

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

**TOWN BOARD MEETING
July 10, 2013**

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

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

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

A regular meeting of the Town Board was held on Wednesday, July 10, 2013, at 120 Stringham Road, 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 June 26, 2013. Councilman Jessup so moved, seconded by Councilman Polhemus. The motion carried unanimously.

Public Hearings

Mr. Luna asked for a motion to open the Public Hearing to amend Zoning Chapter 240 §27 to allow restaurant use in the C-2 District. (SEE ADDENDUM)

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

Kevin Donohue stated that he had several issues with the proposed amendment, including the manner in which it was circulated to the Planning Board and other agencies.

Supervisor Luna stated that a Public Hearing is for residents to weigh in on proposed zoning changes as to whether they are against them or in favor of them.

Mr. Donohue stated he would need more information before he formed an opinion as to whether he was in favor or against the change.

There were no other comments.

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

Supervisor Luna asked for a motion to open the Public Hearing to amend Zoning Chapter 240 §22; changing the designation of parcel number 134000-6360-01-118812 from the PO District to the R-40/60/80 District. (SEE ADDENDUM)

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

Kevin Donohue stated once again that he had issues with the procedure leading up to the Public Hearing.

Supervisor Luna stated that Mr. Donohue should just state whether he is for or against the proposed change.

Mr. Donohue did not take a position.

There were no other comments.

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

Supervisor Luna asked for a motion to open the Public Hearing to amend Zoning Chapter 240 §22; changing the designation of parcel number 13340-6560-02-601974 from the R-120 District to the C-2 District. (SEE ADDENDUM)

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

Kevin Donohue stated that he felt that there were procedural issues in referring the amendment to the Planning Board. He did not state a position against or in favor of the amendment.

There were no other comments.

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

Monthly Reports

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

- | | |
|---|-------------------|
| • Building, Zoning, Public Works & Planning | Total \$12,720.00 |
| • Highway Department | Total \$300.00 |
| • Justice Egitto (incl. State Share) | Total \$12,850.00 |
| • Justice O'Hare (incl. State Share) | Total \$13,947.00 |
| • Recreation | Total \$63,132.40 |
| • Town Clerk | Total \$1,363.88 |

Correspondence

Mr. Luna stated that the Board had received a letter from Reverend Paul Lent of the Freedom Plains Presbyterian Church regarding their plan to expand the Church's facilities. (SEE ADDENDUM)

Agenda

Mr. Luna asked for a motion to establish escrow in the amount of \$1,000 for Overlook PDD and to recommend re-approval of the PDD. The re-approval will be valid until October 18, 2013. (SEE ADDENDUM)

Councilman Jessup moved to establish the escrow, seconded by Councilman Dyal. The motion carried unanimously.

Resolution: Stormwater Management Practices & Policies for the Wappinger Creek Watershed. (SEE ADDENDUM)

Mr. Luna stated that the Town had advertised a RFP for an IT company to provide computer support for the Town. He asked for input from the Board members in order to determine the best choice.

Resolution: Standard Workday Reporting for the New York State Retirement System. (SEE ADDENDUM)

Mr. Luna stated that Scott Davidson had transferred from Parks & Recreation to the Highway Department as MEO. Mr. Huff has replaced Mr. Davidson with Francis Mendonca as a Laborer.

Mr. Luna stated that he would like to hire someone to be employed as a part-time Building Maintenance worker. The employee would be part-time; working no more than 20 hours per week. The position would be civil service exempt. The employee would be finishing up the work in Town Hall, which would free up the Building Inspector. His salary would be \$30.00 per hour, which is far less than the prevailing wage of about \$100.00 per hour. Councilman Polhemus noted that the long term savings would be considerable.

Councilman Polhemus moved to approve the position, seconded by Councilman Jessup. The motion carried unanimously.

Resolution: Setting a Public Hearing Expenditure for Water Line Improvements (SEE ADDENDUM)

Resolution: Setting a Public Hearing Expenditure for Sewer Line Improvements (SEE ADDENDUM)

The Building Inspector requested approval to accept a soil erosion bond for 25 Jamison Court (grid# 6361-01-108846), in the amount of \$1,500. Councilman Jessup moved to approve the request, seconded by Councilman Bell. The motion carried unanimously.

