STATE OF NEW YORK
COUNTY OF DUTCHESS
TOWN OF LA GRANGE

TOWN BOARD MEETING
April 10, 2013

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

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

A regular meeting of the Town Board was held on Wednesday, April 10, 2013, at 24 Firemen's Way in the Town of LaGrange. Supervisor Luna called the meeting to order at 7:00 p.m. The Town Clerk led the flag salute.

Supervisor Luna asked for a motion to accept the minutes for the Town Board Meeting of March 27, 2013. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Supervisor Luna asked for a motion to accept the monthly reports for March 2013. Councilman Polhemus so moved, seconded by Councilman Bell. The motion carried unanimously.

- Building, Zoning, Public Works & Planning — Total $13,226.00
- Highway Department — Total $900.00
- Justice Egitto (incl. State Share) — Total $23,755.00
- Justice O'Hare (incl. State Share) — Total $22, 935.00
- Recreation — Total $4,329.00
- Town Clerk — Total $1,316.69

Correspondence

Channel information is available from Time Warner Cable in the Clerk's office and on the Town website for one week.

AGENDA

Mr. Luna asked for a motion to adopt and issue the SEQRA Findings Statement for Daley Farms PDD. (SEE ADDENDUM)

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

Mr. Luna asked for a motion to adopt Local Law #1 of 2013, Daley Farm PDD. (SEE ADDENDUM)

Councilman Dyal so moved, seconded by Councilman Polhemus. The motion carried.

Mr. Luna asked for a motion to acknowledge receipt of the Comptroller's Annual Financial Report. (SEE ADDENDUM)
Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried.
Supervisor Luna noted that the Town is in good shape financially. Mr. Jessup agreed.

Supervisor Luna asked for a motion to approve budget transfers. (SEE ADDENDUM)
Councilman Polhemus so moved, seconded by Councilman Jessup. The motion carried.

Supervisor Luna asked for a motion to approve execution of a Contract of Sale between the Town and Mid Hudson Development Corp to purchase surplus property at 174 Bart Drive. (SEE ADDENDUM)

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

The Highway Superintendent is requesting to reject all bids received for the "New Street Sweeper". The bids do not meet all specifications as requested. He would like to go back out to bid in May 2013.

Councilman Dyal moved to approve the request to reject all bids received, seconded by Councilman Bell. The motion carried.

Councilman Polhemus moved to approve the request to go out to bid in May, seconded by Councilman Dyal. The motion carried.

The Mid-Hudson Road Runners Club will be holding their Second Annual MHRRC Women's Run on Saturday, May 18, 2013 between 8:00am to 10:00am. The Run will take place along the Dutchess County Rail Trail.

Mr. Luna stated that the run will be on the Rail Trail and not on Town roads.

Committee Reports

Water and Sewer
No report

Recreation
Summer Camp registration starts on May 9th and opening ceremony for baseball will be on April 20th.

Open Space
Mr. Luna stated that the Conservation Easement for Sleight Farm was signed today. This purchase was the culmination of a lot of hard work over a considerable time.

Highway
The Committee is in need of a member to replace Charlie Dow. The next meeting will be held on May 16th. Mr. Polhemus read through the list of bids for equipment purchase. (SEE ADDENDUM) He added that the total came to less than the amount originally approved by the Board.

Town Attorney
No comments

Public Comment

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

Mr. Ralph Rabasco commented that he would like to see more transparency in the listing of agenda items for the meetings. He asked why there never is any supporting documentation available at the meetings.

Supervisor Luna stated that supporting documentation is not printed out because there generally is quite a bit of paper and there is no way of knowing how many copies would be need, since attendance varies.

Councilman Polhemus added that he had printed out all of the materials from the Town website earlier in the day and it was over 150 pieces of paper.

The Town Clerk added that all supporting documentation for Town Board agenda items can be found on the Town website prior to the meeting, in accordance with Committee on Open Government recommendations. She then offered a copy of the Annual Financial Report to Mr. Rabasco who accepted it.

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

Councilman Jessup moved to adjourn the meeting, seconded by Councilman Dyal. The motion carried.

The meeting adjourned at 7:33 p.m.

Respectfully Submitted,

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- SEQRA: Daley Farms PDD
- Resolution: Daley Farm PDD
- Annual Financial Report
- Budget Transfers
- Resolution: Mid Hudson Development Corp. & Town of LaGrange
- Affidavit of Publication: Mid Hudson Development Corp.
- Mid Hudson Development Corp. & Town of LaGrange Contract of Sale
- List of Highway Bids

RESOLUTION
TOWN OF LAGRANGE TOWN BOARD
DALEY FARM PLANNED DEVELOPMENT DISTRICT

WHEREAS, the Town of LaGrange Town Board is an Involved Agency in the coordinated review of the Proposed Action known as the Daley Farm Planned Development District under the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town of LaGrange Planning Board is the Lead Agency for the coordinated review of the Proposed Action under SEQRA; and

WHEREAS, the Proposed Action consists of a proposed rezoning of a parcel of land located in the Town of LaGrange, Dutchess County, New York, which is currently mostly zoned Residential 40/60/80 (R-40/60/80), which would establish a Planned Development District (PDD) which in turn will allow for the construction of a proposed project development plan which contains a mix of large and small-lot single family homes and townhouses with associated public roads, utilities and recreational trails along with the conservation of open space; and

WHEREAS, the Town of LaGrange Planning Board declared itself as Lead Agency for the environmental review of the Proposed Action and issued a determination of significance, i.e., a positive declaration, pursuant to 6 NYCRR § 617.7, which required the preparation of an environmental impact statement ("EIS") for the Proposed Action, on March 21, 2006; and

WHEREAS, Final Scoping Document for the proposed Action was adopted on July 18, 2006; and

WHEREAS, an initial Draft EIS ("DEIS") was submitted to the Lead Agency for its review on March 16, 2007 and subsequent revisions to the DEIS were made on September 26, 2007, and in December 2008; and

WHEREAS, acceptance of the DEIS by the Lead Agency was made on April 21, 2009, at which time a Notice of Completion of the DEIS and Notice of Public Hearing were issued; and

WHEREAS, a public hearing on the DEIS was held on May 19, 2009; and

WHEREAS, the public comment period was held open until June 5, 2009, in accordance with 6 NYCRR § 617.9(a)(4)(ii), which requires such comment period to be a minimum of 30 days from the Notice of Completion or 10 days following a public hearing; and

WHEREAS, following receipt of public comments on the Draft EIS, a Final EIS ("FEIS") was prepared and submitted to the Lead Agency on January 19, 2010; and

WHEREAS, revisions to the FEIS were made on March 9, 2010, May 13, 2011, and July 7, 2011; and

WHEREAS, the Lead Agency accepted the FEIS on July 19, 2011, at which time a Notice of Completion of the FEIS was issued; and

WHEREAS, the FEIS was made available to public review and comment until August 19, 2011 and comments were received, for the most part, from the neighboring existing Bray Farm subdivision residents; and

WHEREAS, the Project Sponsor, in order to address the post-FEIS comments, presented certain post-FEIS modifications of the conceptual design for the land development portion of the Proposed Action, in order to mitigate further the claimed impacts upon the existing Bray Farm neighborhood; and

WHEREAS, the Project Sponsor consented, on July 17, 2012, to extend the time for the Planning Board's issuance of a Findings Statement until the September, 2012 Planning Board meeting; and

WHEREAS, on September 20, 2012, the Planning Board reviewed a draft Findings Statement, and requested modifications, leading the Project Sponsor to consent to a further extension of the time for issuance of a findings statement until a meeting of the Planning Board set for October 18, 2012; and

WHEREAS, the Planning Board, as Lead Agency for the SEQRA review, adopted a Findings Statement for the Proposed Action on October 18, 2012; and

WHEREAS, as an Involved Agency under SEQRA, the Town Board is required to issue its own Findings Statement for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of LaGrange, as an Involved Agency, hereby adopts and issues the attached SEQRA Findings Statement for the Proposed Action known as the Daley Farm Planned Development District; and

BE IT FURTHER RESOLVED, that the Project Sponsor is hereby required to file this Resolution and the Findings Statement in accordance with the SEQRA regulations and provide proof of compliance therewith to the Town Clerk.

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

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

DATED: Lagrangeville, New York
April 10, 2013

Town of LaGrange Town Board
120 Stringham Road
Lagrangeville, New York 12540-5507
Telephone: (845) 452-8562
Contact: Christine O'Reilly-Rao
Verified: Christine O'Reilly-Rao
Date: April 10, 2013

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)
LAGRANGE TOWN BOARD FINDINGS STATEMENT

NAME OF ACTION: Daley Farm Planned Development District

INVOLVED AGENCY: Town of LaGrange Town Board
120 Stringham Road
Lagrangeville, New York 12540

INVOLVED AGENCY PRIMARY CONTACT: Christine O'Reilly-Rao, Town Clerk

DRAFT EIS
Submitted: March 16, 2007
Revised: September 26, 2007/December, 2008
Accepted: April 21, 2009
Public Hearing: May 19, 2009
Comment Closing: June 5, 2009

FINAL EIS
Submitted: January 19, 2010
Revised: March 9, 2010/May 13, 2011/July 7, 2011
Accepted: July 19, 2011
Comment Closing: August 19, 2011

LEAD AGENCY FINDINGS ADOPTED: October 18, 2012 by Town of LaGrange Planning Board

DATE INVOLVED AGENCY FINDINGS STATEMENT ADOPTED:_____

Introduction

This Findings Statement has been prepared pursuant to Article 8 of the New York Environmental Conservation Law ("State Environmental Quality Review Act" or "SEQRA") and its implementing regulations at 6 NYCRR Part 617. Information obtained from the Draft Environmental Impact Statement (DEIS) for the Proposed Action, the subsequent public hearings and comments received as part of the SEQRA process and the Final Environmental Impact Statement (FEIS) have been reviewed and referenced in the development of this Findings Statement. Post-FEIS materials, including post-FEIS comments of the public, as well as post-FEIS submissions of the Project Sponsor to address such comments, are attached hereto and form a part of the SEQRA record. This Findings Statement contains the facts and conclusions that the Town of LaGrange Town Board ("Town Board"), as an Involved Agency for the SEQRA review of the Proposed Action, relies upon to support its decision after applying the standards identified within 6 NYCRR § 617.11(d).

Previously, on October 18, 2012, the Town of LaGrange Planning Board, issued its Findings Statement as Lead Agency. A copy of that Findings Statement is attached as an Appendix. That Findings Statement includes a description of the Proposed Action, a description of the SEQRA process for the Proposed Action, an analysis of the relevant environmental impacts of the Proposed Action and identified mitigation measures, application of the standard set forth in 6 NYCRR § 617.11(d), and the certification required under SEQRA

regulations.

As an Involved Agency, the Town Board is required to issue its own Findings Statement. In certain respects, the Town Board's Findings Statement will accept and incorporate environmental findings made by the Planning Board in its Findings Statement with respect to particular areas of environmental impact or regulatory analysis. Where the Town Board does not adhere to and incorporate Findings of the Lead Agency as its own, this Findings Statement will state its own impact analysis and findings.

SEQRA Process for the Proposed Action

In accordance with SEQRA regulations, the following steps were undertaken by the Lead Agency in its review of the Proposed Action:

- The Town of LaGrange Planning Board declared itself as Lead Agency for the environmental review of the Proposed Action and issued a determination of significance, i.e., a positive declaration, pursuant to 6 NYCRR § 617.7, which required the preparation of an environmental impact statement for the Proposed Action, on March 21, 2006.

- A Final Scoping Document for the proposed Action was adopted on July 18, 2006.

- An initial DEIS was submitted to the Lead Agency for its review on March 16, 2007.

- Subsequent revisions to the DEIS were made on September 26, 2007, and in December 2008.

- Acceptance of the DEIS by the Lead Agency was made on April 21, 2009, at which time a Notice of Completion of the DEIS and Notice of Public Hearing were issued.

- A public hearing on the DEIS was held on May 19, 2009.

- The public comment period was held open until June 5, 2009, in accordance with 6 NYCRR § 617.9(a)(4)(ii), which requires such comment period to be a minimum of 30 days from the Notice of Completion or 10 days following a public hearing.

- Following receipt of public comments on the Draft EIS, an FEIS was prepared.

- The FEIS was submitted to the Lead Agency on January 19, 2010.

- Revisions to the FEIS were made on March 9, 2010, May 13, 2011, and July 7, 2011.

- The Lead Agency accepted the FEIS on July 19, 2011, at which time a Notice of Completion of the FEIS was issued.

- The FEIS was made available to public review and comment until August 19, 2011.

- Comments were received, for the most part, from the neighboring existing Bray Farm subdivision residents.

- The Project Sponsor, in order to address the post-FEIS comments, presented certain post-FEIS modifications of the conceptual design for the land development portion of the Proposed Action, in order to mitigate further the claimed impacts upon the existing Bray Farm neighborhood.

- The Project Sponsor consented, on July 17, 2012, to extend the time for the Planning Board's issuance of a Findings Statement until the September, 2012 Planning Board meeting.

