type of Action:</b></p> <input checked="" type="checkbox"/> Local Law / Text Amendment  <input type="checkbox"/> Rezoning  <input type="checkbox"/> Site Plan  <input type="checkbox"/> Special Permit  <input type="checkbox"/> Use Variance  <input type="checkbox"/> Area Variance  <input type="checkbox"/> Other: _____ </td> <td style="width:50%; padding: 5px;"> <p style="text-align: center;"><b>Jurisdictional Determinant:</b></p> <input type="checkbox"/> State Road _____  <input type="checkbox"/> County Road _____  <input type="checkbox"/> State Property  <input type="checkbox"/> County Property  <input checked="" type="checkbox"/> Municipal Boundary  <input type="checkbox"/> Agricultural District </td> </tr> </table>			<p style="text-align: center;"><b>Type of Action:</b></p> <input checked="" type="checkbox"/> Local Law / Text Amendment <input type="checkbox"/> Rezoning <input type="checkbox"/> Site Plan <input type="checkbox"/> Special Permit <input type="checkbox"/> Use Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Other: _____	<p style="text-align: center;"><b>Jurisdictional Determinant:</b></p> <input type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property <input type="checkbox"/> County Property <input checked="" type="checkbox"/> Municipal Boundary <input type="checkbox"/> Agricultural District
<p style="text-align: center;"><b>Type of Action:</b></p> <input checked="" type="checkbox"/> Local Law / Text Amendment <input type="checkbox"/> Rezoning <input type="checkbox"/> Site Plan <input type="checkbox"/> Special Permit <input type="checkbox"/> Use Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Other: _____	<p style="text-align: center;"><b>Jurisdictional Determinant:</b></p> <input type="checkbox"/> State Road _____ <input type="checkbox"/> County Road _____ <input type="checkbox"/> State Property <input type="checkbox"/> County Property <input checked="" type="checkbox"/> Municipal Boundary <input type="checkbox"/> Agricultural District			
Date Response Requested (if less than 30 days):	April 11, 2012 public hearing			
If subject of a previous referral, please note County referral number(s):				

FOR COUNTY OFFICE USE ONLY

<b>Response from Dutchess County Department of Planning and Development</b>			
<p><b>No Comments:</b></p> <input checked="" type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Project Withdrawn		<p><b>Comments Attached:</b></p> <input type="checkbox"/> Local Concern with Comments <input type="checkbox"/> Conditional <input type="checkbox"/> Denial <input type="checkbox"/> Incomplete — <i>municipality must resubmit to County</i> <input type="checkbox"/> Incomplete with Comments — <i>municipality must resubmit to County</i>	
Date of Submittal: <u>3/16</u>	Notes:	<input type="checkbox"/> Archive	
Date Submittal Received: <u>3/19</u>		<input type="checkbox"/> Major Project	<input type="checkbox"/> Discard after 2 yrs
Date Report Requested: <u>4/11</u>			<input type="checkbox"/> Discard after 7 yrs
Date Report Required: <u>4/13</u>		Referral #: <u>12-098</u>	
Date of Transmittal faxed: <u>4/6/12</u> mailed:		Reviewer: <u>JOHN CLARKE</u>	

240

617.20  
Appendix A  
State Environmental Quality Review  
FULL ENVIRONMENTAL ASSESSMENT FORM

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:      ■ Part 1      ■ Part 2      ■ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

Local Law No. \_\_ of the Year 2012 Entitled A Local Law Of The Town Of Lagrange, Dutchess County, New York Amending Chapter 240 "Zoning" Of The Town Code Of The Town Of Lagrange Amending Chapter 240 "Zoning", to Amend the Definition of "Building Square".

