

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

**TOWN BOARD MEETING
March 27, 2013**

Present: Supervisor Joseph Luna
Councilman Edward Jessup
Councilman Gary Polhemus
Councilman Alan Bell

Absent: Councilman Andrew P. Dyal

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

Others Present: Ron Blass, Esq. Van De Water & Van De Water
Wanda Livigni, Administrator of Public Works

The regular meeting of the Town Board was held on Wednesday, March 27, 2013, at 24 Firemen's Way, Town of LaGrange. Supervisor Luna called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Mr. Luna asked for a motion to accept the minutes for March 13, 2013.

Councilman Jessup moved to do so, seconded by Councilman Bell. The motion carried unanimously.

Public Hearing

The Clerk stated for the record that the Legal Notice of Public Hearing was posted and published in compliance with the law. (SEE ADDENDUM)

Mr. Luna asked for a motion to open the Public Hearing for a proposed local law for the Daley Farm PDD. The County had reviewed the proposed law and had returned a response of "No Comment/ Matter of Local Concern". (SEE ADDENDUM)

Councilman Polhemus moved to open the Public Hearing, seconded by Councilman Jessup. The motion carried unanimously.

Mr. Larry Kelly from the Bray Farms Development addressed the Board. Mr. Kelly stated that the proposed development of Daley Farms would have a significant impact on the residents of Bray Farms; including but not limited to increased traffic and potential accidents, decreased property values and general quality of life issues. Mr. Kelly added that Maloney Road is already considered a dangerous road and the increase in traffic would only exacerbate this problem. He

added that whether or not the development becomes a PDD or is built under existing zoning codes, Bray Farms residents will be negatively impacted. In closing, he stated that any and all proposed developments should be subject to stringent studies on the cumulative effect they will have on overall traffic and safety issues in the Town. He acknowledged Supervisor Wagner and Councilman Luna's help in facilitating cooperation between the developers and Bray Farms residents.

Mr. Bob Wagner of Bray Farms addressed the Board. He stated that Mr. Kelly had worked very hard for the residents of the neighborhood and that the residents were completely behind him. He stated that the proposed development would change the character of the neighborhood because of the traffic. He added that he was not happy having Colleen Court opened up, but was glad that the developers were trying to work things out with residents.

Mr. Steve Reiger addressed the Board. He stated that the original plan for the development had been revised to decrease drive-through traffic. He added that the Planning Board had required cooperation with Bray Farms residents on mitigation measures and that he was committed to advancing the project with this in mind.

Supervisor Luna stated that this project had been in the works for many years with input from Planning Board Chairman Alan Bell as well as Supervisor Wagner and himself. He added that both the developers and residents have been receptive to their suggestions addressing traffic and safety concerns.

Mr. Luna asked for a motion to close the Public Hearing.

Councilman Jessup moved to close the Public Hearing, seconded by Councilman Bell. The motion carried unanimously.

Mr. Luna stated that the vote would be postponed until the next regular meeting in order for the Board to consider the comments made at the Public Hearing.

Agenda

Mr. Luna stated that he and the Board would like to express their sadness at the passing of Richard Barger who was a long time engineer and surveyor in Dutchess County.

Mr. Luna asked for a motion to re-approve Sleight Farm Phase 1 (Phase "A" Road Dedication) bonds for 60 days; in the amount of \$285,579 for the Maintenance Bond and \$75,762 for the Performance Bond. Road dedication should take place on April 10, 2013. (SEE ADDENDUM) Councilman Jessup moved to do so, seconded by Councilman Polhemus. The motion carried.

Committee Reports

Water and Sewer

No Report

Recreation

No report

Open Space

Councilman Jessup stated that the tentative closing date for Sleight Farm is April 10, 2013.

Highway

No report

Town Attorney

No comment

Public Works

Steve Mance, of Environmental Consultants, stated that there is a leak at Freedom Park coming from two underground chlorination pipes. The leak should be fixed by Thursday.

Public Comment

Councilman Jessup moved to open the Public Comment, seconded by Councilman Polhemus. The motion was carried by all.

There were no comments from the public.

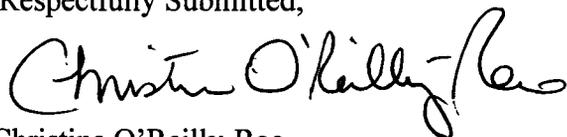
Councilman Jessup moved to close the Public Comment, seconded by Councilman Polhemus. The motion was carried by all.

Mr. Luna asked for a motion to adjourn the meeting.

Councilman Bell so moved, seconded by Councilman Jessup. The motion carried unanimously.

The meeting adjourned at 7:35 p.m.