The Building Inspector requested approval to release a soil erosion bond for 39 Arthursburg Road (grid# 6459-02-872690), in the amount of \$500. Councilman Dyal moved to approve the request, seconded by Councilman Polhemus. The motion carried unanimously.

Committee Reports

Water and Sewer

No report

Recreation

Councilman Dyal gave the Clerk a summary of the proceedings of the Recreation Committee's recent meeting for the minutes. The issue of replacing Mr. Huff, who is retiring, was discussed. The position requires a Civil Service test. Mr. Huff reported that the bridge at Freedom Park needs to be replaced and NYS DOT wants the culverts replaced, which will require an engineer. The DC Health Department has sent a letter to the Town Engineer regarding the well at the baseball fields.

Open Space

No report

Highway

No report

Public Comment

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

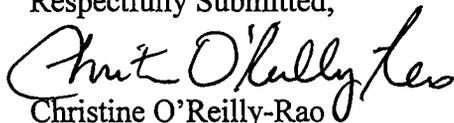
There were no comments.

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

Councilman Dyal moved to adjourn the meeting to executive session at 7:45 pm, seconded by Councilman Bell. The motion carried.

Councilman Jessup, seconded by Councilman Polhemus moved to adjourn the meeting at 8:15pm.

Respectfully Submitted,



Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- NPH (3): Zoning Amendments
- Dutchess County Planning Comments
- Planning Board Chairman's Comments
- Letter: Freedom Plains Presbyterian Church
- Resolution: Overlook PDD
- Resolution: Wappinger Creek Watershed
- Resolution: Standard Workday Reporting (J. Luna & J. Egitto)
- Resolution: Water Line Improvement
- Resolution: Sewer Line Improvement

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 27th day of June 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 27th day of June in the year of 2013.

Rose Ann Simpson
Notary Public

My commission expires 1/4/2014

NOTICE OF PUBLIC HEARING

THE TOWN OF LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on July 10, 2013 at 7:00 o'clock, p.m., on Local Law No. _____ of the Year 2013, amending Chapter 240, "Zoning", to allow for restaurant uses in the C-2 zone.

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

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

DATED: LaGrangeville, New York
June 12, 2013.

CHRISTINE O'REILLY-RAND
TOWN CLERK
9019

ROSE ANN SIMPSON
Notary Public, State of New York
No. 01516215893
Qualified in Dutchess County
Commission Expires January 4, 2014

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 27th
day of June 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 27th day
of June in the year of 2013.

Rose Ann Simpson
Notary Public

My commission expires 4/4/2014

NOTICE OF PUBLIC HEARING
TAKE NOTICE that the
Town Board of the
Town of LaGrange will
hold a public hearing at
the Town Hall, 120
Stringham Road, La-
Grangeville, New York
on July 10, 2013, at 7:00
o'clock p.m. prevailing
time, on Local Law No.
_____ of 2013, amending
the Zoning Map of
Chapter 240, Section
240-22, of the Town
Code to change the des-
ignation of the portion
of LaGrange Tax Parcel
13400-6360-01-118812
located to the west side
of the center line of
County Route 21, con-
sisting of approxi-
mately 30 +/- acres,
from the PO District to
the R-40/60/80 District.
TAKE FURTHER NOTICE,
that copies of the afore-
said proposed local law
will be available for ex-
amination at the office
of the Clerk of the Town
of LaGrange, at the
Town Hall, 120
Stringham Road, La-
Grangeville, New York,
between the hours of
8:30 a.m. and 4:00 p.m.
on all business days,
except Tuesdays, when
the hours are between
8:00 a.m. and 3:30 p.m.
TAKE FURTHER NOTICE,
that all persons inter-
ested and citizens shall
have an opportunity to
be heard on said pro-
posal at the time and
place aforesaid.
DATED: LaGrangeville,
New York
June 12, 2013

CHRISTINE O'BRYEN-
RAO,
TOWN CLERK
5817

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

Poughkeepsie Journal

Poughkeepsie, N.Y.