Name of Action

TOWN OF LAGRANGE TOWN BOARD

Name of Lead Agency

JON J. WAGNER — JOSEPH LUNA  
Print or Type Name of Responsible Officer in Lead Agency

DEPUTY SUPERVISOR [Signature]  
Title of Responsible Officer

[Signature]  
Signature of Responsible Officer in Lead Agency

[Signature]  
Signature of Preparer (if different from responsible officer)  
Ronald C. Blass, Jr., Esq., Town Attorney

March 14, 2012  
Date

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action <b>Local Law No. ___ of the Year 2012 Entitled A Local Law Of The Town Of Lagrange, Dutchess County, New York Amending Chapter 240 "Zoning" Of The Town Code Of The Town Of Lagrange Amending Chapter 240 "Zoning", to Amend the Definition of "Building Square".</b>		
Location of Action (include Street Address, Municipality and County) <b>TOWN OF LAGRANGE, DUTCHESS COUNTY</b>		
Name of Applicant/Sponsor <b>TOWN OF LAGRANGE TOWN BOARD</b>	Business Telephone <b>( 845) 452-1830</b>	
Address <b>120 STRINGHAM ROAD</b>		
City/PO <b>LAGRANGE</b>	State <b>NY</b>	Zip Code <b>12540</b>
Name of Owner (if different) <b>AS ABOVE</b>	Business Telephone <b>( )</b>	
Address		
City/PO	State	Zip Code
Description of Action <b>Proposed Local Law to amend the definition of "Building Square."</b>		

Please Complete Each Question--Indicate N.A. if not applicable

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present land use:  Urban       Industrial       Commercial       Residential(suburban)       Rural(non-farm)  
 Forest       Agriculture       Other – All of the Above.

2. Total acreage of project area: **24,902 acres. TOTAL ACRES, TOWN OF LAGRANGE**

APPROXIMATE ACREAGE	NOT APPLICABLE ("N/A")	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	N/A	acres	N/A acres
Forested	N/A	acres	N/A acres
Agricultural (Includes orchards, cropland, pasture, etc.)	N/A	acres	N/A acres
Wetland(Freshwater or tidal as per Articles 24,25 of ECL)	N/A	acres	N/A acres
Water Surface Area	N/A	acres	N/A acres
Unvegetated (Rock, earth or fill)	N/A	acres	N/A acres
Roads, buildings and other paved surfaces	N/A	acres	N/A acres
Other (Indicate type)	N/A	acres	N/A acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage:  Well drained    **25 +/-** % of site       Moderately well drained    **50+/-** % of site  
 Poorly drained    **25+/-** % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? **9.05+/-** acres (See 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?       Yes     No

a. What is depth to bedrock? **varies** (in feet)

5. Approximate percentage of proposed project site with slopes:  0-10% 75+/- %  10-15% 15+/- %  
 15% or greater 15+/- %
6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or the National Registers of Historic Places?  Yes  No **VARIOUS THROUGHOUT TOWN**
7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No
8. What is the depth of the water table? **varies** (in feet)
9. Is site located over a primary, principal, or sole source aquifer?  Yes  No
10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No
11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  
 Yes  No According to **VARIOUS SITE SPECIFIC REVIEWS CONDUCTED OVER TIME; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION NATURAL HERITAGE PROGRAM**  
Identify each species **Various throughout Town.**
12. Are there any unique or unusual land forms on the project site?(i.e., cliffs, dunes, other geological formations)  
 Yes  No Describe **CLIFFS**
13. Is the project site presently used by the community or neighborhood as an open space or recreation area?  
 Yes  No If yes, explain **Various portions of the Town are used as open space and/or recreation areas.**
14. Does the present site include scenic views known to be important to the community?  
 Yes  No **Various scenic views exist in the Town.**
15. Streams within or contiguous to project area: **VARIOUS THROUGHOUT THE TOWN**  
**Name of Stream and name of River to which it is tributary:** Numerous tributaries and sub-tributaries of the Hudson River, including the Wappinger Creek.
16. Lakes, ponds, wetland areas within or contiguous to project area: **Yes.**  
a. Name **VARIOUS THROUGHOUT THE TOWN** b. Size (In acres) **Total estimated wetland acreage within the Town is +/- 1,583 acres.**
17. Is the site served by existing public utilities?  Yes  No  
a) If Yes, does sufficient capacity exist to allow connection?  Yes  No **N/A**  
b) If Yes, will improvements be necessary to allow connection?  Yes  No **N/A**
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and NYCRR 617?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No **N/A**