Respectfully Submitted,

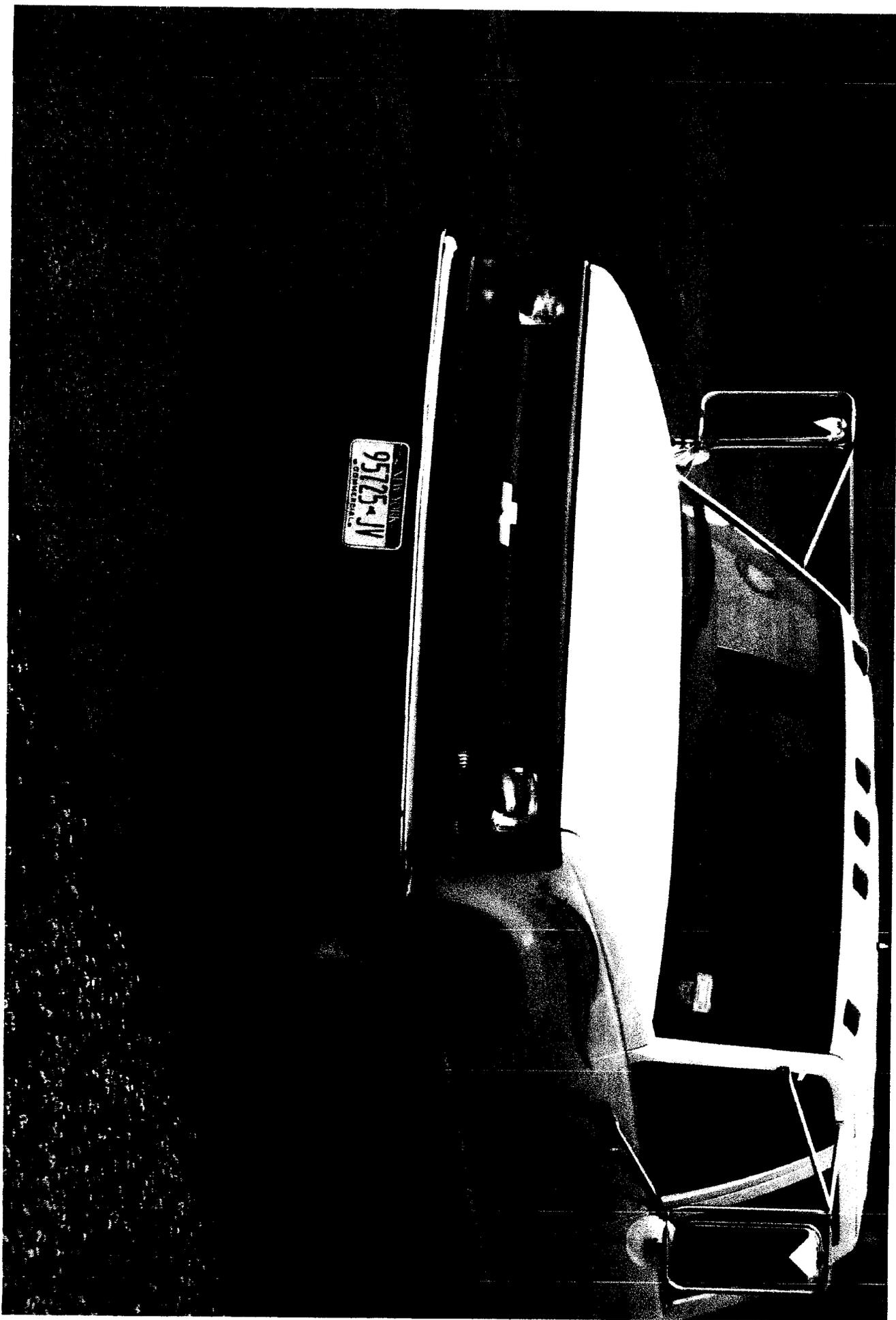


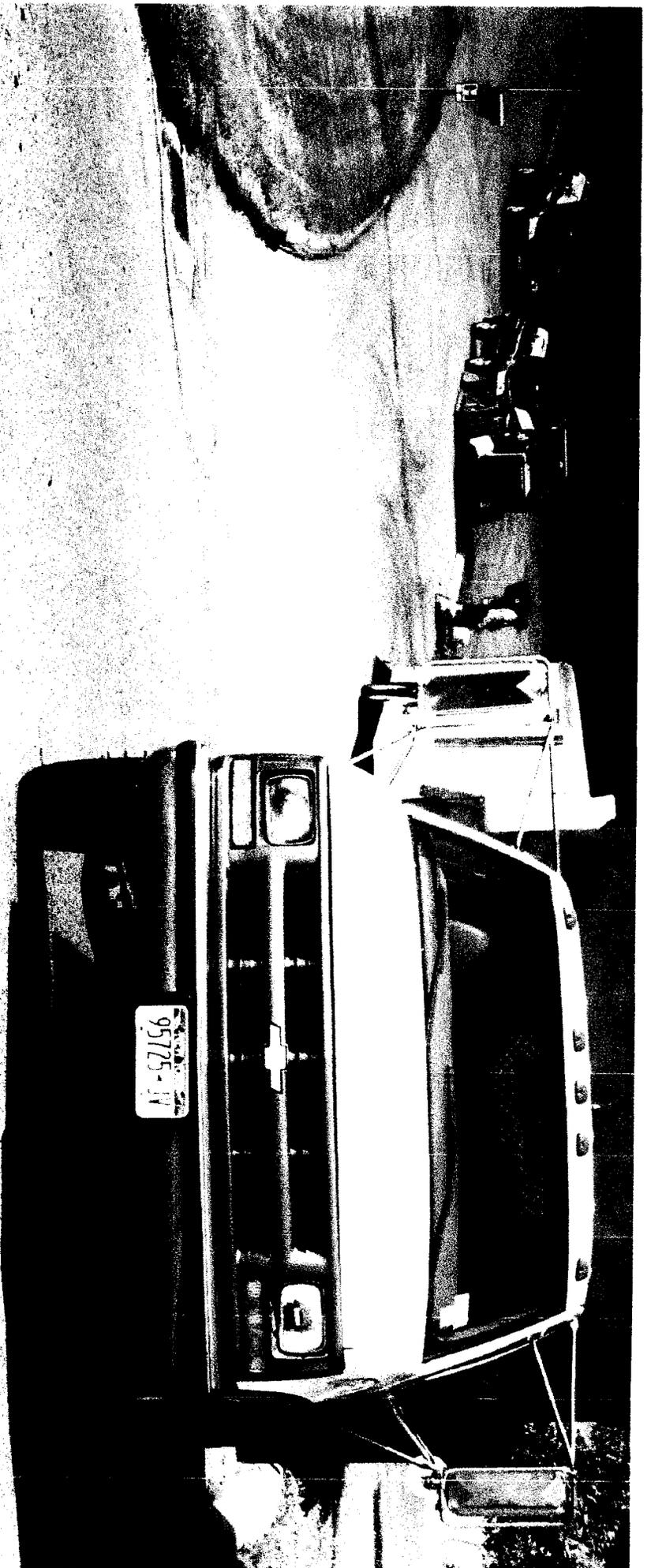
Christine O'Reilly-Rao
Town Clerk

ADDENDUM

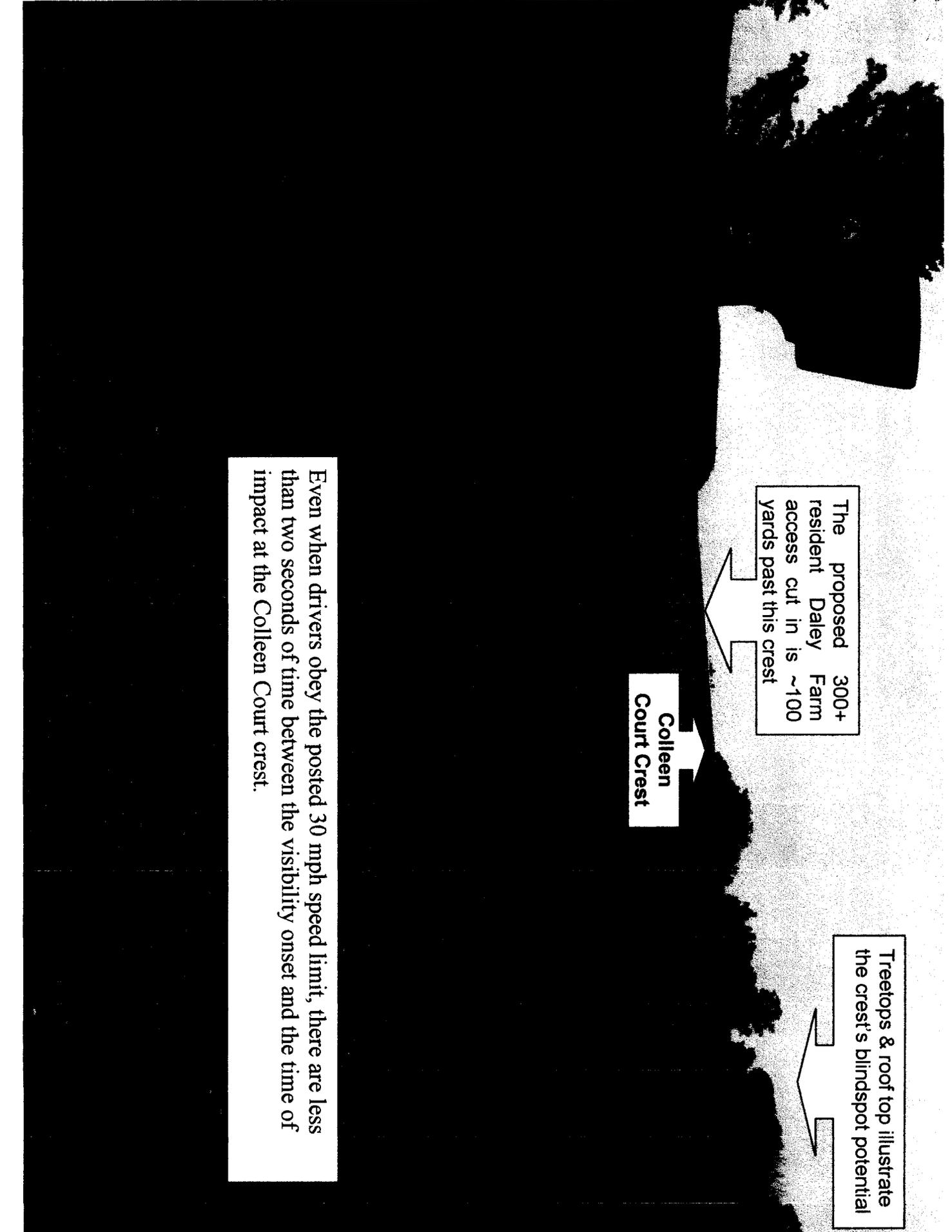
- Presentation on Bray Farms and Proposed Daley PDD
- Affidavit of Publication: Local Law 1-2013 (Daley Farm PDD)
- Affidavit of Posting: Local Law 1-2013 (Daley Farm PDD)
- Dutchess County Comment
- Letter: Sleight Farm Phase 1 (Phase "A" Road Dedication)
- Memo: Sleight Farm Phase 1 (Phase "A" Road Dedication)

Bray Farm Road and Colleen Court were not installed to safely accommodate a potentially significant increased traffic flow from alternate route seekers enabled from the Daley Farm development. As seen on the photo, there is an obvious substantial safety concern with significantly increased traffic on COLLEEN COURT.





This picture of Colleen Court illustrates an increased hazard risk enabled by a proposed Daley Farms cut in to Colleen Court. It is an accident likely situation when high volumes of alternate route seekers pass thru a neighborhood road with potential curbside parking or services such as neighborhood visitors, newspaper deliveries, mail deliveries, mail pick ups, UPS, Fed Ex, or home/lawn maintenance services. When this is compounded by the frequent neighborhood walkers, cyclists, joggers, and children at play the safety risk and quality of life impacts are unacceptable.