AFFIDAVIT OF PUBLICATION

State of New York
County of Dutchess
City of Poughkeepsie

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

Rita Lombardi
Subscribed and sworn to before me this 27th day of June in the year of 2013.
Rose Ann Simpson
Notary Public

My commission expires 1/4/2014

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

NOTICE OF PUBLIC HEARING
TAKE NOTICE that the Town Board of the Town of LaGrange will hold a public hearing at the Town Hall, 120 Stringham Road, LaGrangeville, New York on July 18, 2013, at 7:00
The subject of the hearing is a proposed local law, Law No. _____, pending in the Town Board of the Town of LaGrange, Dutchess County, New York, for the designation of the district of the Town of LaGrange, New York, commonly known as 2295 Route 82, from the R-120 District to the C-2 District.
TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the office of the Clerk of the Town of LaGrange, at the Town Hall, 120 Stringham Road, LaGrangeville, New York, between the hours of 8:30 a.m. and 4:00 p.m. on all business days, except Tuesdays, when the hours are between 8:00 a.m. and 3:30 p.m.
TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.
DATED: LaGrangeville, New York
June 12, 2013

Clerk of the Town of LaGrange

Dutchess County Department of Planning and Development

To: Christine O'Reilly Date: 6-25 # pgs: 2
 Co./Dept: Town Clerk From: B Kehoe
 Fax #: 452-2289 Phone #: 486-3600

Zoning Referral

Municipality: Town of LaGrange

Referring Agency: Town Board

Tax Parcel Number(s):

Project Name: Local Law to allow for Restaurant uses in the C-2 Zone

Applicant: Town of LaGrange

Address of Property:

Type of Action:

- Local Law / Text Amendment
- Rezoning
- Site Plan
- Special Permit
- Use Variance
- Area Variance
- Other: _____

Jurisdictional Determinant:

- State Road _____
- County Road _____
- State Property
- County Property
- Municipal Boundary
- Agricultural District

Date Response Requested (if less than 30 days): July 10, 2013

If subject of a previous referral, please note County referral number(s):

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete — municipality must resubmit to County
- Incomplete with Comments — municipality must resubmit to County

Date of Submittal: 6-13

Date Submittal Received: 6-14

Date Report Requested: 7-10

Date Report Required: 7-13

Date of Transmittal faxed: 6-25 mailed: HS

Notes:

- Major Project
- Archive
- Discard after 2 yrs
- Discard after 7 yrs

Referral #: 13-201

Reviewer: [Signature]



COUNTY OF DUTCHESS
DEPARTMENT OF PLANNING AND DEVELOPMENT

June 24, 2013

To: Town Board, Town of LaGrange

Re: Referral: 13-201, Local Law to allow Restaurant uses in the C-2 Zone

The Dutchess County Department of Planning & Development has reviewed the subject referral within the framework of General Municipal Law (Article 12B, Sections 239-l and 239-m). After considering the proposed action in the context of countywide and intermunicipal factors, the Department finds that the Board's decision involves a matter of some concern and offers the following comments.

Action

The Town Board is contemplating passage of a Local Law that would allow for establishment of restaurant uses in the C-2 (Commercial) District. New "Restaurants" would be subject to site plan review and "Fast Food Restaurants" to special permit review.

Comments

Our department is concerned that the proposed zoning amendment would contribute to strip development along State Route 55 from the Taconic Parkway to Route 82. The Comprehensive Plan and subsequent rezoning aim to focus new development in the Town Center and limit outlying highway commercial districts. Allowing additional auto-dependent commercial development outside the Town Center will compete with the Town Center for commercial uses.

The Comprehensive Plan states that "C-2 Districts are for low-intensity commercial uses". Successful restaurants, particularly fast food establishments, are not low-intensity. Auto-dependent strip commercial zones increase traffic, introduce more left-turn accident points, and reduce the capacity of the state roadways. The Town Center District and C-1 Districts are more suitable locations for restaurants which will support, and be supported by, high-intensity, pedestrian oriented businesses. These policies are consistent with the principles and guides in *Greenway Connections* to "stop the spread of strip commercial zones" (see Greenway Guide C1, Commercial Strip Redevelopment).

We note that the subject application contains no rationale for why the proposed zoning amendment is advisable or how it would further community goals.

RECOMMENDATION

The Department recommends that the Board rely upon its own study of the facts in the case with due consideration of the above comments.