## B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate)
- a. Total contiguous acreage owned or controlled by project sponsor **24,902 +/- acres. TOTAL TOWN OF LAGRANGE**
- b. Project acreage to be developed: **N/A** acres initially; **N/A** acres ultimately.
- c. Project acreage to remain undeveloped **N/A** acres.
- d. Length of project, in miles: **N/A** (if appropriate).
- e. If the project is an expansion, indicate percent of expansion proposed **N/A** %.
- f. Number of off-street parking spaces existing **N/A**; proposed .
- g. Maximum vehicular trips generated per hour **N/A** (upon completion of project).
- h. If residential, Number and type of housing units: **N/A**
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <b>N/A</b> | <b>N/A</b> | <b>N/A</b>      | <b>N/A</b>  |
| Ultimately | <b>N/A</b> | <b>N/A</b> | <b>N/A</b>      | <b>N/A</b>  |
- i. Dimensions (in feet) of largest proposed structure **N/A** height; **N/A** width; **N/A** length.

- j. Linear feet of frontage along a public thoroughfare project will occupy is? **N/A** ft.
2. How much natural material (i.e., rock, earth, etc.) will be removed from the site? **N/A** tons/cubic yards.
3. Will disturbed areas be reclaimed? Yes No N/A
- a. If yes, for what intended purpose is the site being reclaimed? **N/A**
- b. Will topsoil be stockpiled for reclamation? Yes No **N/A**
- c. Will upper subsoil be stockpiled for reclamation? Yes No **N/A**
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? **N/A** acres.
5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?  
Yes No
6. If single phase project: Anticipated period of construction \_\_\_\_\_ months, (including demolition). **N/A**
7. If multi-phased: **N/A**
- a. Total number of phases anticipated **N/A** (number).
- b. Anticipated date of commencement phase 1 \_\_\_\_\_ month \_\_\_\_\_ year,(including demolition). **N/A**
- c. Approximate completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year. **N/A**
- d. Is phase 1 functionally dependent on subsequent phases? Yes No **N/A**
8. Will blasting occur during construction? Yes No **N/A**
9. Number of jobs generated: during construction? **N/A** ; after project is complete? \_\_\_\_\_
10. Number of jobs eliminated by this project? **N/A**
11. Will project require relocation of any projects or facilities? Yes No If yes, explain \_\_\_\_\_
12. Is surface liquid waste disposal involved? Yes No
- a. If yes, indicate type of waste (sewage, industrial, etc.) and amount \_\_\_\_\_
- b. Name of water body into which effluent will be discharged \_\_\_\_\_
13. Is subsurface liquid waste disposal involved? Yes No Type \_\_\_\_\_
14. Will surface area of an existing water body increase or decrease by proposal? Yes No  
Explain \_\_\_\_\_
15. Is project, or any portion of project, located in a 100 year flood plain? Yes No
16. Will the project generate solid waste? Yes No
- a. If yes, what is the amount per month? \_\_\_\_\_ tons.
- b. If yes, will an existing solid waste facility be used? Yes No
- c. If yes, give name \_\_\_\_\_ location \_\_\_\_\_
- d. Will any wastes **not** go into a sewage disposal system or into a sanitary landfill? Yes No
- e. If Yes, explain \_\_\_\_\_
17. Will the project involve the disposal of solid waste? Yes No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?Yes No
19. Will project routinely produce odors (more than one hour per day)? Yes No
20. Will project produce operating noise exceeding the local ambient noise levels? Yes No
21. Will project result in an increase in energy use? Yes No  
If yes, indicate type(s) \_\_\_\_\_
22. If water supply is from wells, indicate pumping capacity **N/A** gallons/minute.
23. Total anticipated water usage per day **N/A** gallons/day.
24. Does project involve Local, State or Federal funding? Yes No  
If yes, explain \_\_\_\_\_