The proposed 300+ resident Daley Farm access cut in is ~100 yards past this crest

Colleen Court Crest

Treetops & roof top illustrate the crest's blindspot potential

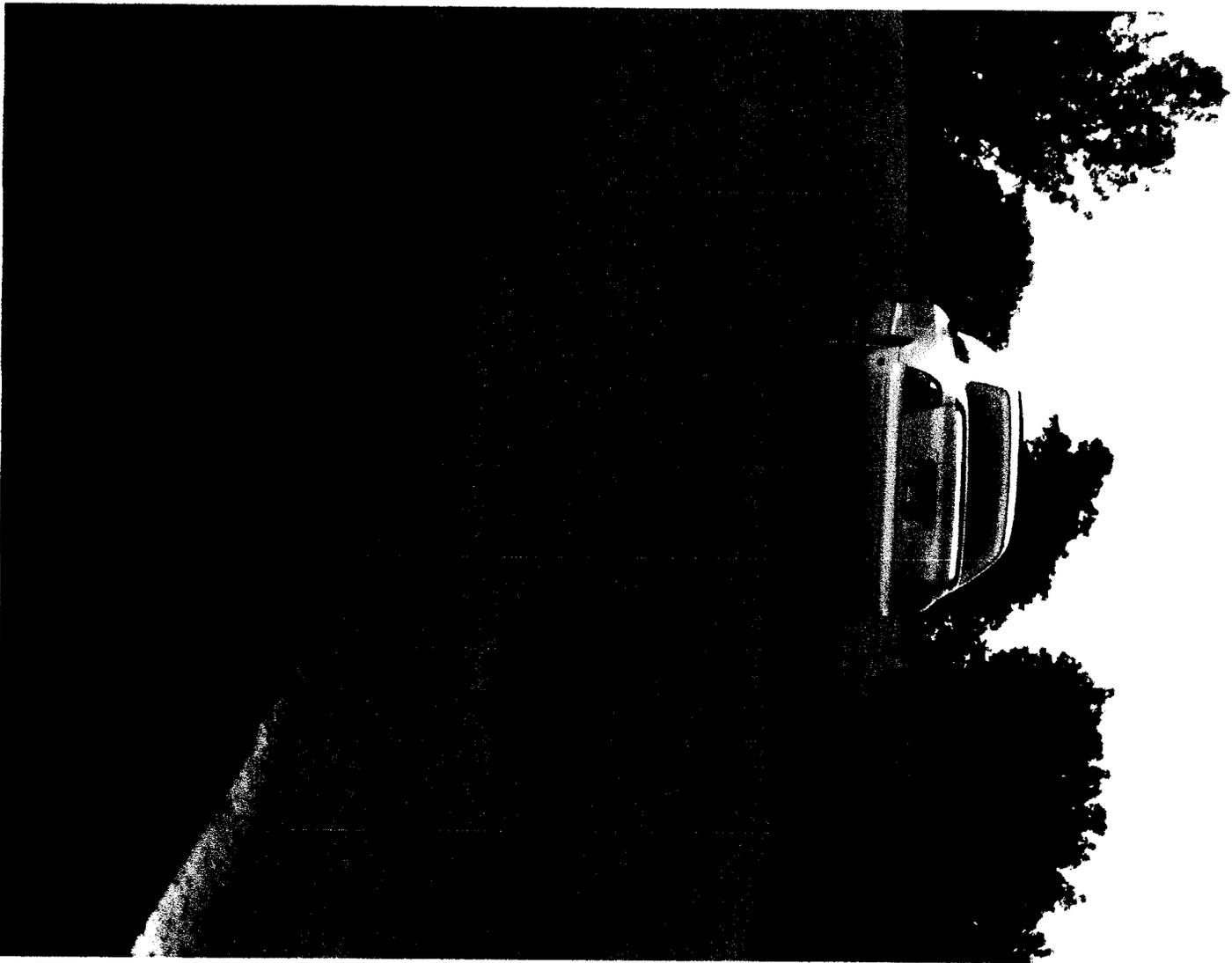
Even when drivers obey the posted 30 mph speed limit, there are less than two seconds of time between the visibility onset and the time of impact at the Colleen Court crest.