Kealy Salomon, Commissioner

By

Brian Kehoe, Planner

Town of
LaGrange, NY

Christine O'Reilly-Rao <oreillyrao@lagrangeny.org>

Proposed Town Laws

1 message

Stacy Olyha <Stacy.Olyha@verizon.net>
To: townclerk@lagrangeny.org

Tue, Jul 9, 2013 at 10:58 PM

Hi Christine,

I just had a few comments that the Board may like to be aware of before they make their decision:

Law RE: 13400-6360-01-118812 (Noxon Rd rezoning)

The owners are proposing a subdivision on this parcel. The location of Noxon Road is being relocated by the county to straighten out the horizontal and vertical curves in that area because there have been multiple serious vehicle accidents in that location over the past 10 years. The property (warehouse TP# 053893) to the north of this parcel was before the Planning Board recently for site plan and it was pointed out that some of the equipment, cars and other things were being stored on the property to the south (tax parcel in proposed zoning change). It was conveyed by the owners, that the parcel was owned by the same people that own the warehouse parcel so it didn't impact anything. My concern: if it is now going to be R40/60/80 and a subdivision, shouldn't they do a lot line realignment first to get all the Planned Office use onto one lot (the warehouse parcel) while it is still zoned PO and then come in for a rezoning of the remaining land for the subdivision? Or are they planning on removing all the equipment, debris, and storage onto the warehouse property (which, by the way, may not fit because they are already encroaching on the wetland buffer).

Law RE:133400-6569-02-601974 (rt 82 rezoning)

Since it is a continuation of the current zoning to the south and west, there are no concerns. However, I would like to point out that the parcel is currently located in an AG dist.

Law RE: Restaurant uses in C-2.

This law makes sense, however the definition of restaurant and fast food restaurant may want to be revisited. There are many eating establishments in the town that do not fall under either of these definitions.

7/10/13

Town of Lagrange Mail - Proposed Town Laws

Thank you for the opportunity to comment on these proposed local laws.

Stacy Olyha
LaGrange Planning Board Chairman

Dutchess County Department of Planning and Development

To Christine O'Reilly-Roy Date 6-21 # pgs 1
 Co./Dept. Town Clerk From B Kehoe
 Fax # 452-2289 ~~7558~~ Phone # 486-3600

Zoning Referral 2289

Municipality: Town of LaGrange

Referring Agency: Town Board

Tax Parcel Number(s): 6360-01-118812

Project Name: Local Law to change part of parcel from PO to R-40/60 District

Applicant: Town of LaGrange

Address of Property: County Route 21

Type of Action:

- Local Law / Text Amendment
- Rezoning
- Site Plan
- Special Permit
- Use Variance
- Area Variance
- Other: _____

Jurisdictional Determinant:

- State Road _____
- County Road Route 21
- State Property
- County Property
- Municipal Boundary
- Agricultural District

Date Response Requested (if less than 30 days): July 10, 2013

If subject of a previous referral, please note County referral number(s):

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete — *municipality must resubmit to County*
- Incomplete with Comments — *municipality must resubmit to County*

Date of Submittal: 6-13

Date Submittal Received: 6-14

Date Report Requested: 7-10

Date Report Required: 7-13

Date of Transmittal

faxed: 6-21 mailed:

Notes:

- Major Project
- Archive
- Discard after 2 yrs
- Discard after 7 yrs

Referral #: 13-200

Reviewer: [Signature]

Dutchess County Department of Planning and Development

To Estela May
~~Christine O'Reilly~~
 Co./Dept. Town Clerk Date 6-24 # pgs 1
 Fax # 452-3200 ~~7642~~ Phone # 486-3600
2289

Zoning Referral

Municipality: Town of LaGrange

Referring Agency: Town Board

Tax Parcel Number(s): 6560-02-601974

Project Name: Local Law change parcel from R-120 to C-2

Applicant: Town of LaGrange

Address of Property: Route 82

Type of Action:

- Local Law / Text Amendment
- Rezoning
- Site Plan
- Special Permit
- Use Variance
- Area Variance
- Other: _____

Jurisdictional Determinant:

- State Road Route 82
- County Road _____
- State Property
- County Property
- Municipal Boundary
- Agricultural District

Date Response Requested (if less than 30 days): July 10, 2013

If subject of a previous referral, please note County referral number(s):

FOR COUNTY OFFICE USE ONLY

Response from Dutchess County Department of Planning and Development

No Comments:

- Matter of Local Concern
- No Jurisdiction
- No Authority
- Withdrawn

Comments Attached:

- Local Concern with Comments
- Conditional
- Denial
- Incomplete -- municipality must resubmit to County
- Incomplete with Comments -- municipality must resubmit to County