**25. Approvals Required:**

		<b>Type</b>	<b>Submittal Date</b>
City, Town, Village of LaGrange Town Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>LEGISLATIVE</b>	<b>March 14, 2011</b>
City, Town, Village Planning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
City, County Health Department	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Local Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Federal Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

**C. ZONING and PLANNING INFORMATION**

1. Does proposed action involve a planning or zoning decision? Yes No  
 If Yes, indicate decision required:  
zoning amendment    zoning variance    special use permit    subdivision    site plan  
new/revision of master plan    resource management plan    other
2. What is the zoning classification(s) of the site **This action will apply to the entire Town – all zoning districts are included.**
3. What is the maximum potential development of the site if developed as permitted by the present zoning? **N/A**
4. What is the proposed zoning of the site? **N/A**
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? **N/A**
6. Is the proposed action consistent with the recommended uses in adopted local land use plans? Yes No
7. What are the predominant land use(s) and zoning classifications within a 1/4 mile radius of proposed action?  
**APPLIES TOWN WIDE IN ALL ZONING DISTRICTS**
8. Is the proposed action compatible with adjoining/surrounding land uses within a 1/4 mile? Yes No
9. If the proposed action is the subdivision of land, how many lots are proposed? **N/A**  
 a. What is the minimum lot size proposed?
10. Will proposed action require any authorization(s) for the formation of sewer or water districts? Yes No
11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)? Yes No  
 a. If yes, is existing capacity sufficient to handle projected demand? Yes No
12. Will the proposed action result in the generation of traffic significantly above present levels? Yes No  
 a. If yes, is the existing road network adequate to handle the additional traffic? Yes No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are, or may be, any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification PREPARED BY RONALD C. BLASS, JR. – ATTORNEY TO THE TOWN OF LAGRANGE IN THIS MATTER**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name **TOWN OF LAGRANGE TOWN BOARD** Date **March 14, 2012**

Signature \_\_\_\_\_ Title **ATTORNEY TO TOWN**

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

## Part 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

### General Information (Read Carefully)

- In completing the form, the reviewer should be guided by the question: Have my responses and determinations been **reasonable**? The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and, wherever possible, the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

### Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur, but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact, then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

### IMPACT ON LAND

1. Will the proposed action result in a physical change to the project site?  
 Yes    No

#### Examples that would apply to column 2

- Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.
- Construction on land where the depth to the water table is less than 3 feet.
- Construction of paved parking area for 1,000 or more vehicles.
- Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.
- Construction that will continue for more than 1 year or involve more than one phase or stage
- Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.
- Construction or expansion of a sanitary landfill.
- Construction in a designated floodway.
- Other impacts:

2. Will there be an effect to any unique or unusual land forms found on the site?(i.e., cliffs, dunes, geological formations, etc.)    Yes    No
- Specific land forms:

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## IMPACT ON WATER

3. Will proposed action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

Yes   No

**Examples** that would apply to column 2

- Developable area of site contains a protected water body.
- Dredging more than 100 cubic yards of material from channel of a protected stream.
- Extension of utility distribution facilities through a protected water body.
- Construction in a designated freshwater or tidal wetland.
- Other impacts:

4. Will proposed action affect any non-protected existing or new body of water?

Yes   No

**Examples** that would apply to column 2

- A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.
- Construction of a body of water that exceeds 10 acres of surface area.
- Other impacts:

5. Will Proposed Action affect surface or groundwater quality or quantity?

Yes   No

**Examples** that would apply to column 2

- Proposed Action will require a discharge permit.
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.
- Construction or operation causing any contamination of a water supply system.
- Proposed Action will adversely affect groundwater.
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.
- Proposed Action would use water in excess of 20,000 gallons per day.
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.
- Proposed Action will allow residential uses in areas without water and/or sewer services.
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities

6. Will proposed action alter drainage flow or patterns, or surface water runoff?

Yes   No

**Examples** that would apply to column 2

- Proposed Action would change flood water flows.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<p style="text-align: right;"><input type="checkbox"/>Yes   <input checked="" type="checkbox"/>No</p> <p><b>Examples</b> that would apply to column 2</p> <ul style="list-style-type: none"> <li>• Developable area of site contains a protected water body.</li> <li>• Dredging more than 100 cubic yards of material from channel of a protected stream.</li> <li>• Extension of utility distribution facilities through a protected water body.</li> <li>• Construction in a designated freshwater or tidal wetland.</li> <li>• Other impacts:</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes   <input type="checkbox"/>No</p>
<p style="text-align: right;"><input type="checkbox"/>Yes   <input checked="" type="checkbox"/>No</p> <p><b>Examples</b> that would apply to column 2</p> <ul style="list-style-type: none"> <li>• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.</li> <li>• Construction of a body of water that exceeds 10 acres of surface area.</li> <li>• Other impacts:</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes   <input type="checkbox"/>No</p> <p style="text-align: right;"><input type="checkbox"/>Yes   <input type="checkbox"/>No</p> <p style="text-align: right;"><input type="checkbox"/>Yes   <input type="checkbox"/>No</p>
<p style="text-align: right;"><input type="checkbox"/>Yes   <input checked="" type="checkbox"/>No</p> <p><b>Examples</b> that would apply to column 2</p> <ul style="list-style-type: none"> <li>• Proposed Action will require a discharge permit.</li> <li>• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.</li> <li>• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.</li> <li>• Construction or operation causing any contamination of a water supply system.</li> <li>• Proposed Action will adversely affect groundwater.</li> <li>• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.</li> <li>• Proposed Action would use water in excess of 20,000 gallons per day.</li> <li>• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.</li> <li>• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.</li> <li>• Proposed Action will allow residential uses in areas without water and/or sewer services.</li> <li>• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes   <input type="checkbox"/>No</p>
<p style="text-align: right;"><input type="checkbox"/>Yes   <input checked="" type="checkbox"/>No</p> <p><b>Examples</b> that would apply to column 2</p> <ul style="list-style-type: none"> <li>• Proposed Action would change flood water flows.</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<p style="text-align: right;"><input type="checkbox"/>Yes   <input type="checkbox"/>No</p>





	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<b>IMPACT ON CRITICAL ENVIRONMENTAL AREAS</b>			
14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6 NYCRR 617.14(g)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
List the environmental characteristics that caused the designation of the CEA.  <hr/> <hr/> <hr/> <hr/>			
<b>Examples</b> that would apply to column 2			
• Proposed Action to locate within the CEA?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quantity of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in a reduction in the quality of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will impact the use, function or enjoyment of the resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON TRANSPORTATION</b>			
15. Will there be an effect to existing transportation systems? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Examples</b> that would apply to column 2			
• Alteration of present patterns of movement of people and/or goods.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will result in major traffic problems.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>IMPACT ON ENERGY</b>			
16. Will proposed action affect the community's sources of fuel or energy supply? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
<b>Examples</b> that would apply to column 2			
• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

## NOISE AND ODOR IMPACTS

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?  
**Examples** that would apply to column 2     Yes     No
- Blasting within 1,500 feet of a hospital, school or other sensitive facility.
  - Odors will occur routinely (more than one hour per day).
  - Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.
  - Proposed Action will remove natural barriers that would act as a noise screen.
  - Other impacts:

## IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?  
**Examples** that would apply to column 2     Yes     No
- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.
  - Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.).
  - Storage facilities for one million or more gallons of liquified natural gas or other flammable liquids.
  - Proposed action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.
  - Other impacts:

## IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will proposed action affect the character of the existing community?  
**Examples** that would apply to column 2     Yes     No
- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.
  - The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.
  - Proposed Action will conflict with officially adopted plans or goals.
  - Proposed Action will cause a change in the density of land use.
  - Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.
  - Development will create a demand for additional community services (e.g. schools, police and fire, etc.).
  - Proposed Action will set an important precedent for future projects.
  - Proposed Action will create or eliminate employment.
  - Other impacts:

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact be Mitigated by Project Change
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environmental impacts?     Yes     No

If any action in Part 2 is identified as a potential large impact, or if you cannot determine the magnitude of impact, proceed to Part 3

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

LaGrange proposes to amend Sections 240-26(E), 240-32(A)(7)(c)[2], and 240-112 of Chapter 240 of the Town Code in order to clarify the meaning of the phrase steep slopes in excess of 25% within a Building Square as otherwise established within that Code Chapter. The SEQRA review of this legislation does not entail a specific development proposal or a specific site.