Colleen Court Crest
Viewed From Cul-de-Sac Bulb



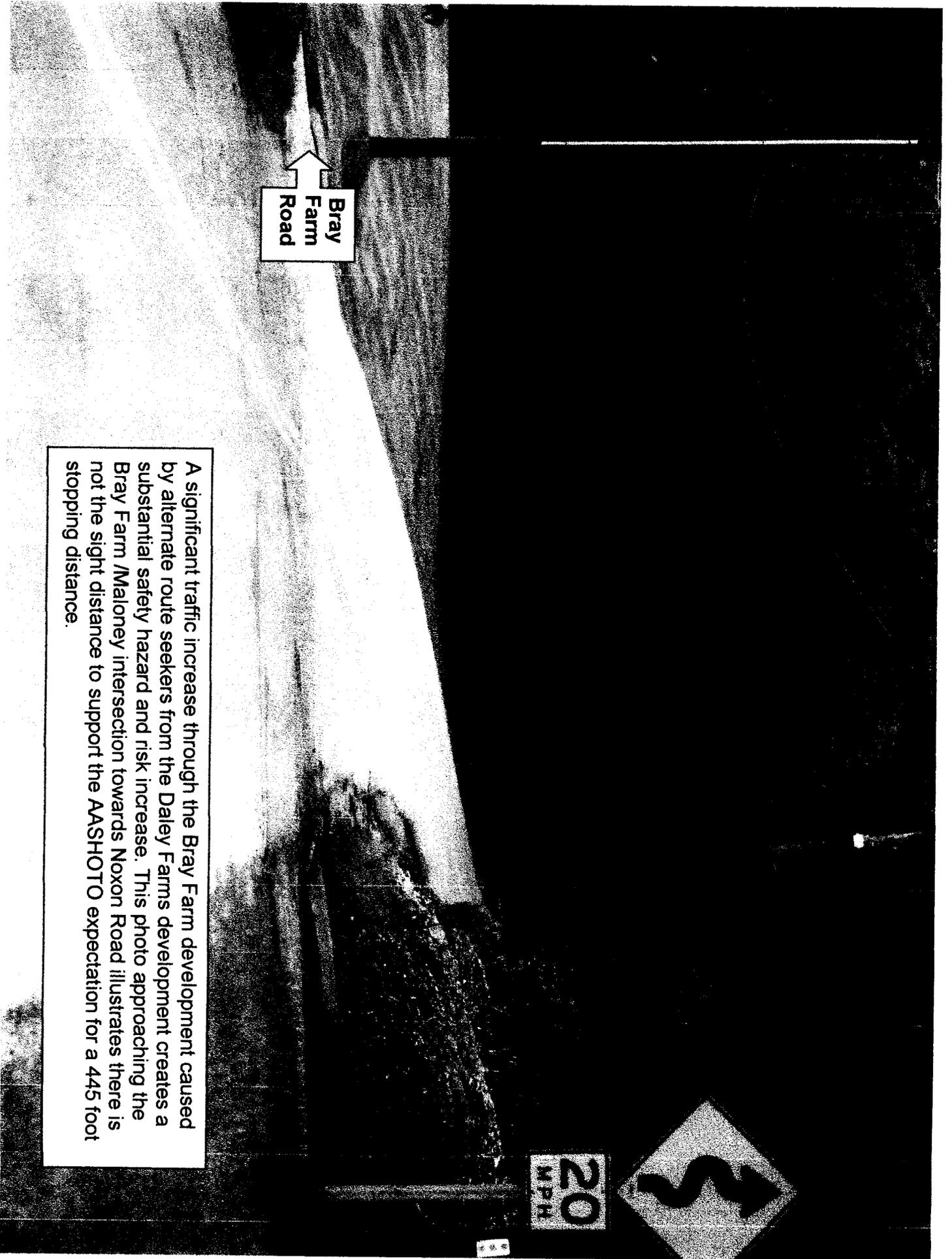
The Colleen Court / Bray Farm Road intersection shown here does not meet AASHOTO line of sight distance intersection expectations for the posted 30mph due to a Bray Farm Road hill crest. The nine families living downstream of the Bray Farm Road crest near Colleen Court will be exposed to a substantially greater accident risk by the potential high traffic volumes from Daley Farm residents and the new alternate route seekers. There are about two seconds of vision if cars are following the posted 30mph restriction.



There are three limited sight distance hazards in the Bray Farm development that are significantly impacted by the proposed Colleen Court cut in for the Daley Farms development.

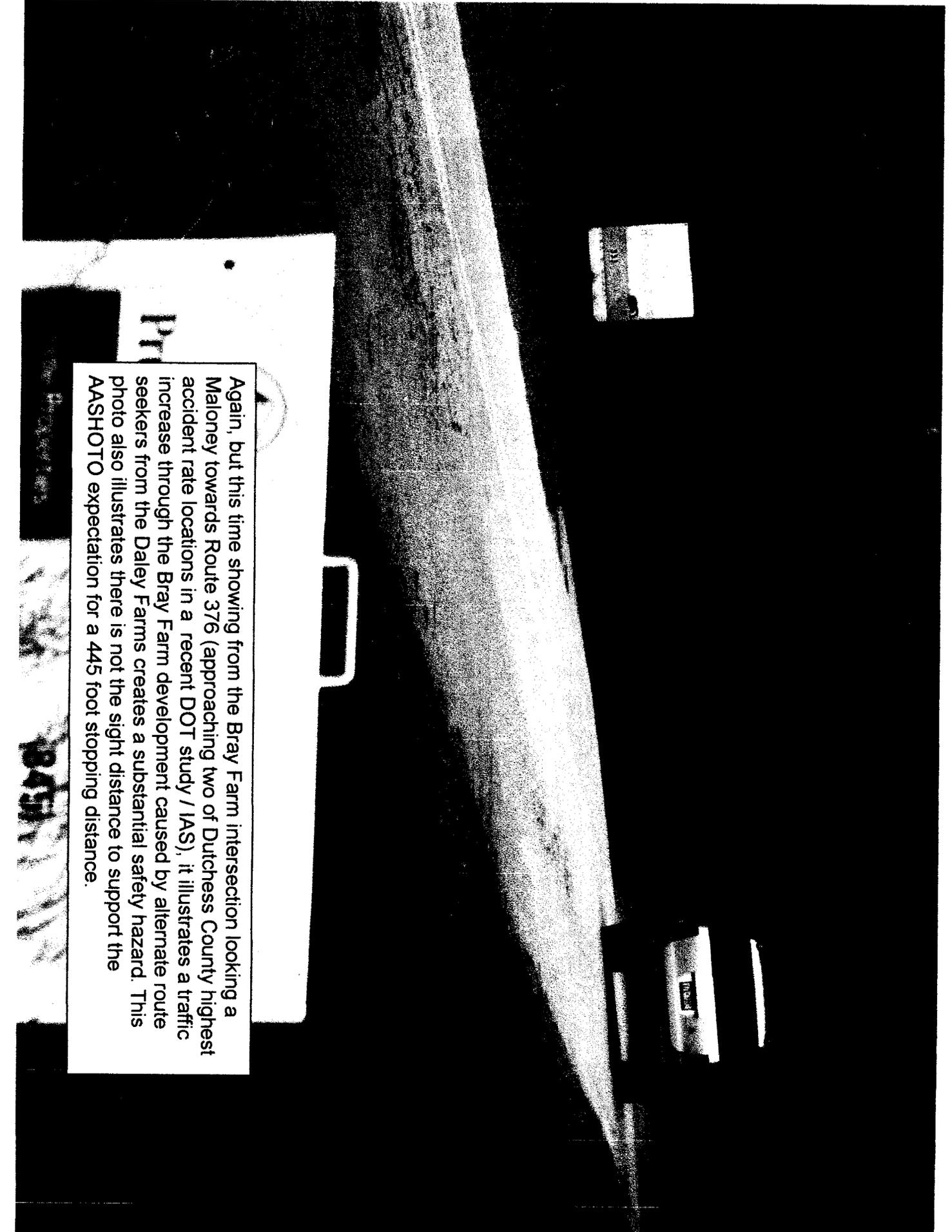
The Curtin Court / Bray Farm Road intersection shown here (looking from Curtin Court up Bray Farm Road) does not meet AASHTO line of sight distance intersection expectations for the posted 30mph due to a Bray Farm Road hill crest.