- On September 20, 2012, the Planning Board reviewed the draft Findings Statement, and requested modifications, leading the Project Sponsor to consent to a further extension of the time for issuance of a findings statement until a meeting of the Planning Board set for October 18, 2012.

- On October 18, 2012, the Planning Board adopted its Findings Statement.

Description of Proposed Action

The Proposed Action consists of a proposed rezoning of a parcel of land located in the Town of LaGrange, Dutchess County, New York, which is currently mostly zoned Residential 40/60/80 (R-40/60/80). The proposed rezoning would establish a Planned Development District (PDD) which in turn will allow for the construction of a proposed project development plan which contains a mix of large and small-lot single family homes and townhouses with associated public roads, utilities and recreational trails along with the conservation of open space.

The Project Site is located along Titusville Road and Davis Road to the north, Noxon Road to the east, Colleen Court to the south and Daley Road and the County-owned Dutchess Rail Trail to the west. The site comprises a total of 233.36± acres within three tax lots. As noted, the majority of the site is currently zoned R-40/60/80, with a 2.17± acre portion just south of Titusville Road (part of 55.76-acre lot 081270) zoned Commercial-2 (C-2). The Project Site is primarily unimproved, with the exception of a cluster of farm buildings which gain access from Daley Road. Much of the site is comprised of existing fields and tree coverage, with cleared areas along the southeastern portion of the site. A 10.96± acre pond is located in the northeastern portion of the site, south of Davis Road.

The Project Sponsor proposes the establishment of a PDD on the residentially zoned portion of the site, to be known as Daley Farm PDD, to allow for the construction of 135 new residential units and the preservation of the existing cluster of farm buildings and residence located on the Project Site, for a total of 136 residential units. The proposed density of development on the Project Site cannot be constructed absent the amendment of the zoning map by the Town Board to establish a PDD based on the concept plan of development. The 135 proposed new units consist of 59 detached single-family residences and 76 townhomes. The 59 single-family residences are made up of seven (7) large lots and 52 smaller lots, and are proposed to contain 4-bedroom homes for a total of 236 bedrooms. The 76 townhouses are made up of a mix of 2-and 3-bedroom units, for a total of 190 bedrooms. The total bedroom count for the new construction in the Proposed Action is 426.

As originally proposed and studied in the DEIS and FEIS (collectively, the "EIS"), the concept development plan for the Proposed Action consisted of 126 new residential units together with the existing farm lot, for a total of 127 units. The new construction proposal consisted of six (6) large detached single-family estate lots and 64 smaller detached single-family lots of 4-bedroom houses, for a total of 280 bedrooms, and 56 townhouse lots in a mix of 2- and 3-bedroom units, for a total of 140 bedrooms. The total bedroom count for new construction as originally proposed for development and studied in the EIS was 420.

By letter dated July 6, 2012, legal counsel for the Project Sponsor provided a narrative explanation of the proposed changes in the mix of residential units to result in the current Proposed Action. The current concept plan for the Proposed Action consists of 135 new residential units for a total of 426 bedrooms; an increase in six (6) bedrooms. The existing farm house will still be preserved for a total of 136 residential units in the Proposed Action.

The changes replaced 12 of the smaller single-family lots with four (4) larger lots to be located directly adjacent to the existing Bray Farm subdivision in order to effect a transition of land development more closely matching the pre-existing neighborhood's community character. In addition, three (3) of the previously proposed estate lots were replaced with 20 townhouse units, to help avoid economic loss to the Project Sponsor from the elimination of the 12 smaller single-family lots. These new townhouse units are located close to Titusville Road, and the Project Sponsor indicates that their residents are therefore less likely to use the existing Bray Farm subdivision roads for access.

The Project Sponsor also proposed certain additional post-FEIS changes to reduce traffic and any other potential impacts on the residents in the neighboring Bray Farm subdivision. Colleen Court currently ends in a cul-de-sac in the Bray Farm subdivision but will become a through-road which connects to the road through the Daley Farm development with the construction of the Proposed Action. As currently proposed, improvements along Colleen Court include potential installation of chicanes as traffic calming measures, reduction of an existing vertical curve and consideration of the addition of a stop sign on Bray Farm Lane at its intersection with Colleen Court for traffic coming from Maloney Road. The proposed chicanes would potentially be installed in the vicinity of the existing "bulb" of the existing cul-de-sac, which will be removed, and/or the area of an existing vertical curve, which will be reduced to increase visibility and safety on Colleen Court. Installing the chicane(s) in these locations will reduce impacts to residents because they will occur in areas where road work is already required. In addition, the Project Sponsor proposed to reduce the width of the roads in the Daley Farm PDD development to reduce speeds and further deter use of them and Colleen Court as a through-road by non-residents of the development. Also, a horizontal curve in Road C located within the Daley Farm development has been increased to further reduce traffic speed. These traffic calming measures will be further reviewed with the Town and outside agencies during detailed subdivision and site plan review. A copy of the letter dated July 6, 2012 from Cuddy & Feder, LLP is attached as Exhibit "A" to the Planning Board's Findings Statement and made a part of the SEQRA record. A concept plan showing the proposed changes dated 10/18/12, was also submitted, a copy of which is attached as Exhibit "B" to the Planning Board's Findings Statement and made a part of the SEQRA record.

Most of the proposed new residential units are to be served by public water supply and by public sewer collection. As noted above, the four (4) detached single-family homes located nearest to the existing Bray Farm neighborhood will be large lots, in order to effect a transition of land development more closely matching the pre-existing neighborhood's community character. The large lots are proposed to be serviced by individual wells and in-ground individual septic systems. By letter dated June 8, 2012, the engineer for the Project Sponsor provided a professional opinion that based on health department separation requirements and preliminary deep

tests and percolation tests, these four (4) lots (#s 1, 2, 39 and 40) can be supported by individual wells and sewage disposal systems. A copy of the letter dated June 8, 2012, from Morris Associates Engineering Consultants, PLLC is attached as Exhibit "C" to the Planning Board's Findings Statement and made a part of the SEQRA record.

The Proposed Action would be provided access from Titusville Road and from Colleen Court associated with the Bray Farm neighborhood. Exclusive use of Daley Road will continue for access to the existing farm residence and associated buildings. The Proposed Action presents an internal road system which is intended for dedication to the municipality, but which is designed in a fashion to encourage principal and primary access to the site from Titusville Road, while also discouraging through traffic from Titusville Road to Colleen Court. By letter dated June 4, 2012, the traffic consultant for the Project Sponsor prepared a trip generation analysis of the proposed plan of development, as revised post-FEIS, which concluded that based upon trip generation estimates, the total trip generation for the Proposed Action is expected to remain the same as the original plan for the AM and PM peak hours, the trip generation for the daily weekday trips would decrease to 1147 trips, and the Saturday peak hour trips would increase by 6 from 131 to 137 trips. The traffic consultant concluded that because the trip generation of the revised plan is essentially the same as the traffic levels studied in the EIS, the traffic analysis as originally presented remains an accurate description of the anticipated impacts of the Proposed Action. A copy of the letter dated June 4, 2012, from John Collins Engineers, PC is attached as Exhibit "D" to the Planning Board's Findings Statement and made a part of the SEQRA record.

Involved Agencies

The following were identified and included as Involved Agencies for the SEQRA review of the Proposed Action and copies of all of the documents were circulated to them for review and comment. Involved Agencies are those agencies that have "jurisdiction by law to fund, approve or directly undertake an action."

- Town of LaGrange Town Board (PDD establishment/zoning amendment)
- Town of LaGrange Planning Board (site plan & subdivision approval, Town wetland permit)
- Town of LaGrange (Town MS4 approval, Town SWPPP approval)
- Town of LaGrange Highway Department (Road plan approval)
- Dutchess County Health Department (Water and sewer approvals)
- Dutchess County Department of Public Works (Access permit [Titusville Road], Work permit)
- NYS Department of Environmental Conservation (State Pollutant Discharge Elimination System ("SPDES") permit, N.Y. Environmental Conservation Law ("E.C.L") Article 24 Freshwater Wetland Permit, N.Y. E.C.L . Article 15 Protection of Water Permit, Individual Clean Water Act Section 401 water quality certification, N.Y. E.C.L. Article 17 P/C/I SPDES (required by Town), N.Y. E.C.L. Article 15 Water supply (required by Town))
- NYS Department of Health (Water line extension approval, amendment of water supply permit approval)

ξ US Army Corps of Engineers (Clean Water Act Nationwide Permit #29)

Findings

(1) Land Use and Zoning

The Project Site is located primarily within the R-40/60/80 zoning district, which calls for minimum lot sizes that range from 40,000 to 80,000 square feet. A small area of the Project Site, a 2.17 acre parcel in the northwestern corner of the site, is located within the C-2 commercial district along Titusville Road. The C-2 parcel is not currently proposed to be developed, except that it will contain an access road for the project and a parking area for the adjacent Dutchess Rail Trail. The area zoned C-2 is not included in the proposed local law to amend the zoning map and establish the PDD because the C-2 zoning district is not eligible for such designation.

Much of the site consists of existing tree coverage, with cleared areas along the southeastern portion of the site. The existing farm lot in the southwestern portion of the Project Site has been utilized for farming services since as far back as the 1800's and continues to be used for hay farming today. A gravel mining operation existed in the northwestern portion of the Project Site from the late 1940's through the mid 1960's, and has been reclaimed. The 10.96 acre pond adjacent to Davis Road was created by the former mining operation.
The neighborhoods surrounding the project site include residential and mixed uses to the north, residential uses to the east and south, two large-scale commercial buildings directly across the Dutchess Rail Trail to the west, and residential uses further west beyond those structures. The residential neighborhood to the north along Davis Road consists of single family homes built in the 1940's and 50's on approximately half-acre lots, ranging in size from 1,000 to 2,000 square feet ("sf"). Further north, lining Titusville Road, are mixed residential and commercial uses. The residential neighborhood to the east along Simone Drive consists of single-family homes on lots that are mostly under a half acre which were built in the 1970's and have average sizes of 1,300 to 2,500 sf. The residential neighborhood located to the South along Bray Farm Lane and Colleen Court, which is currently a cul de sac but is proposed to become a through-road to the Daley Farm PDD, consists of single family homes built in the 1980's and 1990's on lots of 1.5 to 2.5 acres and over, and typically are 2,500 to 3,500 sf in size.

Multifamily dwelling units, including townhouses, are not a permitted nor special permit use in the R-40/60/80 zoning district, absent the establishment of a Planned Development District (PDD). Therefore, the Proposed Action calls for a majority of the project site area to be rezoned to a PDD which may be established by legislative amendment of the Town of LaGrange zoning map in accordance with the following general criteria established within Section 240-33(A) of the Town Code:

> Planned Development Districts (PDDs) may be established by the Town Board in accordance with the procedures hereinafter specified and when found necessary and appropriate for the following purposes: to allow large tracts of improved or unimproved land to be developed, redeveloped and improved by means of integrated and harmonious design principles, which will establish projects of foreseeable stable character that will be consistent with the character of the Town and which will more particularly comport with the existing character of the surrounding neighborhood and promote one or more public purposes. Generally, the establishment of a PDD may be considered when establishment of another zoning district designation available under this chapter

would be insufficient to accomplish such purposes or otherwise inappropriate.

The process of establishment of a PDD is legislative and it falls within the exclusive province of the Town Board as to whether the zoning map should be amended after a public hearing and subject to subsequent Planning Board review and approval of project development plans or related land subdivision. The establishment of a PDD is fundamentally a policy decision. In addition to applying the general criteria set forth in Section 240-33(A) of the Town Code (supra), under Section 240-33(C) the Town Board must consider various standards before establishing a PDD.

The Town Board has addressed these standards within a proposed Resolution of Adoption of the local law establishing the PDD, as follows:

(a) The Planned Development District as described and depicted in the conceptual site plan for the Project will accomplish the general purposes of a PDD as follows:

(1) To allow large tracts of improved or unimproved land to be developed, redeveloped and improved by means of integrated and harmonious design principles, which will establish projects of foreseeable stable character that will be consistent with the character of the Town of LaGrange and which will more particularly comport with the existing character of the surrounding neighborhood and promote one or more public purposes. The mixed residential and open space plan will be a predictable, known land use on 200+ acres within the Town. The project will meet the purpose of creating an integrated and harmonious design, which will establish a project of foreseeable stable character consistent with the character of the Town generally and will more particularly comport with the existing character of the surrounding neighborhood, which includes residential uses to the north, east and south, two large-scale industrial buildings directly across the Dutchess Rail Trail to the west, and residential uses further west beyond those structures. A large section in the northern portion of the site will be conserved as open space. The western portion of the site, in the center of the project parcel, will include estate single-family lots, ranging in size from 2 to 6 acres. The smaller single family lots concentrated along the eastern portion of the site will have significant buffering by undeveloped land between the parcel boundary and any residential uses to the east. The southernmost lots adjacent to Colleen Court will be in keeping with the single-family home character of the area and the neighboring subdivision. The existing 57-acre farm site in the southwestern portion of the project site will remain in its current state and will be generally subject to a conservation easement.