Date of Submittal: 6-13

Date Submittal Received: 6-14

Date Report Requested: 7-10

Date Report Required: 7-13

Date of Transmittal
 faxed: 6-24 mailed: _____

Notes:

- Major Project
- Archive
- Discard after 2 yrs
- Discard after 7 yrs

Referral #: 13-199

Reviewer: _____



Freedom Plains United Presbyterian Church

Rev. Paul D. Lent
Pastor

Rev. Heather M. Finck
Associate Pastor

June 27, 2013

Town of LaGrange
120 Stringham Road
LaGrangeville, NY 12540

Dear Town of LaGrange Board,

Freedom Plains United Presbyterian Church is finally moving forward on a long expected plan to expand our facilities. We are excited about what these plans will enable us to do as a congregation and as a resource for our community of LaGrange. As we hope you know, we pride ourselves as being a resource for our community and even talk about ourselves as a town center. With our facilities being used for voting, Alcoholics Anonymous, the Boy Scouts, the Girl Scouts, the Bird Club, Clock Club, Scottish Society, Cornell Cooperative Extension, and much more at little to no charge, we are hoping the Town will be willing to waive, reduce or at least delay the fees that it is asking us to pay at this time in our application process. We understand these fees at present to be:

Amended Site Plan Application Fee = \$500.00 + \$25/parking space = 500+60(25)= \$2,000.00

Amended Site Plan Escrow Fee = \$1,000.00

Special Use Permit Application Fee = \$300.00

Thank you for your consideration of this request.

Sincerely,

Paul D. Lent
Pastor

Neal Townsend
President of the Corporation of
Freedom Plains United Presbyterian Church

cc: Wanda Livigni



RESOLUTION

Councilman Jessup offered the following resolution which was seconded by Councilman Dyal, who moved this adoption:

WHEREAS, on November 30, 2005, the Town Board adopted a Local Law conditionally amending the Zoning Map to allow a change of use of the PDD Zoning District at 165 Overlook Road in the Town of LaGrange to accommodate multi-family residential use in accordance with a concept plan of development entitled "Overlook Place"; and

WHEREAS, on October 18, 2007, the Town of LaGrange Planning Board issued a resolution of conditional final project development plan approval for Overlook Place consisting of approximately 15.9 acres at LaGrange Tax Map No. 6261-02-896803, and more particularly located at the intersection of Overlook Road and DeGarmo Road; and

WHEREAS, §240-33(D)(1) of the Town Code calls generally for construction of the development authorized by a PDD rezoning and project development plan approval to be commenced within one year of the resolution of project development plan approval by the Planning Board, i.e. in this case by October 18, 2008; and

WHEREAS, by Local Law #10 of the year 2008, the Town Board amended §240-33(D)(1) of the Town Code to provide the opportunity for the Town Board, upon application of the PDD development, to grant one year extension(s) against the lapse of

Town Board rezoning and Planning Board project development plan approvals for a PDD; and

WHEREAS, in November of 2008 and 2009, the Town Board issued one year extensions effective for the periods October 18, 2008 to October 18, 2009, and October 18, 2009 to October 18, 2010, respectively; and

WHEREAS, Overlook Place previously applied for a further one year extension of such approvals to October 18, 2011, by post-approval expiration letter of Levine and Levine dated December 1, 2010; and

WHEREAS, consideration of that PDD extension application was deferred pending discussion between the Town and the applicant over how the Project would participate, under a sewer agreement between the Town and the Project, in the formation of a municipal sewer administration entity for the purposes of (a) completing the Project's obligation to capitalize the Town's completion of municipal wastewater treatment capacity to serve the Project and others, and (b) constructing a gravity wastewater collection line along Maplevue Drive to connect the Project to the Town's municipal wastewater treatment system; and

WHEREAS, despite the fact that the approved Planning Board site plan for the Project removed an on-site pumping station that might service a force main collection line on Maplevue

Drive, and despite the Town's stated position that a gravity collection line should be constructed along Mapleview Drive, the Project has objected to a gravity line as the means of connection;

WHEREAS, accordingly, such discussions between the Town and the Project have been incomplete, but it is for the Town to determine how a sewer administration entity will improve a means of interconnection between the Project and the Town's wastewater treatment facilities; and