All of the families living on Curtin Court, nearly all the families living on Bray farm Road, all for the families living on Colleen Court, all the families from the proposed Daley Farm development, and all the alternate route seekers served by a Colleen Court cut in are placed at greater risk by the proposed Colleen Court cut in for the Daley Farm project. There are about two seconds of vision if cars are following the posted 30mph restriction going down the hill.



Bray
Farm
Road

A significant traffic increase through the Bray Farm development caused by alternate route seekers from the Daley Farms development creates a substantial safety hazard and risk increase. This photo approaching the Bray Farm /Maloney intersection towards Noxon Road illustrates there is not the sight distance to support the AASHOTO expectation for a 445 foot stopping distance.



Again, but this time showing from the Bray Farm intersection looking a Maloney towards Route 376 (approaching two of Dutchess County highest accident rate locations in a recent DOT study / IAS), it illustrates a traffic increase through the Bray Farm development caused by alternate route seekers from the Daley Farms creates a substantial safety hazard. This photo also illustrates there is not the sight distance to support the AASHOTO expectation for a 445 foot stopping distance.

Sample Colleen / Bray headlight victim



Sample Colleen crest headlight victim

A number of Bray Farm and Colleen Court homes will see more than a 10 fold increase headlights beaming in to their homes due to proposed development cut in compounded by the existing hills, crests, and "tee" intersection

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 2013 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 21st
day of Mar. in the year of 2013 and
on the following dates thereafter, namely on:

And ending on the _____ day of _____ in
the year of 2013, both days inclusive.

Rita Lombardi
Subscribed and sworn to before me this 21st day
of March in the year of 2013.

Rose Ann Simpson

Notary Public

My commission expires 1/4/2014

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

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the temporary Town Offices, 24 Firemen's Way, Poughkeepsie, New York 12603 on March 27, 2013, at 7:00 o'clock p.m. prevailing time, on a proposed Local Law No. _____ of the year 2013. A LOCAL LAW OF THE TOWN OF LAGRANGE, DUTCHESS COUNTY, NEW YORK, CONDITIONALLY AMENDING THE ZONING MAP DESIGNATION OF CERTAIN PROPERTY CURRENTLY ZONED R-40/60/80 AT OR NEAR TITUSVILLE ROAD AND DAVIS ROAD TO THE NORTH, NOXON ROAD TO THE EAST, COLLEEN COURT TO THE SOUTH AND DALEY ROAD TO THE WEST TO ALLOW FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT ("PDD"), TO BE NAMED "PDD-DALEY FARMS" FOR A MIX OF RESIDENTIAL USES AND OPEN SPACE IN ACCORDANCE WITH CONCEPT PLANS OF DEVELOPMENT, PREPARED BY MORRIS ASSOCIATES P.S., L.L.C., BEARING RESPECTIVE LAST REVISION DATES OF MAY 2, 2012 AND OCTOBER 18, 2012.

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law, and the aforesaid concept plans for a PDD-Daley Farms will be available for examination at the office of the Clerk of the Town of LaGrange, at the aforesaid temporary offices of the Town between the hours of 8:30 a.m. and 4:00 p.m. on all business days with the exception of Tuesdays when the hours are 8:00 a.m. to 3:30 p.m. between the date of this notice and the date of the public hearing.

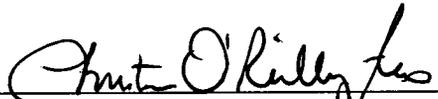
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: LaGrangeville, New York
February 27, 2013

CHRISTINE O'REILLY-RAO, TOWN CLERK
6747

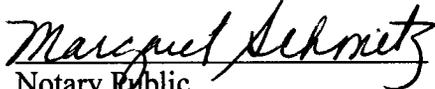
STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

I, the undersigned Clerk of the Town of LaGrange, Dutchess County, New York, DO HEREBY CERTIFY that on the 22th day of March, 2013, I duly caused a copy of the attached Notice of Public Hearing for a proposed local law conditionally amending the zoning map designation of a property "PDD-Daley Farms" be conspicuously posted on the sign-board maintained by the Clerk's Office at 24 Firemen's Way in the Town of Lagrange.