(b) The PDD is necessary because another existing zoning district would be insufficient to accomplish the purposes set forth above. The project as proposed would not be able to be developed under current zoning. Other existing residential zoning districts would not allow for the varying minimum lot sizes required for the mix of proposed housing types in the Project in combination with the preservation of open space and naturally sensitive lands.

(c) The PDD will be compatible with actual nearby current uses or permitted future uses of surrounding properties, and is consistent with the Town of LaGrange Comprehensive Plan. All of the proposed residences are located in the Residential zone. The Project plan proposes the preservation of over 50% of the premises as open space. The remainder of the site proposes all residential uses with integrated housing styles at a density that is less than that permitted in a

PDD zone.

(d) The PDD designation is available to the property, which is mostly designated as Moderate Density Residential (R-40/60/80). The portion zoned Commercial (C-2) is not covered by the local law.

(e) The proposed PDD encompasses a tract of land well in excess of the required 200,000 square feet (nearly five acres).

(f) The Planned Development District is proposed to be served by public water and sewer.

(g) While there is no proposal by the Project Sponsor to encumber another residentially zoned parcel that demonstrates comparable future development potential with a conservation easement or to dedicate title to such land to the public sector or a nonprofit land trust for permanent conservation, as noted herein, the Project entails the preservation of over 50% of the premises as open space.

(h) At least 50% of the entire tract will be restricted by conservation easement as permanent open space or agricultural uses. Any land that has been mapped as a Preservation Overlay Zone, excluding land within the Groundwater Protection Overlay Zone unless also included in another Preservation Overlay Zone, will be permanently set aside as open space or otherwise protected. All open space set aside will comply with the standards and requirements set forth in § 240-32A(7)(e)[1] through [4]. The open space to be set aside as part of a conservation easement will have access, shape, dimensions, character, location and topography such that it protects naturally sensitive features, including an 11-acre pond on the project site which shall be available for public access and recreation, and will include a large portion of the 57+ acre farm site. An on-site trail system is proposed to run through the open space area of the site, as well as to the off-site Dutchess Rail Trail. It will be subject to a permanent open space easement in accordance with Town Code § 240-32.A(6)(f)[3] and either owned by a homeowner's association, qualified non-profit or held in private ownership in accordance with Town Code § 240-32.A.(6)(f)[4].

(i) There are currently no non-residential uses proposed as part of the Project requiring screening. Any nonresidential buildings that may be proposed in the future (as part of the site currently zoned C-2) will be subject to site plan approval and must meet screening requirements.

(j) The planned development will not create a traffic hazard in an existing residential neighborhood and is sufficiently accessible to state or county roads to ensure that its traffic load will not unduly interfere with any proximate residential areas. A traffic study prepared and reviewed as part of the SEQRA review of the Project indicated that there will be no significant adverse traffic impacts as a result of the Project. The main access to the Project site will be off Titusville Road. An extension of Colleen Court to act as a secondary access and egress to the single-family portion of the site is proposed and will contain significant traffic calming measures.

(k) Pursuant to the study of alternatives contained in the Environmental Impact Statement for the Project, the impacts of the planned development will not be substantially greater than the impact of a residential subdivision or other as-of-right use on the same land at the density

permitted by a "standard plan" as defined in § 240-32A(4)(a) of the Town Code.

(l) The number of single-family detached residential units permitted will be no greater than 100% above the number determined by the Board to be the net density as defined in Town Code § 240-32. Ninety-one (91) units are permitted on the property as established per a standard development plan. Therefore, a maximum of 182 units would be permitted in the PDD. The proposed Project entails the construction of 135 new residential units and the preservation of the existing cluster of farm buildings and residence located on the Project site, for a total of 136 residential units. The proposed density of development on the Project Site cannot be constructed absent the amendment of the zoning map by the Town Board to establish a PDD based on the concept plan of development. The 135 proposed new units consist of 59 detached single-family residences and 76 townhomes. The 59 single-family residences are made up of seven (7) large lots and 52 smaller lots, and are proposed to contain 4-bedroom homes for a total of 236 bedrooms. The 76 townhouses are made up of a mix of 2-and 3-bedroom units, for a total of 190 bedrooms. The total bedroom count for the new construction in the Project is 426. The 136 units proposed represents only a 49% density increase, instead of the permitted 100%.

(m) The Project includes townhouse units. The construction of multifamily dwelling units is permitted. The bulk and area requirements for the townhouse units will be as established by local law for the PDD.

(n) No single-family home will be located on a lot of less than 20,000 square feet, except in the R-40/60/80 Zone, where the minimum for a cluster subdivision will not be less than 12,000 square feet. This requirement will be met by the Project.

(o) There are no nonresidential uses currently proposed as part of the Project.

(p) There is no existing on-site historic structure on the property.

In the event the proposed PDD is established, the project will also require subdivision and site plan approval from the Planning Board. If finally approved, the land use of the 233 +/- acre Project Site will go from mostly vacant, wooded and agricultural land with an existing farm house and outbuildings to being developed with 135 new residential units in a mix of large and small-lots for 59 detached single family homes and 76 townhouses with 136+/- acres of preserved open space, while the existing farm house will remain.

The proposed PDD centers upon greater density of development in the context of design flexibility, which includes a mix of 135 detached single family housing and attached multifamily dwelling units that is otherwise not permitted under the current zoning, which yields 91 units under a hypothetical conventional plan of subdivision development. Under Section 240-33(C)(2)(l), and with respect to detached single family development, there is a maximum allowable density ceiling of two times (2x) the net density established under a conventional residential subdivision plan, or 182 detached single family dwelling units (2 times 91) in this case. The Project Sponsor proposes the development of a total of 136 units on separate lots, i.e., 76 townhouse units and 59 single family homes, along with the existing farmhouse. The Town Board finds that density proposed by the Proposed Action falls under the maximum density ceiling allowed for a PDD.

The Proposed Action seeks to reduce the width and scale of internal roads intended for dedication by the Project Sponsor to the Town, and to conserve approximately 136.6 acres of land in the form of open space and

conservation easements, including the preservation of the existing farm operation. A PDD has a minimum conservation requirement of 50 percent of the total land. At almost 59% open space, the Proposed Action meets that minimum qualification. The Town Board finds that open space preservation proposed by the Proposed Action complies with the open space requirements for a PDD.

The EIS addressed the relevancy of the Proposed Action to the various goals and objectives contained within the several applicable land use and development studies for the area, including the 2005 Town of LaGrange Comprehensive Plan, the 1987 Plan for Dutchess County, and the 2000 Greenway Connections program. In general, the goals and objectives in these plans strive to balance growth and development with the efficient use of land to conserve valuable natural and physical resources, and preserve the character and feel of the Town of LaGrange, the County, and the region. The Proposed Action, which includes a re-zoning to allow for the development of mixed housing types with preservation of open space, was demonstrated in the EIS to be consistent with certain land use objectives of the Town of LaGrange Comprehensive Plan, the 1987 Plan for Dutchess County, and the 2000 Greenway Connections program by proposing development that is less than permitted by the PDD zoning (if established), conserving 130+ acres of open space, preserving the existing farm site, providing a mix of housing types, proposing certain road and access improvements, connecting most of the new residential units to public water and sewer rather than individual systems, providing on-site recreation trails and other factors.

As noted above, the proposed post-FEIS amendments to the Proposed Action are meant to further address and further mitigate perceived traffic and community impacts on the adjacent existing Bray Farm subdivision neighborhood. These amendments include the provision of extensive traffic calming measures within the Bray Farm neighborhood, the reduction in road width throughout the proposed new development to further calm traffic and discourage use of the roads by through-traffic; and the provision of larger-lot single-family homes at the transition from the new to the existing neighborhood.

Finding: If the required PDD is established by the Town Board and the development plan is finally approved by the Planning Board, the land use of the 233 +/- acre Project Site will go from mostly vacant, wooded and agricultural land with an existing farm house and outbuildings to being developed with 135 new residential units in a mix of large and small-lots for 59 detached single family homes and 76 townhouses with 136+/- acres of preserved open space, while the existing farm house will remain. The Town Board finds that density proposed by the Proposed Action falls under the maximum density ceiling allowed for a PDD. The Town Board that the open space preservation proposed by the Proposed Action complies with the open space requirements for a PDD. The Town Board further finds that the proposed development also aligns with various land use and development goals set forth in the relevant local planning documents. In addition, as noted above Town Board finds that the purpose and effect of the post-FEIS changes to the Proposed Action are to mitigate perceived impacts upon the nearby pre-existing neighboring Bray Farm subdivision development. Finally, the detailed project development and engineering plans will be subject to further specific design review and approval by the Planning Board upon site plan and subdivision review in accordance with Town Law. Therefore, the Town Board finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to land use and zoning to the greatest extent practicable.

(2) Visual Resources

Finding: The Town Board hereby accepts and incorporates the visual resources analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

The Proposed Action, if the rezoning occurs and the development plan is finally approved, will result in some visual impacts due to the construction of a mix of residential housing units on land that is currently vacant. The EIS demonstrates that the viewsheds from different points along the Dutchess Rail Trail and from the Raymour and Flanigan building will have some limited views of the proposed residential units. In addition, views from Colleen Court to the north into the Project Site will reveal some of the proposed residences, which will be single-family homes likes those in the existing neighborhood, with landscaping. The Project Sponsor proposes use of landscaping, building architecture, signage and lighting in the design of the project, avoiding or minimizing impacts to visual resources to the greatest extent practicable through the initial PDD design process and this environmental review. Following approval of this environmental review and rezoning of the properties to a PDD by the Town Board, the Project Sponsor will be required to develop a detailed development plan that outlines specific design elements throughout the project area that are subject to further review by Planning Board, the community, and other permitting agencies. This design process will provide further detail beyond those identified in the EIS that will address the visibility and aesthetics of the proposed project. Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to visual resources to the greatest extent practicable.

(3) Soils and Geology

Finding: The Town Board hereby accepts and incorporates the soils and geology analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

Impacts to soils and geology will predominantly occur during earthwork phases of the Proposed Action as a result of grading and land clearing for roadways, house pads, and utilities. During the design process, the layout of roads was done in accordance with engineering best practices, Town standards and other applicable design criteria and standards. The greatest mitigation measure of impacts to soils and geology is in the overall design of the PDD, when compared to other residential alternatives considered. The PDD layout was chosen to conserve the maximum amount of agricultural soils on the site. Significant amounts of the Project Site will be conserved as open space and farmland conservation space. Any environmental impacts to soils and geology have been avoided or mitigated to the greatest extent practicable through erosion and sediment control measures and the establishment of stormwater management practices. Grading plans, erosion and sediment control plans, and soil management details and practices will be further developed during the detailed design phase following approval of the Daley Farm PDD rezoning and reviewed by the Town, permitting agencies and consulting professional engineers to ensure compliance with specific standards. Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to soils and geology to the greatest extent practicable.

(4) Vegetation

Finding: The Town Board hereby accepts and incorporates the vegetation analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Vegetation impacts are expected to occur due to development of the site and are unavoidable with the existing zoning or proposed rezoning. The proposed concept plan utilizes, to the maximum extent practicable, existing cleared/farmland areas for development and approximately 169.60 acres of land will remain in its current condition. Following the approval of the rezoning of the property to a PDD, the Project Sponsor will be required to prepare and submit detailed development plans and be subject to the Town's site plan and subdivision approval process. The development and site plan will provide additional detail on the extent of earthwork, vegetative clearing, protection measures, and landscaping and buffering. In addition, this process will require detailed review by outside agencies that have jurisdiction over natural resources (e.g. wetlands) prior to Town approval. Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to vegetation on the Project Site to the greatest extent practicable.

(5) Wildlife

Finding: The Town Board hereby accepts and incorporates the wildlife analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Wildlife impacts have been mitigated by the Project Sponsor by the greatest extent practicable through design sensitive measures such as roadway location, seasonally-specific clearing, and limited land clearing and disturbance. Wildlife habitat migration routes and travel connections have also been maintained to the greatest extent practicable during the design process and subsequent environmental review through the preservation of sensitive features (e.g. wetlands) and forested areas. Impacts to other non-ETS wildlife will be temporary in nature during construction, and sufficient habitat will still exist on the property and in the vicinity for survival. The Project Sponsor will be required to submit detailed development design plans for review by the Planning Board and other permitting agencies prior to final approval, including the NYS DEC. Further disturbance and clearing details will be provided and reviewed during the site plan and subdivision review process, utilizing the information contained within this environmental review for guidance. Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to wildlife on the Project Site to the greatest extent practicable.