WHEREAS, commencing on December 21, 2012 by letter of Levine & Levine, the Project has further applied for retrospective annual extensions of the PDD approval from October 18, 2011 to October 18, 2012 and from October 18, 2012 to October 18, 2013; and

WHEREAS, as requested by the Town, and in support of its three successive applications for retrospective annual extensions of the PDD approval to October 18, 2013, the Project submitted a professional report of Morris Associates dated January 28, 2013 which includes a numbered paragraph "2" reading as follows:

The project did not secure Dutchess County Department of Health for the on-site water and sewer mains. Although we found several comment letters in the file, I cannot locate the last letter where I remember the only remaining comments were some minor revisions to the water meter pit, and a resolution on the sewer connection. Because of the unresolved sewer connection method, we will complete the

DCDOH process. Since conceptual approval was granted by the Town, there have been no changes in any regulations that would affect or change the work done to date.

WHEREAS, the Town has made no conceptual approval of any proposal by the Project as to the means and methods of the Project's connection to municipal sewer, if that is the intended meaning within this portion of the Morris Associates' report; and

WHEREAS, as a part of this resolution of extension of PDD approval, and as a condition of it, the Town desires to achieve closure of open issues regarding the Project's connection to municipal sewer; and

WHEREAS, as a further condition of this resolution, the Town addresses the lack of legislative bulk and area regulations in the local law of November 30, 2005 which relate to the accompanying concept plan of development, or which relate to the project development plan later conditionally approved by the Planning Board on October 18, 2007.

NOW, IT IS HEREBY RESOLVED, as follows, subject to the conditions stated hereafter:

1. In the exercise of its sole legislative discretion, and after review of the criteria set forth in §240-33(D) (1) of the Town Code, the Town Board grants an

extension of the PDD rezoning and project development plan approvals for the Overlook Place PDD project, said one year extension shall be effective as of October 18, 2010, and it shall expire on October 18, 2011.

2. In the exercise of its sole legislative discretion, and after review of the criteria set forth in §240-33(D)(1) of the Town Code, the Town Board grants an extension of the PDD rezoning and project development plan approvals for the Overlook Place PDD project, said one year extension shall be effective as of October 18, 2011, and it shall expire on October 18, 2012.
3. In the exercise of its sole legislative discretion, and after review of the criteria set forth in §240-33(D)(1) of the Town Code, the Town Board grants an extension of the PDD rezoning and project development plan approvals for the Overlook Place PDD project, said one year extension shall be effective as of October 18, 2013, and it shall expire on October 18, 2013.
4. This Resolution is subject to the following conditions which shall be fulfilled by the Project Developer no

later than July 17th, 2011, failing which this Resolution shall be of no force and effect:

- a. payment of the PDD extension fees identified in the Town of LaGrange's fee schedule, such fees to payable for each of the three (3) annual extensions approved by this Resolution, and
 - b. payment of any and all outstanding fees or consultant costs of the Town regarding the current re-approvals and, if any, regarding earlier rezoning, project development plan approvals, or reapprovals.
5. Any future PDD re-approval application for this matter shall be made no later than October 1st of the year of expiration, i.e., no later than October 1, 2013.
 6. The Project shall consent by petition, as a condition of this approval of extensions of the PDD and as a precondition to any future extension of the PDD approval, to the formation of a sewer district covering the Project's real property for the purpose of (a) constructing and financing, to the limited extent provided in the sewer agreement between the Town and the Project, a gravity wastewater collection line along Mapleview Drive, and (b) contributing as required under the sewer agreement to the

capitalization, through the issuance of public debt against the Project's real property, of the Town's completion of its municipal wastewater treatment facilities.

7. As a further condition of this approval, and as a precondition to any future extension of the PDD approval, the Project shall work with the Town and defray the expenses of the Town to develop a bulk and area regulation table for the Project which is suitable to the Town and which shall be incorporated into the legislative approval of the Project by amendment of the local law of November 30, 2005 which established the Overlook Place PDD district.