Christine O'Reilly-Rao, Town Clerk

Sworn to before me this
22 Day of March, 2013



Notary Public

MARGARET SCHMITZ
NOTARY PUBLIC-STATE OF NEW YORK
No. 01SC6220139
Qualified in Dutchess County
My Commission Expires April 12, 2014

NOTICE OF PUBLIC HEARING

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hours are 8:00 a.m. to 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.

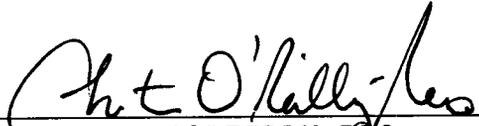
DATED: LaGrangeville, New York
February 27, 2013


CHRISTINE O'REILLY-RAO TOWN CLERK

The foregoing resolution was duly put to a vote which resulted as follows:

Supervisor Luna	AYE
Councilwoman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

Dated: LaGrangeville, New York
February 27, 2013


CHRISTINE O'REILLY-~~EO~~
TOWN CLERK, TOWN OF LAGRANGE

Dutchess County Department of Planning and Development	To <u>LaGrange TOWN ED</u> Date <u>3/10</u> # pgs <u>1</u>		
	Co./Dept. _____ From <u>J. CLARKE</u>		
	Fax # _____ Phon <u>e# 486 31000</u>		
Zoning Referral			
Municipality:	Town of LaGrange		
Referring Agency:	Town Board		
Tax Parcel Number(s):	6360-03-229310 / 009220 / 308127		
Project Name:	Daley Farm --- Rezone from R-40/60/80 to "PDD-Daley Farms" district		
Applicant:	Daley Farm Development LLC		
Address of Property:	CR 49 (Titusville Rd.) / CR 21 (Noxon Rd.)		
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p style="text-align: center;">Type of Action:</p> <input type="checkbox"/> Local Law / Text Amendment <input checked="" 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%; vertical-align: top;"> <p style="text-align: center;">Jurisdictional Determinant:</p> <input type="checkbox"/> State Road _____ <input checked="" type="checkbox"/> County Road <u>CR 49 / CR 21</u> <input type="checkbox"/> State Property <input type="checkbox"/> County Property <input type="checkbox"/> Municipal Boundary <input type="checkbox"/> Agricultural District </td> </tr> </table>		<p style="text-align: center;">Type of Action:</p> <input type="checkbox"/> Local Law / Text Amendment <input checked="" 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;">Jurisdictional Determinant:</p> <input type="checkbox"/> State Road _____ <input checked="" type="checkbox"/> County Road <u>CR 49 / CR 21</u> <input type="checkbox"/> State Property <input type="checkbox"/> County Property <input type="checkbox"/> Municipal Boundary <input type="checkbox"/> Agricultural District
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Date Response Requested (if less than 30 days):	March 27, 2013 public hearing		
If subject of a previous referral, please note County referral number(s):	SQ 06-057 / 06-225 / 06-359 / 09-206 / 11-283		

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development			
<p>No Comments:</p> <input checked="" type="checkbox"/> Matter of Local Concern <input type="checkbox"/> No Jurisdiction <input type="checkbox"/> No Authority <input type="checkbox"/> Withdrawn		<p>Comments Attached:</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>2/28</u>	Notes:	<input checked="" type="checkbox"/> Major Project <input type="checkbox"/> Archive <input type="checkbox"/> Discard after 2 yrs <input type="checkbox"/> Discard after 7 yrs	Referral #: <u>13-071</u>
Date Submittal Received: <u>3/1</u>			
Date Report Requested: <u>3/27</u>			
Date Report Required: <u>3/29</u>			
Date of Transmittal faxed: <u>3/10/13</u> mailed:	Reviewer: <u>JOHN CLARKE</u>		



Stormwater Management Consultants, Inc.

November 30, 2012

Mr. Joseph Luna, Supervisor
and Town of LaGrange Town Board
Town of Lagrange
120 Stringham Road
Lagrangeville, New York 12540

Re: Sleight Farm Subdivision Phase 1

Dear Supervisor Luna:

I have received and reviewed the following items for the above referenced subdivision:

- "Sleight Farm As-Built Ridgeline Drive", prepared by Morris Associates, PLLC last revised October 19, 2012.
- "Sleight Farm As-Built Keith Drive", prepared by Morris Associates, PLLC last revised October 19, 2012.
- "Letter of Construction Certification, Sleight Farm Phase 1, Ridgeline Drive & Keith Drive", prepared by Morris Associates PLLC, dated October 24, 2012.
- "Bond Estimate Reduction/Adjustments, Sleight Farm Phase 1, Ridgeline Drive & Keith Drive", prepared by Morris Associates PLLC, dated October 24, 2012.

The Developer for the above referenced subdivision has requested of the Town that the roads be dedicated to the Town and that a bond reduction for Stormwater Management Practice (SMP #1C) be considered.

On October 25, 2012, a site inspection was conducted by this office, Mike Kelly, Town Highway Superintendent and Wanda Livigni, Administrator of Public Works for purposes of observing the condition of the roads, public improvements and associated drainage facilities for conformance with the approved subdivision plan.

Based upon the above noted site inspection, a letter was generated by this office dated October 29, 2012 outlining outstanding issues and conditions to be addressed prior to dedication of the road to the Town and consideration of a performance bond reduction of the stormwater management facility (SMP #1C).