The act of adopting the new local laws will not result in any direct or physical environmental impact. It may result in indirect or secondary effects in the event of future land use proposals which are subject to the Building Square bulk and area standard. Each application will involve a unique and individual set of circumstances. The particular nature of the secondary impacts resulting from the future applications is not currently ascertainable and will not be ascertainable until site-specific proposals are received. Each individual proposal will be subject to the revised slope standard established by this local law. The evaluation of individual proposals involves the exercise of administrative discretion upon a full and complete analysis of the conditions and impacts related to the individual proposal.

The potential for and the likelihood of secondary effects do not support the conclusion that the legislation creates any particular environmental impact.

TOWN OF LAGRANGE TOWN BOARD

LOCAL LAW NO. 5 OF 2012 OF THE TOWN OF LAGRANGE,  
DUTCHESS COUNTY, NEW YORK AMENDING CHAPTER 240  
“ZONING”, TO AMEND THE DEFINITION OF “BUILDING SQUARE.”

NEGATIVE DECLARATION  
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

**WHEREAS, the Town of LaGrange Town Board proposes to adopt a local law known as Local Law No. 5 of 2012 Amending Chapter 240 “Zoning”, to Amend the Definition of “Building Square;” and**

WHEREAS, this negative declaration is prepared in accordance with Article 8 of the Environmental Conservation Law; and

WHEREAS, the name and address of the lead agency is: Town of LaGrange Town Board, 120 Stringham Road, LaGrangeville, New York, 12540; and

WHEREAS, the Town of LaGrange Town Board has determined that this action is an unlisted action pursuant to 6 NYCRR Part 617 of the NY State Environmental Quality Review Act (SEQRA), that it is the only involved agency for the purposes of SEQRA review, and that the action will therefore not be subject to coordinated review; and

**WHEREAS, the Town of LaGrange Town Board has caused the preparation of a long Environmental Assessment Form (EAF); and**

WHEREAS, the Town of LaGrange Town Board has reviewed the action and all relevant supporting documentation and has compared the action with the criteria set forth in 6 NYCRR Part 617 and has determined that no significant adverse environmental impacts associated with the proposed action have been identified. The Board offers the following information supporting and substantiating this determination:

As demonstrated in the EAF, the act of adopting the new local law will not result in any direct or physical adverse environmental impact.

This direct action is a Town Code amendment. LaGrange proposes to amend Sections 240-26(E), 240-32(A)(7)(c)[2], and 240-112 of Chapter 240 of the Town Code in order to clarify the meaning of the phrase steel slopes in excess of 25% within a Building Square as otherwise established within that Code Chapter. The SEQRA review of this legislation does not entail a specific development proposal or a specific site.

It is arguable that this legislative action is a Type 2 exercise in the nature of a clarification of continuing administration and management of existing local governmental programs and policies. Even if the action is not Type 2, the Board concludes that:

1. The action will not result in a substantial adverse change in existing air quality, ground or surface water quality, traffic or noise levels, a substantial increase in solid waste production; or a substantial increase in potential for erosion, flooding, leaching or drainage problems.
2. The action will not result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movements of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial impacts on a threatened or endangered species of animal or plant or the habitat of such a species or other significant adverse impacts to natural resources.
3. The action will not create a material conflict with the community's current plans or goals as officially approved or adopted.
4. The action will not result in the impairment of the character or quality of important historical, archeological, architectural or aesthetic resources of the existing community or neighborhood character.