The following vote was taken:

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

DATED: LaGrangeville, New York
July 10, 2013


CHRISTINE O'REILLY-RAO, TOWN CLERK

U:\DOCS\00070\00596\RESOLUTION\20R1438.DOC

RESOLUTION

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

WHEREAS, the severe weather events of 2011 and 2012 have illustrated the need for pro-active, but 'green' storm water management practices and policies in the Wappinger Creek Watershed; and

WHEREAS, the federal government, through the Department of Housing and Urban Development, the Federal Emergency Management Administration and the Environmental Protection Agency's block grants to New York State, is granting and loaning several billion dollars to storm water management policies and practices in the Mid-Hudson Valley Region; and;

WHEREAS, the fourteen communities of the Wappinger Creek Watershed are desirous of

- ξ Documenting specific points of pollutant inflows to the watershed;
- ξ Assessing each community's awareness and concerns regarding local flooding;
- ξ Designing a remediation strategy for the entire watershed as, essentially, a watershed-based Hazard Management Plan; and
- ξ Permitting sustainable technologies to effect the required remediation through SHPO, SEQ, NEPA and Army Corp of Engineers reviews.

NOW, THEREFORE, BE IT RESOLVED that the Town of LaGrange, as a participant of Watershed Inter-municipal Council (WIC), and on behalf of its 14-community membership, supports requests made by both the Village of Wappingers Falls and Dutchess County to fund the Wappinger Watershed Remediation Plan through preliminary design and permitting, and

constituting the remediation as a 'shovel-ready' construction project.

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

Supervisor Luna	<u>Agree</u>
Councilman Jessup	<u>Agree</u>
Councilman Polhemus	<u>Agree</u>
Councilman Dyal	<u>Agree</u>
Councilman Bell	<u>Agree</u>

DATED: LaGrangeville, New York
July 10, 2013


CHRISTINE O'REILLY-RAO, TOWN CLERK

STANDARD WORK DAY AND REPORTING RESOLUTION

BE IT RESOLVED, that the **Town of LaGrange (Location 30238)** hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 digits)	Registration Number	Standard Work Day (hrs/day)	Term Begins/ Ends	Participates in Employer's Time Keeping System (Y/N)	Days/ Month (based on Record of Activities)
Elected Officials							
Supervisor	Joseph Luna			6	01/01/2013 to 12/31/2013	Y	
Town Justice	Joseph Egitto			6	01/01/2013 to 12/31/2016	N	2.23

Motion: Councilman Jessup
 Second: Councilman Dyal

The motion carried unanimously.

Lagrangeville, New York
 July 10, 2013

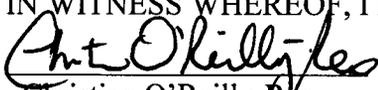

 Christine O'Reilly-Rao, Town Clerk

On this 10th day of July, 2013

I, Christine O'Reilly-Rao, Town Clerk of the governing board of the Town of LaGrange, Of the State of New York, does hereby certify that I have compared the foregoing with the RESOLUTION passed by such board, at a legally convened meeting held on the 10th day of July 2013 on file as part of the minutes of such meeting, and that same is true copy thereof and the whole of such original.

I further certify that the full Board consists of 5 members, and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Town of LaGrange


 Christine O'Reilly-Rao
 LaGrange Town Clerk

Resolution # 2013-07-10A

ORDER CALLING FOR FURTHER PUBLIC HEARING
BY TOWN OF LAGRANGE TOWN BOARD TO INCREASE AMOUNT TO BE EXPENDED
UNDER TOWN LAW 202-f FOR WATER LINE IMPROVEMENTS

Supervisor Luna introduced the following resolution which was seconded by Councilman Dyal

WHEREAS, the New York State Department of Transportation ("NYSDOT") is currently engaged in a project to reconstruct portions of New York State Route 55 in the Freedom Plains section of the Town of LaGrange, more particularly project PIN 8391.40 S.H. 8364, County of Dutchess; and

WHEREAS, the Town currently maintains existing water improvement districts and water improvement areas; and

WHEREAS, the Town of LaGrange wishes to have installed, as a public betterment, a water distribution line across the right of way of Route 55 during, and as a part of, the State's reconstruction and improvement of said State highway; and

WHEREAS, the Town had earlier obtained a plan of the proposed water line improvements, and an estimate of the cost thereof, in the context of design plans and specifications prepared by the NYSDOT, and said plans and estimated cost of the water line improvements were earlier reviewed in writing by the engineering firm of Clark Patterson Lee, as engineers to the Town of LaGrange, by correspondence dated February 26, 2013, with the inclusion of contingency and soft cost items (the "CPL Report"); and

WHEREAS, based upon the aforesaid plan and estimate of costs, the Town Board has previously determined to hold a public hearing for the proposed water line improvements pursuant to Section 202-f of the Town Law of this State; and