(6) Surface Water Resources

Finding: The Town Board hereby accepts and incorporates the surface water resources analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Surface water impacts have been mitigated by the Project Sponsor to the greatest extent practicable through appropriate layout and design. The EIS outlines mitigation measures that will be required to minimize environmental impacts with further details provided by the Project Sponsor using the DEIS and FEIS for guidance. The Project Sponsor will be required to submit detailed development plans to include the preparation of a Stormwater Pollution Prevention Plan (SWPPP) in strict accordance with New York State Department of Environmental Conservation (NYSDEC) State Pollution Discharge Elimination System (SPDES) General Construction Permit GP-0-10-001 that meets the technical standards thereof, being the New York State Stormwater Design Manual and the New York State Standards and Specifications for Erosion and Sediment Control. Said SWPPP will also be prepared in accordance with §197 of the Code of the Town of LaGrange, "Stormwater Management and Erosion and Sediment Control". Alternative stormwater management measures will be encouraged throughout the design and review process in accordance with the latest revised New York State Stormwater Design Manual. This review will include forwarding the site plan and subdivision plat and other required documentation to permitting agencies if warranted and/or required for their review and approval prior to issuing permits (i.e. NYS DEC and US ACOE). Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to surface water resources on the Project Site to the greatest extent practicable.

(7) Groundwater Resources

Finding: The Town Board hereby accepts and incorporates the groundwater resources analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Development of the property under the current zoning regulations or the proposed rezoning would result in certain unavoidable environmental impacts, including groundwater quality and quantity. Mitigation measures, including connection to public water and sewer supply and erosion and sediment control measures, have been identified in the EIS to minimize these impacts to the greatest extent practicable. The design process requires the Project Sponsor to submit design development plans, which include the erosion and sediment control plans, for approval by the Planning Board. During this review, applicable outside agencies (e.g. NYS DEC and Dutchess County DPW) will be required to provide additional review and comment prior to final approval. This process will ensure that appropriate details are provided to minimize impacts on groundwater quality and quantity. Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to ground water resources on the Project Site to the greatest extent practicable.

(8) Utilities - Water Supply

As a proposed PDD rezoning, the Proposed Action must have municipal water supply. The Town's Manchester Water District is located near to the proposed development. One of the Project Site's three parcels is located within the Manchester Water District.

The Project Sponsor and the Town are parties to an initial water agreement, dated April 19, 2006, and found within Exhibit "J" of Volume 2 of the DEIS. The agreement provides for the Project's reservation of 44,740 GPD of public water supply capacity in the facilities of the Manchester Water District, subject to the establishment of a Water Administration Entity by the Town which includes the Project's property (a water district, water district extension, or water improvement area) and the Town's related obtaining of all necessary regulatory permits and approvals to provide such supply, including but not limited to a water supply permit from the NYS DEC.
As noted in Section 3.8 of the FEIS, and within report of Clark Patterson and Lee, dated October 8, 2010, attached thereto (FEIS Appendix at 9.6), the Manchester Water District does not currently have adequate public water supply source or storage, consistent with how state regulations are currently interpreted by the state regulators, to provide public water to an extension of the Manchester Water District covering a Daley Farm PDD with public water supply consumption of 44,740 GPD.

In order for public water supply to be available, as contemplated in the 2006 water agreement, and as noted in the CPL report of October 8, 2010:

(a) Whether state regulatory standards can be satisfied is, in part, a function of whether the public water systems of the Manchester Water District are expanded at a capital cost other than one imposed upon the Town or District, such as: (i) proposed well #51 the development of which is now being funded by the Town Center project, (ii) the contemporaneous interconnection of the facilities of the Manchester Water District as expanded with the facilities of the Town Center Water Improvement Area, (iii) the further enlargement of storage facilities, and (iv) the relaxation of State regulatory standards concerning adequate yield;

(b) As an alternative to interconnection of Manchester Water and TCWIA, there is development of additional yield and storage for the Manchester Water District alone, at a cost borne other than by the Town or the Manchester Water District, to the extent necessary to provide adequate yield and storage to the Daley Farm project consistent with applicable regulations.

To confirm these principles, the Town and the Project Sponsor entered into a Supplemental Water Agreement, dated April 3, 2011, which is found at Section 9.11 of the Appendix to FEIS, under which either set of circumstances identified above will need to be satisfied at no cost to the Town or to the Manchester Water District.

As a measure of mitigation, the Town Board establishes as a condition of this Findings Statement and of any future approvals by the Town for the Proposed Action that the Project Sponsor shall perform its obligations, as aforesaid, under the water agreement of April 19, 2006, and the supplemental water agreement of April 3, 2011, in order to assure the availability of public water supply and water storage capacity for the Project.

The suggestion to loop the water supply system by extending a water line east from proposed Daley Farm Road A/B intersection to an existing water line in Simone Drive has been discussed with the Town Engineer and the Town Administrator of Public Works. The Town representatives have concluded that the project should undertake this extension, and/or install an in-line booster pump system, in order to obtain fire flows, and the Project Sponsor has agreed unless it proves impractical due to the developer's inability to obtain regulatory

approvals. This connection was only meant to be a loop, and not a replacement of the connection at Titusville Road. The Titusville Road line is a new line and is the preferred connection point. See FEIS Exhibit 3.8-1, Water Loop Connection. The Project Sponsor acknowledges that the topography in the area of the suggested alignment is problematic in that it would entail a crossing of wetlands and a stream, and steep slopes. It should be pointed out, however, that the area east of the stream stretching all the way to Simone Drive was previously disturbed with the construction of the existing Town Sewage Treatment Plant located between the Daley Farm site and Simone Drive. The Town and the Project Sponsor agree that looping of water lines is necessary for the water system to adequately serve Daley Farm and is a benefit to the system. The Town and the Project Sponsor have agreed that looping of the water lines should be accomplished by the developer, at its expense, unless determined by the Town to be impractical between the Daley Farm site and Simone Drive, or impractical as to alternative looping solutions. Therefore, the Project Sponsor agrees to discuss the Simone Drive connection with the Town. At the option of the Town, the Project Sponsor will either participate in constructing the connection as part of the Daley Farm project, or these costs will be funded as part of an overall district improvement following preparation of a Daley Farm Water District extension map, plan and report. Any such map, plan and report would provide that the Daley Farm property be assessed to carry any public debt issued to make the improvements. The level of participation will be determined during the subdivision and site plan process. Permanent and/or temporary easements will be provided by the Project Sponsor to ensure that this connection can be established. The installation of the Simone connection will cross wetlands and a stream over which the NYSDEC has jurisdiction, so any such work is contingent upon the obtaining of all applicable permits from NYSDEC. As a measure of mitigation, the Town Board establishes as a condition of this Findings Statement and of any future approvals by the Town for the Proposed Action that the Project Sponsor shall fulfill its obligations under this paragraph, once the Town has determined the appropriate option to follow for the establishment of the Simone connection.

The installation of the water utilities for Daley Farm will require crossing a NYS DEC wetland to access Titusville Road in order to reach the proposed connection point. NYS DEC has preliminarily reviewed the proposed means and location of connection. A permit and further review will be required by NYS DEC, which can be expected more precisely to identify and to minimize actual environmental impacts at that time of more detailed design and specifications. In addition, any system looping connection to Simone Drive through an existing right-of-way will also require a wetland crossing, although this crossing will not be in conjunction with a roadway – crossing plans will be generated to determine appropriate construction methods that minimize or avoid wetland impacts.

As part of the subsequent site plan and subdivision review process following any approval of the PDD rezoning, the Project Sponsor will be required to provide design drawings and plans that show wetland crossing details which include stabilization, erosion and sedimentation control, and other protection details. Plan review will also require outside review and approval by permit-granting agencies, including State and County DOH and NYS DEC, prior to any final Town approval. Appropriate regulations and standards will be followed during the detailed design by the Project Sponsor to obtain the necessary approvals and permits prior to construction.

Finding: Based on the foregoing, including the SEQRA conditions imposed as mitigation measures by the Town Board within this Findings Statement, the Town Board finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to water supply to the greatest extent practicable.

(9) Utilities – Wastewater Generation

Wastewater management is to be handled by connection to the Town of LaGrange's municipal sewer collection

and treatment systems, which are to include a wastewater treatment plant of One Million gallons per day (1 M GPD) of capacity in order for the Town's systems to meet the demands of the Proposed Action and other existing, approved or proposed users. At present, the new wastewater treatment plant of the Titusville Sewer District has a first stage capacity of Five Hundred Thousand gallons per day (500,000 gpd), and the Town is in the process of establishing, through the development of additional sewer districts, sewer district extensions, or sewer improvement areas, the capitalization of completion of the plant to a capacity of 1M gpd through the planned improvement with a module adding 500,000 gpd of additional treatment capacity.

As noted in the DEIS accepted as complete on April 21, 2009, and at DEIS Section 3.9.1: "...[t]he initial capacity of the new plant will be 500,000 GPD, and capacity will serve the existing users in the Titusvillle Sewer District and the previously approved Sleight and Frank Farms subdivision. There are two additional 500,000 GPD expansions planned, with the first expansion being able to serve Daley Farm."

As stated in the FEIS, at Response 3.9.2 to the comment of the NYSDEC: "[a]ccording to the Town, the existing sewage plant will have the capacity to accommodate the Daley Farm project demand upon the approvals for, funding, and completion of initially proposed treatment capacity of one million gpd, i.e. the addition of a 500,000 pgd module to the existing WWTP facility maintaining a current capacity of 500,000 gpd."

In April of 2006, the Project Sponsor entered into a contractual agreement with the Town in order to reserve capacity of 44,470 GPD in a new municipal wastewater collection and treatment system which, in turn, the Town undertook to exercise its efforts to establish and to improve. Currently, the Titusville WWTP has a maximum capacity of 500,000 GPD, and efforts continue on the part of the Town, in discussions with the Project Sponsor and others, to establish sewer administration entities (sewer districts or extensions, or sewer improvement areas) to bring the 500,000 GPD treatment plant to its capacity of 1 million GPD. The sewer agreement between the Project Sponsor and the Town is found in the SEQRA record at Exhibit "J" to Volume 2 of the DEIS.
The availability of the municipal wastewater service for this PDD project, and the completion of the 1M GPD treatment facility, is dependent upon the performance of all contract obligations by the Project Sponsor to participate in the formation of sewer administration entities in order to achieve, among other things, contributions by issuance of public debt upon the Project property, funding of the completion of the 1M GPD plant and the improvement of collection lines connecting the Project to the Town's collection system.
As a measure of mitigation, the Town Board establishes as a condition of this Findings Statement and of any future approvals by the Town for the Proposed Action that the Project Sponsor shall perform its obligations, as aforesaid, under the sewer agreement of 2006 in order to capitalize and to assure the availability of public wastewater collection and treatment which require enlargement of the existing capacity of the wastewater treatment plant.

With the connection of the 131 residential units to public sewer, rather than private septic systems, the potential physical environmental impacts of connection to the Town's public wastewater systems entail (a) a NYS DEC wetland crossing, and (b) short term potential traffic impacts associated with connection of the Project's internal collection system to the Town's wastewater collection facilities.

The wetland crossing is proposed to be done in conjunction with other utility crossings as well as the construction of the Project's main access road (Road A) off of Titusville Road to the north – as all utilities are slated to be within that proposed right-of-way. The crossing was discussed with the NYS DEC, the permitting agency, and during the design process in regards to other utilities and the road itself. Additional wetland crossing details must be reviewed and approved by the NYS DEC as part of the permit process. Design measures, such as encasing the pipe in a larger pipe, are anticipated to provide secondary protection and avoid any future

environmental impacts. Wetland disturbance will be limited to the minimal area needed for installation of the roadway and utilities.

There will be short term impacts related to any final sewer connection to the Town's existing wastewater collection line located along Titusville Road near Noxon Road. Pending other future choices of the Town, it is contemplated that the route for connection of the inter-connecting sewer line will be located along Davis Road to the intersection of county highways Noxon Road and Titusville Road. To minimize impacts, the Project will need to coordinate with the Town and the Dutchess County Department of Public Works in order to minimize disturbance, reduce traffic interruption, and insure safety through such customary measures as signage and flag personnel.

At the time of future permit applications, the Project Sponsor will be required to submit additional drawings and plans that detail the extent of the wetland crossing, underground protection measures, extent of disturbance, and erosion and sediment control, among others , for review and approval by the Town and other regulatory agencies. In particular, any local site plan and subdivision approval process will provide additional and more precise design submissions, beyond those which may be offered as part of this environmental review, in order to ensure that any adverse environmental impacts are avoided or minimized to the greatest extent practicable.

Finding: Based on the foregoing, including the SEQRA conditions imposed as mitigation measures by the Town Board within this Findings Statement, the Town Board finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to wastewater generation to the greatest extent practicable.

(10) Transportation

Finding: The Town Board hereby accepts and incorporates the transportation analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Transportation impacts as a result of the proposed Daley Farm development have been avoided or mitigated to greatest extent practicable by the Project Sponsor. A thorough analysis of the existing conditions and the anticipated conditions with or without the development indicate little change in capacity or volumes. The Project Sponsor has recommended or proposed various traffic mitigation measures, including traffic control improvements outside of the development and traffic calming within the development, to minimize any impacts. These measures, based on industry accepted analyses and calculations, seek to maintain acceptable levels of service, traffic volume and safe conditions in the future. Following the approval of this environmental review for the rezoning of the project area to a PDD, detailed development plans will be generated by the Project Sponsor as part of the subdivision and site plan review process. This process will include a detailed review of the plans by the Town and other permitting agencies, including the NYS Department of Transportation, Dutchess County DPW and the Town Engineer, among others. This review will provide an additional and more critical review of the design to determine if further mitigation or design is warranted. Approvals and permits will be required from these agencies prior to final approval by the Town and commencement of construction. Based on the foregoing, the Lead Agency finds

> that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to traffic and transportation to the greatest extent practicable.