5. The action will not create a hazard to human health.
6. The action will not cause a substantial change in the use or intensity of use of land, including agricultural, open space or recreational resources or in its capacity to support existing uses.
7. The action will not result in the creation of a material demand for other actions that would result in one of the above consequences.
8. The action does not involve changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Town of LaGrange Town Board has examined the impacts which may be reasonably anticipated to result from the action, and has determined that these actions will not have any significant adverse impact on the environmental and that a Draft Environmental Impact Statement need not be prepared; and

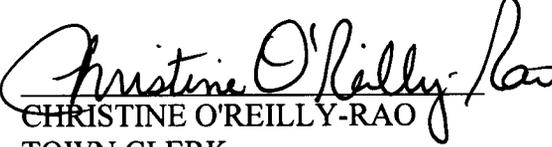
BE IT FURTHER RESOLVED, that the Town of LaGrange Town Board hereby issues this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act; and

BE IT FURTHER RESOLVED, that the Town of LaGrange Town Board hereby authorizes the filing of this Negative Declaration pursuant to the requirements of the State Environmental Quality Review Act as contained in its regulations at 6 NYCRR § 617.12.

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

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

This Negative Declaration is adopted this 11<sup>th</sup> day of April, 2012 and is ordered into the record of the Town of LaGrange Town Board with respect to Local Law #5 of 2012 Amending Chapter 240 "Zoning" to Amend the Definition of "Building Square".

  
CHRISTINE O'REILLY-RAO  
TOWN CLERK

Contact Person:  
Christine O'Reilly-Rao, Town Clerk  
120 Stringham Road  
LaGrangeville, NY 12540  
845-452-1830

S:\WPDOCS\LaGrange (0070)\Local Laws & Misc. Resolutions\2012\Square On Lot  
(887)\04.11.12 Negative Declaration.docx

**RESOLUTION**

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

WHEREAS, Local Law No.5 of 2012 was introduced entitled A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK AMENDING CHAPTER 240 "ZONING", TO AMEND THE DEFINITION OF "BUILDING SQUARE".

WHEREAS, a public hearing in relation to said local law was held on April 11, 2012 at 7:00 p.m., prevailing time; and

WHEREAS, notice of said public hearing was given pursuant to the terms and provisions of the Municipal Home Rule Law of the State of New York; and

WHEREAS, said local law has been on the desks of the members of the Town Board of the Town of LaGrange for at least seven (7) days, exclusive of Sunday;

NOW, THEREFORE, BE IT RESOLVED that the following local law is hereby enacted:

**LOCAL LAW NO.5 OF 2012**

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 the Town Clerk shall file a certified original of this local law in the office of the Town Clerk and one (1) certified copy in the Office of the Secretary of State, State of New York, such certified copy to have attached thereto a certificate executed by the attorney for the Town of LaGrange that it contains the correct text and that all proper proceedings have been had or taken for the enactment of this local law.

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

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

DATED: LaGrangeville, New York  
April 11, 2012

  
CHRISTINE O'REILLY-RAO, Town Clerk

**TOWN OF LAGRANGE**  
**BUILDING DEPARTMENT**  
120 Stringham Road, LaGrangeville, NY 12540  
845-452-1872; Fax 845-452 7692

To: Jon Wagner, Supervisor and  
Town Board

From: Ken McLaughlin, Building Inspector

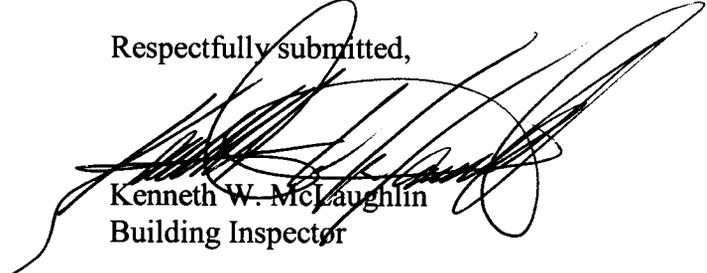
Date: March 30, 2012

Re: States Grill Restaurant, 1643 Route 82 (A & P Plaza)

Attached please find a request from Anthony Ragaglia that his restaurant, States Grill, located in the A & P Plaza on Route 82 have outdoor seating for table service.