The Developer has submitted revised As-Built Surveys dated October 19, 2012 reviewed to the satisfaction of this office. In addition, the Developer's Engineer has provided a letter of certification dated October 24, 2012 certifying that the roads (Keith Drive and Ridgeline Drive) have been constructed in general conformance with the approved subdivision plan and Town specifications.

Since the initial site inspection conducted on October 25, 2012, numerous site inspections have also been conducted by Mike Kelly, Highway Superintendent and Wanda Livigni, Administrator of Public Works for purposes of verifying all outstanding site issues and conditions as noted in the October 29, 2012 memo by this office were addressed to their satisfaction prior to dedication of the road and public improvements to the Town to include consideration of a performance bond reduction of the stormwater management facility (SMP #1C).

Based upon review of the revised Final As-Built Surveys dated October 19, 2012, the site inspection conducted on October 25, 2012, and numerous follow-up site inspections conducted by the Town Highway Superintendent and the Administrator of Public Works, it is the determination of this office, the Town Highway Superintendent and the Administrator of Public Works that the roads, public improvements and associated drainage facilities have been constructed in substantial conformance with the approved subdivision plan and that the Developer has satisfactorily addressed all of our previous issues and concerns.

It is therefore recommended that the Town Board consider the dedication of the roads to the Town and consider a performance bond reduction for the stormwater management facility (SMP #1C).

As per a Stipulation and Order to include an attached Section Dedication Map entitled "Road and Stormwater Management Pond for Frank Farm and Sleight Farm Subdivision", prepared by Morris Associates, PLLC dated December 16, 2010 between Sleight Farm LLC, Henry G. Page Jr. Development Ltd. and the Town of LaGrange dated February 23, 2012, the following conditions apply:

Page Development and Sleight Farm Agreements:

- c) For each section, the continuation and maintenance period provided for under Town Code Section 199-51(G)(2) shall be extended to run for a total period of forty-seven (47) months from the date of acceptance by the Town Board of the road or public improvement within that Section.

except for the ponds which shall remain subject to the original (un-extended) continuation and maintenance period as provided in Town Code Section 199-51(G)(2).

- d) For each Section the continuation security provided under Town Code Section 199-51(G)(4) shall be increased to 30% of the total cost of construction of the road or other public improvement (except for the ponds) within that Section. The duration of such increased maintenance bond shall be the forty-seven (47) month continuation and maintenance period provided for in subsection 3 (c) above, and the continuation security shall expire four years (48 months) from the date of acceptance by the Town Board of the road or public improvement (except for the ponds) within that Section. The ponds shall remain subject to the original amount and duration (commencing on the date of acceptance for dedication of each pond) of the security as provided in Town Code Section 199-51(G)(2).

Additionally, as per the Section Dedication Map entitled "Road and Stormwater Management Pond for Frank Farm and Sleight Farm Subdivision", prepared by Morris Associates, PLLC dated December 16, 2010 the roads and public improvements for Frank Farm Subdivision Phase 1 and Sleight Farm Subdivision Phase 1 are known as "Phase A Road Dedication".

It is also documented as part of "Phase A Road Dedication" of the Section Dedication Map attached to the Stipulation and Order as noted herein, that the roads and public improvements for both Frank Farm Phase 1 and Sleight Farm Phase 1 must be dedicated simultaneously to the Town of LaGrange.

Therefore, as per subsection 3 (d) noted above, a Maintenance Bond in the amount of \$285,579, being 30% of the original Performance Bond estimate of \$951,930 of the roads and public improvements shall be established.

It is also recommended that the Performance Bond for construction of stormwater management facility (SMP #1C) be reduced to 25% of the original cost of construction of \$303,045, to \$75,762.

If you have any questions regarding these matters, you may contact me directly at 845-462-0022.

Sincerely,



Walter R. Artus, CPESC, CMS4S
Principal

WRA/wra

cc: Mike Kelly, Highway Superintendent
Alan Bell, Planning Board Chairman
Wanda Livigni, Administrator of Public Works
Christine O'Reilly-Rao, Town Clerk
Ronald Blass Jr, Van DeWater & Van DeWater, Town Attorney
Greg Bolner, P.E., Clark Patterson Lee, Town Engineer
Wayne Wilcox, Lennar, Owner/Operator
Thomas Harvey, I.E., Senior Engineer, Morris Associates, PLLC

*Town of
LaGrange, NY*

Kathy Kowgios <kkowgios@lagrangeny.org>

**Sleight Farm Phase 1 Maintenance Bond and Performance Bond Reduction -
reapproval for 3/27 TB agenda**

Wanda Livigni <wlvigni@lagrangeny.org>

Tue, Mar 12, 2013 at 11:49 AM

To: Kathy Kowgios <kkowgios@lagrangeny.org>

Cc: jluna@lagrangeny.org, Christine O'Reilly-Rao <oreillyrao@lagrangeny.org>, Ronald Blass
<RBlass@vandewaterlaw.com>

Kathy -

Can you please put on the 3/27/13 Town Board agenda the reapproval of the Sleight Farm Phase 1 (Phase A road dedication) bonds:

Maintenance Bond at \$285,579

Performance Bond at \$75,762

These were originally approved by the TB on Jan 23 for 60 days. So the approved amounts will lapse on roughly March 23rd and we are anticipating road dedication to occur at the April 10, 2013 TB meeting. The lapse of the bond approval does not matter - since the dedication has not been done - so if we can just get those amounts reapproved for 60 days - it should all be fine....

Thanks -

Wanda Livigni

Town of LaGrange - Administrator of Public Works

Planning & Public Works Department

Temporary Town Hall Location: 24 Firemans Way

Mailing Address:

120 Stringham Road

LaGrangeville, NY 12540

www.lagrangeny.org