(11) Fiscal Resources

Finding: The Town Board hereby accepts and incorporates the fiscal resources analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Due to the anticipated tax revenue surpluses from the proposed Daley Farm PDD, as analyzed by the EIS, adverse environmental impacts to fiscal resources have been avoided or minimized and therefore no mitigation measures have been proposed. Although the fiscal analysis did include a review of the impacts on the local economy should the home sales prices be lower than the anticipated prices, the Project Sponsor has stated in the DEIS that "construction is not anticipated until market conditions permit sales of units at the preferred sales prices." Based on the foregoing, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to fiscal resources to the greatest extent practicable.

(12) School District Services

Finding: The Town Board hereby accepts and incorporates the school district services analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Based on the foregoing, including the conclusion contained in the EIS the per capita cost per child versus the tax revenue generated from the development would result in a surplus of funds for the school district, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to school district services to the greatest extent practicable.

(13) Police, Fire and Emergency Medical Services

Finding: The Town Board hereby accepts and incorporates the police, fire and emergency medical services analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Based on the foregoing, including the demonstration by the EIS that the new residents generated by the project will not warrant any need to increase police, fire or emergency services, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to police, fire and emergency medical services to the greatest extent practicable.

(14) Recreation and Open Space Resources

The Town of LaGrange is served by six (6) town parks and the recreation facilities of five (5) schools within the

ACSD. There are additional regional parks and recreation areas in the Town. Privately owned and managed open space affording public accessibility is another way to provide recreational opportunities and public benefit.

In March 2004, a *Parks & Recreation Master Plan* was prepared for the Town of LaGrange. It provides a park inventory and makes recommendations for required park and recreation improvements based on the assessment of needs. The additional population that could be anticipated from the proposed project is 399 persons. The EIS demonstrates that the anticipated population generation from the Proposed Action does not meet the thresholds requiring additional recreation facilities beyond those already anticipated in the *Parks & Recreation Master Plan.* However, this demonstration does not relate squarely to the issue of weighing enhanced private use and development opportunities afforded by a PDD rezoning with the countervailing elements of public benefit which should be provided by a proposed PDD development. In consideration of this balance, as well as weighing and balancing social, economic and other essential considerations under SEQRA, the Town Board establishes SEQRA conditions related to the making private open space lands available for public access and passive recreation.

According to development regulations for a PDD in the Town of LaGrange, at least half of the entire tract of land is to be restricted by conservation easement as permanent open space or agricultural uses. In addition, the Town's *Comprehensive Plan* (2005) and *Parks & Recreation Master Plan* (2004) outline goals and recommendations for future recreation and open space resources for residents. In general, these planning documents indicate the desire of the Town to conserve open space resources and provide additional recreation amenities along with new developments. To address these recommendations as well as comply with the requirements of the PDD by code, the Project Sponsor has identified numerous areas of the proposed development that will be conserved as open space with maintenance, in the Project Sponsor's view, by either a homeowners association (HOA) or by the Town. These conservation areas include the existing 58 +/- acre Daley Farm homestead, existing farm fields, wetlands and adjoining buffer areas, and other open/wooded areas which total over 130 acres. The conservation areas also include an approximate 11 acre lake or pond which can provide a valuable asset for public passive recreational opportunities, including walking, sitting and fishing, as part of open space preservation.

In addition, a two-mile hiking trail is proposed within the bounds of the development that would connect to the existing Dutchess County (Dutchess) Rail Trail located along the west side of the property. This proposed trail would also connect to roads adjacent to the PDD, including Davis Road to the north and Noxon Road to the east. Both of these resources (open space and trail) will be made available to the public to expand the Town's existing open space and recreation network. The Project Sponsor granted an easement to Dutchess County for the construction of parking facilities for the Dutchess Rail Trail on its property. The Town Board concludes that , as a condition established by these Findings, the hiking trail and the shore of the lake should remain in private ownership and under private management, but subject to a covenant or declaration, with terms suitable to the Town Board, allowing for public access and passive recreational use of these features as amenities for public benefit, yet forming no part of the Town's municipal recreational assets or facilities.

The Project Sponsor will also be providing the Town with a recreation fee in accordance with the project's phasing plan, and without offset for the passive recreational opportunities afforded directly to the public for access to and use of the trail and lake shore. The fee will be determined during the development review and approval process and will be dedicated to future recreational amenities, acquisitions, and resources for the community.

No additional mitigation measures have been proposed by the Project Sponsor. With the additional mitigation

conditions established by the Town Board is this section, it is reasonably concluded that the proposed project avoids or minimizes any adverse environmental impacts on recreational and open space resources to the maximum extent practicable.

Finding: Due to the provision of open space, in excess of the minimum requirements, which adds to the Town's available open space, as well as the provision of a trail network and lake shore access as part of that open space and expanding passive recreation which is currently open to the public, the Proposed Action meets the recommendations of the *Parks & Recreation Master Plan*. Based on the foregoing, the Town Board finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to recreational and open space resources to the greatest extent practicable. As a condition established by these Findings, the hiking trail and the shore of the lake should remain in private ownership and under private management, but subject to a covenant or declaration, with terms suitable to the Town Board, allowing for public access and passive recreational use of these features as amenities for public benefit, yet forming no part of the Town's municipal recreational assets or facilities.

(15) Cultural Resources

Finding: The Town Board hereby accepts and incorporates the cultural resources analysis and findings made by the Planning Board in the Lead Agency's annexed Findings Statement as follows:

> Based on the foregoing, including the final recommendation that the project would have no impact on cultural resources, that no further archeological investigation is required, and the NYSHPO determination that the proposed project would have no impact upon cultural resources, the Lead Agency finds that the Proposed Action will avoid or minimize potential adverse environmental impacts with respect to cultural resources to the greatest extent practicable.

(16) Alternatives Considered

SEQRA requires Project Sponsors to include in an EIS a description and evaluation of the range of reasonable alternatives to the proposed action which are feasible given the objectives and capabilities of the Project Sponsor. The range of alternatives must include the no action alternative. The DEIS studies the following alternatives:

1) No build;

2) Cluster subdivision alternative including an entrance from Daley Road;

3) Cluster subdivision alternative not including an entrance from Daley Road; and

4) Lower Density Alternative – 91-lot conventional subdivision plan.

Any changes to the various alternatives as a result of comments received by the Lead Agency on the DEIS were included and analyzed in the FEIS. A summary of the various alternatives is included below with a comparison between each of them as well as the Proposed Action. Minor changes to the alternatives, as a result of the FEIS, were identified and included slight modifications to access, stormwater reconfiguration, easements to Dutchess County DPW, and utilities.

No-Build Alternative

This alternative essentially keeps the property in its current state with no development on the site. The No-build alternative does not provide the opportunity for an increased tax base. While no additional school children would be generated, the significant additional tax revenue which would be generated for the ACSD by the Proposed Action would also be absent. In addition, the No Action scenario would not provide the proposed conservation easement, nor would the proposed trails and pond be available for public use.

Cluster subdivision with Daley Road entrance

The cluster subdivision alternative includes 91 single-family lots (as permitted under a conventional subdivision plan), including the pre-existing farm house which would continue to be accessed off of Daley Road. The interior roadway network would be consistent with that of the Proposed Action, with access from Titusville Road and Colleen Court, and the configuration of the single family homes would be similar to that of the proposed action, with the exception that some lots would be significantly larger in size. Larger estate lots would be serviced by individual driveways off of the main road, and a single 53.7 acre estate lot would be created encompassing the northern pond. This alternative would set aside a slightly lower acreage of open space in comparison to the proposed action's design. The townhouses included in the Proposed Action are not part of the cluster subdivision alternative.

The cluster subdivision would generate 300 new residents, rather than 399 as in the Proposed Action. While the Proposed Action would generate sufficient taxes to support any new school-age children, the cluster subdivision would result in a deficit.

Cluster Subdivision without Daley Road entrance

This cluster subdivision design would essentially be the same as the previous alternative, with the exception that the private entrance to the Daley Farm homestead off of Daley Road and crossing the Dutchess County Rail Trail would be removed. The new access for the farm site would be either through the proposed estate lots on the project site or further south towards Colleen Court. Access to the development continues to be from Titusville Road and Colleen Court.

Lower Density Alternative – 91-Lot Conventional Subdivision

The Project Sponsor submitted a conventional subdivision plan that established the maximum number of 91 lots for the Project Site. This plan was recognized as a suitable standard plan of subdivision development by the Planning Board on February 14, 2006, taking into account the site's various natural resources and constraints, as well as relevant federal, state and local regulations and in conformance with any specific regulations contained within land use regulations. This alternative plan did not include any common open space as the entire site would be developed. As is the case with the cluster subdivision alternative discussed above, the plan would be comprised of 91 single family lots. Access was proposed off of Titusville Road and Colleen Court, with the main roadway extending between these two access points.
The lower density alternative would have the same impacts as those addressed in the cluster subdivision alternative, except that the conventional subdivision plan does not include any common open space, since the entire site would be developed as individual lots.

RESOLUTION

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

WHEREAS, a local law was introduced entitled TOWN OF LAGRANGE LOCAL LAW NO. 1 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; and

WHEREAS, a public hearing in relation to said local law was held on March 27, 2013 at 7:30 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; and

WHEREAS, the Town Board of the Town of LaGrange received a petition for rezoning

of a parcel of land located in the Town of LaGrange, Dutchess County, New York, which is currently mostly zoned Residential 40/60/80 (R-40/60/80), which would establish a Planned Development District (PDD) and which in turn may allow for the construction of a proposed concept plan which contains a mix of large and small-lot single family homes and townhouses with associated public roads, utilities and recreational trails along with the conservation of open space, known as the Daley Farm PDD (the "Project"); and

WHEREAS, the Planning Board of the Town of LaGrange, as Lead Agency for a coordinated review of the Project pursuant to the State Environmental Quality Review Act ("SEQRA"), caused the preparation of an Environmental Impact Statement and adopted a Findings Statement for the Project on October 18, 2012; and

WHEREAS, the Town Board of the Town of LaGrange, as an involved agency in the coordinated review of the Action under SEQRA, issued a Findings Statement on March 27, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of LaGrange hereby makes the following findings for the establishment of a Planned Development District ("PDD") pursuant to Town of LaGrange Town Code §§ 240-33(A) and (C):

(a) The Planned Development District as described and depicted in the conceptual site plan for the Project will accomplish the general purposes of a PDD as follows:

(1) To allow large tracts of improved or unimproved land to be developed, redeveloped and improved by means of integrated and harmonious design principles, which will establish projects of foreseeable stable character that will be consistent with the character of the Town of LaGrange and which will more particularly comport with the existing character of the surrounding neighborhood

and promote one or more public purposes. The mixed residential and open space plan will be a predictable, known land use on 200+ acres within the Town. The project will meet the purpose of creating an integrated and harmonious design, which will establish a project of foreseeable stable character consistent with the character of the Town generally and will more particularly comport with the existing character of the surrounding neighborhood, which includes residential uses to the north, east and south, two large-scale industrial buildings directly across the Dutchess Rail Trail to the west, and residential uses further west beyond those structures. A large section in the northern portion of the site will be conserved as open space. The western portion of the site, in the center of the project parcel, will include estate single-family lots, ranging in size from 2 to 6 acres. The smaller single family lots concentrated along the eastern portion of the site will have significant buffering by undeveloped land between the parcel boundary and any residential uses to the east. The southernmost lots adjacent to Colleen Court will be in keeping with the single-family home character of the area and the neighboring subdivision. The existing 57-acre farm site in the southwestern portion of the project site will remain in its current state and will be generally subject to a conservation easement.

(b) The PDD is necessary because another existing zoning district would be insufficient to accomplish the purposes set forth above. The project as proposed would not be able to be developed under current zoning. Other existing residential zoning districts would not allow for the varying minimum lot sizes required for the mix of proposed housing types in the Project in combination with the preservation of open space and naturally sensitive lands.

(c) The PDD will be compatible with actual nearby current uses or permitted future uses of surrounding properties, and is consistent with the Town of LaGrange Comprehensive Plan. All of the proposed residences are located in the Residential zone. The Project plan proposes the preservation of over 50% of the premises as open space. The remainder of the site proposes all residential uses with integrated housing styles at a density that is less than that permitted in a PDD zone.

(d) The PDD designation is available to the property, which is mostly designated as Moderate Density Residential (R-40/60/80). The portion zoned Commercial (C-2) is not covered by the local law.

(e) The proposed PDD encompasses a tract of land well in excess of the required 200,000 square feet (nearly five acres).

(f) The Planned Development District is proposed to be served by public water and sewer.

(g) While there is no proposal by the Project Sponsor to encumber another residentially zoned parcel that demonstrates comparable future development potential with a conservation easement or to dedicate title to such land to the public sector or a nonprofit land trust for permanent conservation, as noted herein, the Project entails the preservation of over 50% of the premises as open space.