This request is being forwarded to you for your consideration.

Respectfully submitted,



Kenneth W. McLaughlin  
Building Inspector

KWM/sq

**received**  
4/9/12

**STATES GRILL**  
1643 Route 82  
LAGRANGEVILLE, NEW YORK 12540  
(845) 592-4460

March 28, 2012

Town of LaGrange  
120 Stringham Road  
LaGrangeville, New York 12540

Attn: Planning Department

Re: States Grill, 1643 Route 82, LaGrangeville, New York, Store #7

Dear Sir/Madam:

By this correspondence, I advise of my intention to use the sidewalk located in front of my store in the LaGrange Commons for table service. It is my intention to place three tables with four chairs at each table on the sidewalk. At this time we will have waitress service to those tables. It is our further intention to make an application to the New York State Liquor Authority for bar service to those tables as well.

The tables will be utilized from 11:00 a.m. until 10:00 p.m. Kindly advise if a formal application needs to be made with regard to my proposed use of the sidewalk in front of the store. A diagram of the proposed location for the tables and chairs is set forth below.

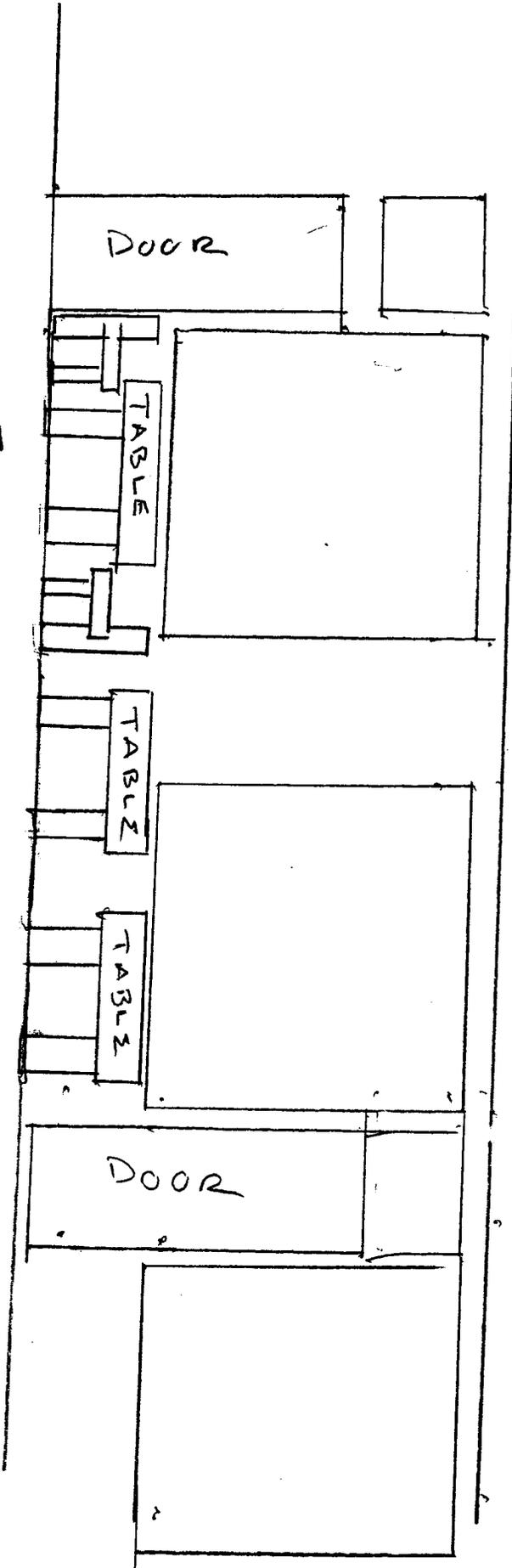
I thank you for your time and consideration.

Very truly yours,



ANTHONY RAGAGLIA  
President of Ragacella Corp.  
d/b/a States Grill

# States GRILL



Four Chairs Are To Be Placed  
Around Each Table