(h) At least 50% of the entire tract will be restricted by conservation easement as permanent open space or agricultural uses. Any land that has been mapped as a Preservation Overlay Zone, excluding land within the Groundwater Protection Overlay Zone unless also included in another Preservation Overlay Zone, will be permanently set aside as open space or otherwise protected. All open space set aside will comply with the standards and requirements

set forth in § 240-32A(7)(e)[1] through [4]. The open space to be set aside as part of a conservation easement will have access, shape, dimensions, character, location and topography such that it protects naturally sensitive features, including an 11-acre pond on the project site which shall be available for public access and recreation, and will include a large portion of the 57+ acre farm site. An on-site trail system is proposed to run through the open space area of the site, as well as to the off-site Dutchess Rail Trail. It will be subject to a permanent open space easement in accordance with Town Code § 240-32.A(6)(f)[3] and either owned by a homeowner's association, qualified non-profit or held in private ownership in accordance with Town Code § 240-32.A.(6)(f)[4].

(i) There are currently no non-residential uses proposed as part of the Project requiring screening. Any nonresidential buildings that may be proposed in the future (as part of the site currently zoned C-2) will be subject to site plan approval and must meet screening requirements.

(j) The planned development will not create a traffic hazard in an existing residential neighborhood and is sufficiently accessible to state or county roads to ensure that its traffic load will not unduly interfere with any proximate residential areas. A traffic study prepared and reviewed as part of the SEQRA review of the Project indicated that there will be no significant adverse traffic impacts as a result of the Project. The main access to the Project site will be off Titusville Road. An extension of Colleen Court to act as a secondary access and egress to the single-family portion of the site is proposed and will contain significant traffic calming measures.

(k) Pursuant to the study of alternatives contained in the Environmental Impact Statement for the Project, the impacts of the planned development will not be substantially greater than the

impact of a residential subdivision or other as-of-right use on the same land at the density permitted by a "standard plan" as defined in § 240-32A(4)(a) of the Town Code.

(l) The number of single-family detached residential units permitted will be no greater than 100% above the number determined by the Board to be the net density as defined in Town Code § 240-32. Ninety-one (91) units are permitted on the property as established per a standard development plan. Therefore, a maximum of 182 units would be permitted in the PDD. The proposed Project entails the construction of 135 new residential units and the preservation of the existing cluster of farm buildings and residence located on the Project site, for a total of 136 residential units. The proposed density of development on the Project Site cannot be constructed absent the amendment of the zoning map by the Town Board to establish a PDD based on the concept plan of development. The 135 proposed new units consist of 59 detached single-family residences and 76 townhomes. The 59 single-family residences are made up of seven (7) large lots and 52 smaller lots, and are proposed to contain 4-bedroom homes for a total of 236 bedrooms. The 76 townhouses are made up of a mix of 2-and 3-bedroom units, for a total of 190 bedrooms. The total bedroom count for the new construction in the Project is 426. The 136 units proposed represents only a 49% density increase, instead of the permitted 100%.

(m) The Project includes townhouse units. The construction of multifamily dwelling units is permitted. The bulk and area requirements for the townhouse units will be as established by local law for the PDD.

(n) No single-family home will be located on a lot of less than 20,000 square feet, except in the R-40/60/80 Zone, where the minimum for a cluster subdivision will not be less than 12,000 square feet. This requirement will be met by the Project. (o) There are no nonresidential uses currently proposed as part of the Project.

(p) There is no existing on-site historic structure on the property.

AND, BE IT FURTHER RESOLVED, that the Town Board of the Town of LaGrange hereby makes the following additional findings pursuant to Town of LaGrange Town Code § 240-101:

(1) The proposed zoning change is consistent with the Town Comprehensive Plan. Both the current and proposed zoning allow for residential development, while the proposed PDD has the added benefit of allowing for a mix of housing types on a range of lot sizes and the preservation of open space.

(2) The proposed zoning change is compatible with the existing land use pattern. The surrounding neighborhood includes residential uses to the north, east and south, two large-scale industrial buildings directly across the Dutchess Rail Trail to the west, and residential uses further west beyond those structures.

(3) The proposed rezoning will not result in the creation of an isolated district unrelated to adjacent and nearby districts. As noted above, the intended use of land will remain as residential and be compatible with surrounding uses.

(4) The proposed rezoning and development project will not result in an unsustainable population density pattern or overtaxing of the load on public facilities such as schools, utilities or streets. The environmental review for the Project included a study of community impacts and determined that there will be no significant adverse impacts on public facilities such as schools, utilities or streets.

(5) Existing district boundaries are logically drawn in relation to existing conditions on the property proposed for rezoning. The proposed boundaries are in keeping with current zoning district boundaries.

(6) There are no changes or changing conditions that make the passage of the proposed amendment necessary, but it is necessary in order to develop the proposed mix of residential housing types with the preservation of significant open space.

(7) The proposed rezoning will not adversely influence living conditions in the neighborhood. The environmental review of the Project included a study on neighborhood and community impacts and concluded that there will be no significant adverse impacts in those areas.

(8) The proposed rezoning will not create or excessively increase traffic congestion or otherwise affect public safety. The environmental review of the Project included a traffic study and concluded that there will be no significant adverse traffic impacts as a result of the Project.

(9) The proposed rezoning will not create a drainage problem or negatively impact subsurface water resources. The environmental review of the Project included a review of stormwater and drainage and concluded that there will be no significant adverse impacts as a result of the Project.

(10) The proposed rezoning will not seriously reduce light and air to adjacent areas. The proposed Project consists of residential development only, with the preservation of significant open space and should not have any impact on light and air available to adjacent areas.

(11) The proposed rezoning will not adversely affect property values in adjacent areas. The proposed residential development will be in keeping with adjacent development and should not affect property values in the area.

(12) The proposed rezoning will not be a deterrent to the improvement or development of adjacent property in accordance with existing regulations. The proposed Project should not have any impact on the ability to develop adjacent properties.

(13) The proposed propose rezoning will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare. The Town Board has made findings pursuant to Town Code §§ 240-33(A) and (C) in support of the establishment of the PDD.

(14) While the property may be developed in accordance with existing zoning, as noted above, in the absence of the PDD zoning designation, the Project as proposed cannot be developed as the zoning does not allow for the varying minimum lot sizes required for the mix of proposed housing types in the Project in combination with the preservation of open space and naturally sensitive lands.

(15) The proposed rezoning is not out of scale with the needs of the neighborhood or the Town. The range of housing types offered by the Project is meant to provide options for different levels of housing needs in the Town.

AND, BE IT FURTHER RESOLVED, that the following local law is hereby enacted in the same form as it was introduced:

TOWN OF LAGRANGE LOCAL LAW NO. 1 OF THE YEAR 2013

Section 1. Pursuant to Section 240-33 of Chapter 240 of the Code of the Town of LaGrange, the Zoning Map of the Town of LaGrange is conditionally amended to substitute the designation of a Planned Development District (entitled "PDD---Daley Farms") in place of the current designation of R-40/60/80 for the real property described within Appendix "A" attached hereto, for the exclusive purpose of accommodating mixed residential and open space development substantially of the scope, scale, design, type and nature as (i) laid out within a concept plans of development as follows: plan entitled Conceptual Utility Plan South prepared by Morris Associates, P.S., L.L.C., bearing last revision date of October 18, 2012 for Daley Farms Planned Development District and plan entitled Conceptual Utility Plan North prepared by Morris

Associates, P.S., L.L.C., bearing last revision date of May 2, 2012 for Daley Farms Planned Development District, and (ii) analyzed within a Findings Statement adopted by the Town of LaGrange Planning Board under the State Environmental Quality Review Act ("SEQRA") on October 18, 2012.

Section 2. The bulk regulations and coverage limitations for this PDD---Daley Farms shall be as follows:

SCHEDULE OF BULK REGULATIONS AND COVERAGE LIMITATIONS FOR PLANNED DEVELOPMENT DISTRICT – DALEY FARMS ["PDD – DALEY FARMS"] [1]

Category:	Single Family	Townhouse
Minimum single-family lot area	12,000 sq ft	NA
Minimum Townhouse Lot Area	NA	3,150 sq. ft; 5,000 sq. ft [2]
Minimum width of lot along building line	100 ft	20 ft
Minimum width of lot at any point	50 ft	20 ft
Minimum dimension of square on lot	80 ft	NA
Minimum lot frontage on Town r-o-w line	50 ft	20 ft
Maximum number of stories on a building	3	3
Maximum height of a building or structure	35 ft	35 ft
Minimum dimensions from:		
Front yard -Town Road	25 ft	10 ft
Rear yard	20 ft	20 ft
Side yard	10 ft	10 ft [3]
Maximum lot coverage by buildings as percent of lot area	20%	NA
Maximum floor area of buildings as percent of lot area	30%	NA
Maximum total lot coverage as percent of lot area (buildings, structures, outdoor deposit, paving)	35%	NA
Minimum floor area of dwelling	1,000 sq. ft	1,000 sq ft
Minimum Distance Between Buildings	NA	20 ft

[1] The identified dimensions pertain to minimum /maximum for individual lots.
[2] 3,150 sq. ft. applies to internal townhouse units. 5,000 sq. ft. applies to external (end) townhouse units.
[3] Minimum side yard dimension apply to external (end) townhouse units.

Section 3. This local law is contingent upon issuance by the LaGrange Planning Board of project development plan approval, pursuant to Section 240-33(C)(3) of the Town Code, for development which does not exceed the scope of, and which is substantially of the same scale, design, type and nature as, the development indentified within the concept plans of development identified within Section 1 of this local law as analyzed in the Findings Statement under SEQRA identified within Section 1 of this Local Law. In the event that such project development plan approval is not issued by the Planning Board, the zoning district designation of the subject real property shall revert to R-40/60/80 upon resolution of the Town Board recognizing of the denial of project development plan approval by the Planning Board and the effect thereof under this local law.

Section 4. This local law shall be contingent upon, and shall incorporate by reference, any conditions to approval of this legislative action set forth by the Town Board within the Findings Statement made by the Town Board under the State Environmental Quality Review Act and, in the event of the failure of adherence to such conditions, the zoning district designation of the subject real property shall revert to R-40/60/80 upon resolution of the Town Board recognizing and indentifying the failure of a condition or conditions imposed within said Findings Statement.

Section 5. This local law shall be conditioned upon the formulation and execution of binding land covenants running with the land, in a form acceptable to the Town Board, pursuant to which the lake and lake shore of the subject real property comprising Appendix "A" shall remain under private ownership but shall nonetheless be accessible for use and enjoyment by the public to the degree identified and established within the land covenants which shall impose no costs or obligations upon the Town.

Section 6. This local law will take effect upon the filing with the Secretary of State as prescribed by law.

AND, BE IT FURTHER 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 Luna	AYE
Councilman Jessup	AYE
Councilman Polhemus	AYE
Councilman Dyal	AYE
Councilman Bell	AYE

DATED: Lagrangeville, New York
April 10, 2013

Christine O'Reilly-Rao
CHRISTINE O'REILLY-RAO
TOWN CLERK

~~U:\DOCS\00070\00650\RESOLUTION\20K3348.DOC~~
U:\DOCS\00070\00650\RESOLUTION\20K3351.DOC

APPENDIX A

LEGAL DESCRIPTION OF
DALEY FARMS EAST
MA # 204035.000
Tax Parcels 133400-6360-03-081270, 133400-6360-03-099220, 133400-6360-03-229310
02/02/13

ALL that certain piece or parcel of land situate, lying and being in the Town of LaGrange, County of Dutchess and State of New York more particularly described as follows:

BEGINNING at point located on the southerly bounds of Davis Road and the northwest corner of the herein described parcel, said point also being located on the westerly bounds of the lands, now or formerly, of Sheth (Deed Liber 1729, Page 431); thence southeasterly along the westerly bounds of said Sheth, the lands of, now or formerly, of LaRue (Doc. #02 2006 6504), Daubman (Deed Liber 1945, Page 298), Gellar (Deed Liber 1924, Page 288) and Cotter (Deed Liber 1986, Page 496) the following six (6) courses:

1. South 12°40'53" East 305.48 feet,
2. South 15°55'33" East 100.00 feet,
3. South 36°12'53" East 104.61 feet,
4. South 48°20'53" East 96.18 feet,
5. South 73°42'53" East 67.10 feet and
6. South 77°05'12" East 334.86 feet

to a point, said point being located on the westerly line of Noxon Road; thence southeasterly along the westerly bounds of said Noxon Road the following two (2) Courses:

1. South 18°22'23" East 431.17 feet and
2. on a curve to the left with the radius of 535.00 feet and an arc length of 295.53 feet

to a point, said point being the northwesterly corner of the lands, now or formerly, of Patel (Deed Liber 1576, Page 350); thence southeasterly along the westerly bounds of said Patel, the lands of, now or formerly, of Silano (Doc. #02 2007 8681), Shah (Deed Liber 1379, Page 787), Robinson (Doc. # 2 2005 4898), Hallisey (Deed Liber 1958, Page 504), Cardone (Deed Liber 2200, Page 1905), Howard (Doc. #02 2008 856) and Nani (Deed Liber 1970, Page 44) the following four (4) courses:

1. South 28°50'33" East 258.91 feet,
2. South 11°22'23" East 500.12 feet,
3. South 10°40'53" East 176.11 feet and
4. South 11°04'33" East 77.23 feet

to a point, said point being the northeast corner of the lands, now or formerly, of the Town of LaGrange; thence southwesterly and southeasterly along the northerly and westerly bounds of the lands of said Town of LaGrange the following six (6) courses:

1. South 82°49'27" West 602.75 feet,
2. South 07°02'33" East 98.88 feet,
3. South 66°21'47" West 65.50 feet,
4. South 54°34'33" East 166.21 feet,
5. South 52°35'13" East 204.39 feet and
6. South 55°52'43" East 83.99 feet

to a point, said point being the northwesterly corner of the lands, now or formerly, of Seigel (Deed Liber 1628, Page 275); thence southwesterly along the westerly bounds of said Seigel the following eight (8) courses:

1. South 43°25'25" West 488.83 feet,
2. South 42°36'315" West 325.58 feet,
3. South 41°32'25" West 76.70 feet,
4. South 45°18'05" West 199.70 feet,
5. South 44°11'15" West 420.87 feet,
6. South 40°34'55" West 345.57 feet,
7. South 43°15'15" West 509.94 feet and
8. South 42°35'05" West 212.54 feet

to a point, said point being the northeast corner of the lands, now or formerly, of Ali (Doc. # 02 2009 3499); thence northwesterly and southwesterly along the northerly bounds of said Ali, and the lands, now or formerly, of Wadhwa (Deed Liber 1843, Page 623), the terminus of Colleen Court, Plambeck Deed Liber 1806, Page 613), Plambeck (Deed Liber 1806, Page 613), Porco Deed Liber 2004, Page 2007), Mooney (Doc. #02 2007 8510) and Tax Sale in Rem 2002 – Dutchess County (Deed Liber 1705, Page 136) the following sixteen (16) courses:

1. North 48°29'44" West 54.96 feet,
2. North 51°22'49" West 136.23 feet,
3. North 48°23'19" West 105.80 feet,
4. North 13°42'49" West 106.92 feet,
5. North 14°27'19" West 339.39 feet,
6. North 12°12'54" West 145.05 feet,
7. North 84°44'04" West 390.04 feet,
8. North 84°24'14" West 167.55 feet,
9. South 45°22'46" West 87.98 feet,
10. South 44°07'56" West 265.08 feet,
11. South 45°29'21" West 197.19 feet,
12. South 42°14'06" West 66.85 feet,
13. North 50°29'44" West 100.04 feet,
14. North 51°18'04" West 304.88 feet,
15. North 46°30'09" West 35.39 feet and
16. North 35°12'43" West 16.78 feet

to a point, said point being located on the easterly line of the lands, now or formerly, of Dutchess County (Deed Liber 1666, Page 184); thence northeasterly and southeasterly along

the easterly bounds of said Dutchess County the following two (2) courses:

1. North 15°33'12" East 3,567.42 feet and
2. South 80°19'18" East 22.12 feet

to a point; thence through the lands, now or formerly, of 266 Titusville Road, LLC. (Doc. # 02 2011 830) South 71°34'29" East 240.85 feet to a point; thence along the northerly bounds of the herein described parcel the following four (4) courses:

1. South 14°49'15" East 367.73 feet,
2. South 41°03'15" East 476.67 feet,
3. North 04°07'07" East 661.43 feet and
4. North 12°52'53" West 132.65 feet

to a point, said point being located on the terminus of Davis Road; thence northeasterly along the southerly bounds of said Davis two (2) courses:

1. North 67°45'17" East 665.63 feet and
2. North 71°44'07" East 323.48 feet

to the point or place of BEGINNING. Containing 223.24 acres of land, more or less.

LEGAL DESCRIPTION OF
DALEY FARMS WEST
MA # 204035.000
Tax Parcel 133400-6260-04-963137
02/02/13

ALL that certain piece or parcel of land situate, lying and being in the Town of LaGrange, County of Dutchess and State of New York more particularly described as follows:

BEGINNING at a point on the westerly bounds of the lands, now or formerly, of Dutchess County (Deed Liber 1666, Page 184) and the northeasterly corner of the lands, now or formerly, of McGrath (Deed Liber 1952, Page 483), said point being located North 65°47'34" West 66.76 feet from the southwest corner of the above mentioned Daley Farms East; thence northwesterly along the northerly bounds of said McGrath the following two (2) courses:

1. North 50°17'22" West 259.93 feet and
2. North 50°41'23" West 171.22 feet

to a point, said point being located on the easterly bounds of Daley Road; thence northeasterly along the easterly line of said Daley Road the following six (6) courses:

1. North 17°23'44" East 39.52 feet,
2. along a curve to the right having a radius of 840.00 feet and an arc length of 308.43 feet,
3. North 38°25'59" East 293.25 feet,
4. North 33°49'12" East 148.94 feet,
5. North 28°13'01" East 284.38 feet and
6. North 07°58'14" East 1.71 feet

to a point, said point being the southwesterly corner of the lands, now or formerly, of Poughkeepsie CSC, LLC. (Doc. #02 2002 4082); thence southeasterly along the southerly bounds of said Petrovits the following two (2) courses:

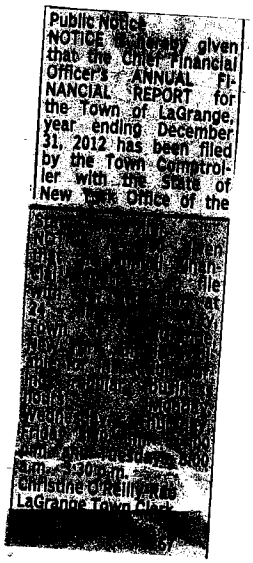
1. South 44°57'05" East 12.32 feet and
2. South 66°31'19" East 94.32 feet

To a point located on the westerly bounds of said Dutchess County; thence southerly along said bounds South 15°33'13" West 1,186.14 feet to the place or point of BEGINNING containing 6.81 acres of land more or less.

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION



Public Notice

NOTICE is hereby given that the Chief Financial Officer's ANNUAL FINANCIAL REPORT for the Town of LaGrange, year ending December 31, 2012 has been filed by the Town Comptroller with the State of New York Office of the

Christine O'Reilly
LaGrange Town Clerk

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 5th day of April 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 5th day of April 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

Poughkeepsie Journal.com
A GANNETT COMPANY

CLASSIFIED ADVERTISING INVOICE

P.O. BOX 1231
85 CIVIC CENTER PLAZA
POUGHKEEPSIE, NY 12602
BUSINESS OFFICE: (845) 451-4557

BILL DATE
04/05/13

TOWN OF LAGRANGE
TOWN CLERK
120 STRINGHAM RD
LAGRANGEVILLE NY 12540-5530

TO PLACE A CLASSIFIED AD
PLEASE CALL (845) 471-7355

AD NUMBER	CLASS	DESCRIPTION	START DATE	SIZE	RUNS	AMOUNT
0103483267	000	PUBLIC NOTICENOTICE	04/05/13	28	1	13.58
0103483267	000	PUBLIC NOTICENOTICE	04/05/13	28	1	
0103483267		AFFIDAVIT CHARGE	04/05/13			20.00

PHONE NUMBER
845-452-1830 1000

33.58

TERMS: PAYABLE UPON RECEIPT

* TO ASSURE PROPER CREDIT, DETACH AND RETURN THIS PORTION WITH REMITTANCE *

Check payable to: THE POUGHKEEPSIE JOURNAL

AMOUNT DUE	AD NUMBER	BILLING DATE
33.58	0103483267	04/05/13

☐ Visa ☐ Mastercard ☐ American Express ☐ Discover

Credit Card No.

Signature

Expiration Month / Year

INVOICE

☐ PLEASE CHANGE MY ADDRESS AS INDICATED ON REVERSE

010348326700003358 4

TOWN OF LAGRANGE
TOWN CLERK
120 STRINGHAM RD
LAGRANGEVILLE NY 12540-5530

845-452-1830 1000

Poughkeepsie Journal

PO BOX 1629
BINGHAMTON, NY 13902-1629

Poughkeepsie Journal

P.O. BOX 1231
85 CIVIC CENTER PLAZA
POUGHKEEPSIE, NY 12602

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 3rd day of April, 2013, I duly caused a copy of the Notice of Filing with the New York State Comptroller of the ANNUAL FINANCIAL REPORT for the Town of LaGrange to 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
3rd Day of April, 2013

Notary Public

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

Public Notice

NOTICE is hereby given that the Chief Financial Officer's ANNUAL FINANCIAL REPORT for the Town of LaGrange, year ending December 31, 2012 has been filed by the Town Comptroller with the State of New York Office of the State Comptroller.

NOTICE is also given that the Annual Financial Report is on file with the Town Clerk at 24 Firemen's Way, Town of LaGrange, New York, and is available for inspection during regular business hours; Monday, Wednesday, Thursday, Friday 8:30 a.m. – 4:00 p.m. and Tuesdays 8:00 a.m. – 3:30 p.m.

Christine O'Reilly-Rao

Christine O'Reilly-Rao
LaGrange Town Clerk
April 3, 2013

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 __5th__ day of __April__ 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 5th day of April 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

Public Notice
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Christine O'Reilly-Rae
LaGrange Town Clerk
April 3, 2013
3867

The Annual Financial Report for Fiscal Year Ended 12/31/2012 is

available on the Comptroller's page of the LaGrange Website – lagrangeny.org,

and in the Town Clerks Office

BUDGET AMENDMENTS

General Fund

Inc.	Premiums on Securities Issued (A2710)	12,000.00	
Inc.	Fiscal Agents Fees (A1380.04)		12,000.00
	To cover fees for bond professionals		
Inc.	Appropriated Fund Balance (A599)	300,000.00	
Inc.	Buildings, Contractual (1620.04)		300,000.00
	To increase 2013 budget for monies left over in buildings line from 2012		

BUDGET TRANSFERS

	FROM	TO	AMT.
Highway:	Installment Purchase, Interest (9785.07)	Installment Purchase,Principal (9785.06)	0.10

RESOLUTION

Councilman Jessup offered the following resolution which was seconded by Councilman Bell, who moved its adoption:

WHEREAS, the LaGrange Town Board acts on behalf of the Noxon Knolls Water District; and

WHEREAS, Mid Hudson Development Corp. ("Purchaser") proposes to purchase certain surplus real property owned by the Town on behalf of the Noxon Knolls Water District, and commonly known as 174 Bart Drive (the "Property"); and

WHEREAS, the Property is hereby deemed surplus property and no longer necessary for Town or Water District purposes; and

WHEREAS, the Town Board has reviewed a contract of sale for vacant land (the "Contract of Sale"), executed by the Purchaser, under which the Town would sell the Property for a purchase price of $60,000.00, and Purchaser would be responsible for all related costs of the Town including legal and engineering expenses; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town does hereby authorize the Supervisor to execute the Contract of Sale in the form as presented by Purchaser;

AND BE IT FURTHER RESOLVED that the Town Board of the Town does hereby declare the Property to be surplus property, and no longer necessary for Town or Water District purposes;

AND BE IT FURTHER RESOLVED, that the sale of the Property is subject to permissive referendum, and the Town Clerk shall issue and provide notice of permissive referendum consistent with the requirements of law.

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

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

DATED: Lagrangeville, New York
April 10, 2013

CHRISTINE O'REILLY-RAO
TOWN CLERK

Resolution Noxon Knolls Purchase.DOC

TOWN BOARD OF THE TOWN OF LAGRANGE

NOTICE OF ADOPTION OF RESOLUTION
SUBJECT TO PERMISSIVE REFERENDUM

NOTICE IS HEREBY GIVEN that at a regular meeting held on the 10th day of April, 2013, the Town Board of the Town of LaGrange, Dutchess County, New York (the "Town") duly adopted a Resolution authorizing a Contract of Sale to sell certain surplus real property, an abstract of which follows, which resolution is subject to permissive referendum pursuant to Town Law Article 7.

Contract of Sale Date: April 10, 2013
Address of Real Property: 174 Bart Drive, Town of LaGrange, Dutchess County, New York
Tax Map No.: 133400-6360-03-42811
Purchaser: Mid Hudson Development Corp.
Purchase Price: $60,000.00
Closing Date: Ten days after fulfillment of all contingencies
Future Use of Property: Passive recreational use by members of the public

Complete copies of the resolution and Contract of Sale summarized herewith are available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of thirty days from the date hereof.

Dated: April 10, 2013

Christine O'Reilly-Rao

CHRISTINE O'REILLY-RAO, TOWN CLERK
TOWN OF LAGRANGE

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 13th day of April 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 15th day of April 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

TOWN BOARD OF THE TOWN OF LAGRANGE
NOTICE OF ADOPTION OF RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM

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Future Use of Property: Passive recreational use by members of the public

Complete copies of the resolution and Contract of Sale summarized herewith are available for public inspection during regular business hours at the Office of the Town Clerk of the Town for a period of thirty days from the date hereof.

Dated: April 10, 2013

CHRISTINE O'REILLY-RAO, TOWN CLERK
TOWN OF LAGRANGE
5447

CONTRACT OF SALE FOR VACANT LAND

Date: ~~February~~ April 10, 2013

Seller and Purchaser agree as follows:

Parties	Seller:	Town of Lagrange,
	Address:	120 Stringham Road, LaGrangeville, NY 12540
	Purchaser:	Mid-Hudson Development Corp.
	Address:	5 Willard Court, Poughquag, NY 12570

1. Purchase Agreement. Seller shall sell and Purchaser shall buy the Property on the terms stated in the Contract.

2. Property. The Property is located in the Town of LaGrange, County of Dutchess and State of New York and designated as Tax Map Numbers 6360-03-428111 on the Tax Map of the Town of LaGrange, and is more particularly described in Schedule A attached hereto.

The sale includes:

Streets, assignment of unpaid awards. All right, title and interest, if any of Seller in any land lying in the bed of any street or highway, opened or proposed, in front of or adjoining the Property to the center line thereof. It also includes any right of Seller to any unpaid award to which Seller may be entitled (1) due to taking by condemnation of any right, title or interest of Seller, and (2) for any damage to the Property due to change of grade of any street or highway. Seller will deliver to Purchaser at Closing, or thereafter, on demand, proper instruments for the conveyance of title and the assignment and collection of the award and damages.

3. Price. The purchase price is..... $ 60,000.00

Payable as follows:

On the signing of this Contract, by check subject to collection (together with the amount paid on binder, the "Deposit") ..... $ 0.00

BALANCE AT CLOSING..... $ 60,000.00

The BALANCE AT CLOSING shall be paid in cash or good certified check of any bank, savings bank, trust company or savings and loan association having a banking office in the State of New York. A check must be payable to the order of Seller, or to the order of Purchaser, and duly endorsed by Purchaser (if other than a corporation) to the order of Seller in the presence of Seller's attorney.

4. Title transfer subject to. The Property is to be conveyed subject to:

(a) Applicable zoning and governmental regulations that affect the use and maintenance of the Property provided that they are not violated by buildings and improvements on the Property.

(b) Conditions, agreements, restrictions and easements of record.

(c) Any state of facts and inspection or survey of the Property may show if it does not make the title to the Property unmarketable.

5. Title. Seller shall convey and Purchaser shall accept such title as a reputable title insurance company authorized to transact business in the State of New York shall insure.

6. Use of purchase price to pay liens. Seller may pay and discharge any liens and encumbrances not provided for in this Contract. Seller may make payment out of the balance of the Purchaser Price paid by Purchaser on the transfer of title.

7. Deed and transfer taxes. At the Closing, Seller shall deliver to Purchaser a Bargain and Sale Deed with Covenant Against Grantor's Acts so as to convey a fee simple title to the Property free and clear of all encumbrances except as stated in this Contract. The deed shall be prepared, signed and acknowledged by Seller and transfer tax stamps in the correct amount shall be affixed to the deed, all at Seller's expense. The deed shall contain a trust fund clause as required by Section 13 of the Lien Law. The deed shall also reserve an easement for Seller which will allow continued use of the parcel by the public for passive recreational use and contain a covenant that the Property will remain forever green.

8. Adjustments at closing. The following are to be apportioned pro-rata to the date of transfer:

(a) Taxes, based on the fiscal period for which assessed.

9. Seller Contingencies. The obligations of Seller hereunder are expressly conditioned upon the following condition precedent:

(a) Seller's completion of the requirements for a permissive referendum pursuant to NY Town Law Article 7.

10. Purchaser Contingencies. The obligations of Purchaser hereunder are expressly conditioned upon the following condition precedent:

(a) Approval by the planning board of the Town of LaGrange of Purchaser's application pertaining to the proposed subdivision referred to as "Hidden Pond" which adjoins the Property.

11. Condition of property. Purchaser has inspected the Property. Purchaser agrees to take title "as is" and in its present condition subject to reasonable use and natural deterioration between now and the time of closing. Seller shall be under no obligation to make any repairs or improvements to the Property.

12. Seller's inability to convey. If Seller is unable to convey title in accordance with this Contract, Seller's only liability is to reimburse Purchaser for the reasonable costs of title examination.

13. Closing. The Closing will take place at the office of Van DeWater & Van DeWater, LLP, 85 Civic Center Plaza, Suite 101, Poughkeepsie, New York, within ten (10) business days of the fulfillment of the contingencies described herein.

14. Broker. Purchaser represents that Purchaser has not dealt with any broker in connection with this sale.

15. Purchaser's lien. All money paid on account of this Contract, and the reasonable expenses of examination of the Property and of any survey and inspection charges are hereby made liens on the Property. The liens shall not continue after default by Purchaser.

16. Notice. Any notice or other communication from one party to the other shall be in writing and sent by registered or certified mail and in a postpaid envelope addressed to the party at the address above. The address above may be changed by a notice to the other party.

17. Entire agreement. All prior understandings and agreements between Seller and Purchaser are merged in this Contract. This

Contract completely expresses their full agreement and has been entered into after full investigation. Neither party is relying upon statements made by anyone that is not a party to this Contract.

18. Seller's Representations. Seller represents and warrants that:

(a) Seller is the sole owner of the Property and has the full right, power and authority to sell, convey and transfer the same in accordance with the terms of this contract.

(b) Except for the permissive referendum upon which Seller's obligations under this contract are expressly contingent pursuant to Section 9 above, no consent from any third party or governmental authority is required in connection with the execution and delivery of this Agreement by the Seller or the fulfillment by the Seller of its obligations under this Agreement; and

(c) Seller is not a "foreign person", as that term is defined for purposes of the Foreign Investment in Real Property Tax Act, Internal Revenue Code Section 1445.

19. Recordation. Other than after Seller's uncured willful and material breach, Purchaser shall not record this Contract and any attempt to record the same shall be a material default of Purchaser hereunder, and thereupon, at the option of Seller this Contract shall be deemed canceled and Seller shall have any and all remedies associated with Purchaser's default hereunder in law or at equity.

20. No oral change. This Contract may not be changed or ended orally.

21. Successors. This Contract shall apply to and bind the distributees, executors, administrators, successors and assigns of the Seller and Purchaser.

22. Purchaser's default. If Purchaser shall default in any of the terms of this contract, then Seller shall have the right to seek specific performance.

23. Purchaser's signatures. The execution and return of this instrument by Purchaser shall constitute an offer to purchase the Property by Purchaser which shall not be deemed accepted until the same is executed by Seller.

Signatures. Seller and Purchaser have signed this Contract as of the date at the top of the first page.

SELLER:

TOWN OF LAGRANGE

By: _____
Name: Joseph Luna
Title: Supervisor

PURCHASER:

MID-HUDSON DEVELOPMENT CORP.

By: _____
Name: John Goetz
Title: President

Schedule A

All that certain plot, piece or parcel of land, with the buildings and improvements thereon, erected, situate, lying and being in the Town of LaGrange, Dutchess County, and State of New York, bounded and described as follows:

BEGINNING at a point on the Southerly line of Bart Drive at the Northeasterly corner of Lot Number 44 as shown on a certain map entitled "NOXON KNOLLS" on file in the Dutchess County Clerk's Office as map number 3337 and running thence along the Southerly line of said Bart Drive, South 82 degrees 40' East 413.27 feet to the line of lands of now or formerly Hart and a stone wall fence; thence along the line of said Hart along a stone wall fence South 7 degrees 53' 30" West 195.43 feet and South 8 degrees 20' 40" West 340.06 feet to a corner of fences; thence along the line of lands now or formerly Badgley along a stone wall fence North 41 degrees 01' 20" West 523.28 feet; North 40 degrees 32' 10" West 19.32 feet 40 degrees 55' 10" west 7.97 feet to the Southeast to said Lot number 44; thence along the line of said Lot number 44 North 7 degrees 20' East 174.74 feet to the point of beginning.

BEING the same premises conveyed by Noxon Knolls Water Corp. to the Town of LaGrange, by deed dated August 9, 1978, and recorded in the Dutchess County Clerk's Office in Liber 1515 of Deeds at Page 281.

PURCHASER'S RIDER TO CONTRACT OF SALE FOR PURCHASE

OF LOT BETWEEN

TOWN OF LAGRANGE, SELLER

TO

MID-HUDSON DEVELOPMENT CORP., PURCHASER

Notwithstanding anything to the contrary in the pre-printed form of Contract or Seller's Addendum between the above parties of which this rider is made part, the parties further agree as follows:

1. Paragraph 7 of the Contract prepared by the seller's attorney shall be modified by adding the following sentence to the foot of the same:

Nothing herein shall be construed to restrict the use of the frontage on Bart Drive for each Lot so effected for the purpose of demonstrating that each Lot conforms with the bulk requirement of the Town of LaGrange Zoning Cole.

2. Paragraph 9(a) of the Contract prepared by the seller's attorney shall be modified by adding the following sub-paragraph B to the foot of the same:

(b) Seller shall take whatever step necessary to commence the time within which a Permissive Referendum Petition may be filed under New York Town Law Article 7 by no later than April 15, 2013.

3. Paragraph 10 of the Contract prepared by the Seller's attorney shall be modified by adding the following to the fifth of sub-paragraph (a) of the same:

The sub-division application is a ten (10) Lot layout described on a certain proposed sub-division plat title "Sub-division Plat Plan for Hidden Pond Estates" prepared by Ann Gillespie and Associates, bearing project No. 2011:008 and last revised on March 1, 2013. The sub-division application is incorporated into this provision by reference. In the event that the Purchaser has not received a non-appealable final resolution of sub-division approval from the Town of LaGrange Planning Board by July 1, 2014, then, the Purchaser shall have the right, on five (5) days written notice to the Seller, to withdraw from this Contract. The provision of this paragraph has been made for the benefit of the Purchaser.

4. Paragraph 12 of the Contract prepared by the Seller's attorney shall be modified by adding the following sentence to the foot of the same:

No objection to title which may be cured by payment shall be deemed cause for the Seller to not convey title in accordance with this Contract except upon the event that such payment shall be in an amount greater than the contract price.

5. Paragraph 13 of the Contract prepared by the Seller's attorney shall be modified by adding the following to the foot of the same:

The closing shall occur on ten (10) days written notice from the Purchaser to the Seller and only after the Purchase is in receipt of a non-appealable resolution of final sub-division approval made by the Town of LaGrange Planning Board and only after any statute of limitation governing the ability of any third party to challenge the aforesaid approval shall have expired.

6. **SURVEY**

The premises shall be sold and conveyed subject to any state of facts an accurate survey discloses, provided the same do not disclose any condition that would otherwise render title unmarketable. This contract shall be null and void and Seller shall immediately refund to Purchaser all sums paid to Seller under this contract and reimburse Purchaser for the cost of survey and title search, if a survey reveals:

(i) that improvements included in the sale are not located within the perimeter boundaries of the premises or violate by reason of location, size or other dimension, any condition, restriction of record or zoning ordinance; or,

(ii) a substantial diminution of land area from that described in this contract or the broker's listing;

(iii) survey encroachments; and

(iv) seller is unable to correct such condition.

RIDER TO CONTRACT OF SALE FOR VACANT LAND BETWEEN

Town of LaGrange, as Seller

Mid Hudson Development Corp., as Purchaser

==========

In the event of a conflict between a provision set forth in this Rider and a provision set forth in the printed portion of this Contract, the provisions set forth in this Rider shall control. This rider shall be effective without signature by the parties, and is attached to the Contract of Sale.

1. Purchaser shall pay the expenses incurred by Seller in connection with (i) the negotiation and preparation of the Contract and the consummation of the sale and purchase contemplated by the Contract, (ii) the permissive referendum process referenced in Section 9(a) of the Contract, and (iii) Planning Board review referenced in Section 10(a) of the Contract, including, but not limited to, reasonable attorneys' fees and engineering fees incurred in connection therewith.

TOWN OF LAGRANGE
HIGHWAY DEPARTMENT

130 STRINGHAM ROAD
LAGRANGEVILLE, NY 12540
845-452-2720 845-452-2709 FAX

DATE: April 1, 2013

TO: The Town Board

FROM: Michael Kelly

RE: Bid Recommendations

Town Board,

It is my recommendation that we accept the following Bids for the Equipment listed.

(2) Front plow, mid-wing, combo dump bodies with complete hydraulics from:

Hudson River Truck & Trailer for $78,777.00 each body = **$157,554.00**
They were the lowest bidder.

(1) Replacement body for truck #8 from:

Hudson River Truck & Trailer for $ 23,367.00 each body = **$ 23,367.00**
Sole bidder.

(2) New Cab & Chassis from:

Mid Hudson Mack for $115,773.65 each body = **$231,547.30**
This bidder met the specifications best.

Should you have any questions in regards to this recommendation, please contact me.

Thank you,

Michael Kelly

Michael Kelly,
Superintendent of Highways