WHEREAS, on March 13, 2013, the Town Board determined, after public hearing and upon the evidence given thereat, whether it is in the public interest to have constructed the water line improvements as a public betterment as part of the NYSDOT project; and

WHEREAS, the Town does not intend to authorize these water line improvements in the absence of a binding and collateralized obligation on the part of the private sector participants BRH Land, LLC and/or 1100 Route 55, LLC of 6 Old Plank Road, Newburgh, New York 12550, whose real properties in the Town lie to the south of Route 55 and will be principally benefitted, to defray timely and in full all costs of the water line improvements levied by the NYSDOT upon the Town for this public betterment; and

WHEREAS, the NYSDOT has received actual bids for the subject water line improvements, and based upon such bids has now concluded that the actual estimated cost of the water line improvements is expected to be \$132,581.92, rather than the previously estimated figure of \$84,000.00 provided by the NYSDOT to the Town, for a difference of \$48,581.92 over and above the prior authorization adopted by the Town on March 13, 2013; and

WHEREAS, the Town Board proposes to conduct a further public hearing to consider the actual additional costs.

NOW, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board will proceed, pursuant to section 202-f of the Town Law, to hold a further public hearing to determine whether it is in the public interest to make an expenditure which, with the inclusion of soft costs and contingency, is not to exceed \$165,581.92 (which is \$117,000.00 + \$48,581.92) for the water line improvements identified in the CPL Report, and upon condition of a binding and collateralized obligation on the part of BRH Land, LLC and/or 1100 Route 55, LLC of 6 Old Plank Road, Newburgh, New York 12550 to defray timely and in full all costs of the water line improvements levied by the NYSDOT upon the Town.

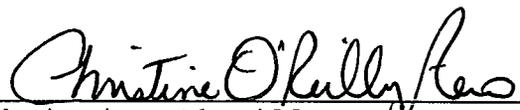
2. The public hearing will be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York 12540 on July 24, 2013 at 7:00 p.m., prevailing time, in accordance with the annexed notice of public hearing, at which time and place the Town Board will hear all persons interested in the subject.

3. The Town Clerk of the Town of LaGrange is hereby authorized and directed to cause the notice of said public hearing to be published in an official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be given not less than 10 days, and not more than 20 days before the date of public hearing, in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at Town Hall, 120 Stringham Road, LaGrangeville, New York 12540 on July 24, 2013 at 7:00 p.m., prevailing time, for the purpose of conducting a further public hearing relating to a New York State Department of Transportation plan and cost estimate (updated based on NYSDOT actual bid results to include an additional \$48,581.92 over and above the prior report of Clark Patterson Lee dated February 26, 2013 on file with the Town Clerk) for an expenditure by the Town not to exceed \$165,581.92 (which is \$117,000.00 + \$48,581.92), including contingency and soft costs, for a public betterment consisting of a water distribution line crossing Route 55 as part of a reconstruction of that State highway in the Freedom Plains section of the Town, and upon condition that the expenditure be the subject of a binding and collateralized obligation on the part of BRH Land, LLC and/or 1100 Route 55, LLC of 6 Old Plank Road, Newburgh, New York 12550 to defray timely and in full all costs of the water line improvements levied by the NYSDOT upon the Town for this public betterment, at which time and place said Town Board will hear all persons interested in the subject thereof and concerning the same.

DATED: LaGrangeville, New York
July 10, 2013


Christine O'Reilly-Rao
Town Clerk

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

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

DATED: LaGrangeville, New York
July 10, 2013



Christine O'Reilly-Rao
LaGrange Town Clerk

Resolution # 2013-07-10B

ORDER CALLING FOR FURTHER PUBLIC HEARING
BY TOWN OF LAGRANGE TOWN BOARD TO INCREASE AMOUNT TO BE EXPENDED
UNDER TOWN LAW 202-f FOR SEWER IMPROVEMENTS

Supervisor Luna introduced the following resolution which was seconded by Councilman Bell

WHEREAS, the New York State Department of Transportation ("NYSDOT") is currently engaged in a project to reconstruct portions of New York State Route 55 in the Freedom Plains section of the Town of LaGrange, more particularly project PIN 8391.40 S.H. 8364, County of Dutchess; and

WHEREAS, the Town currently maintains existing sewer improvement districts; and

WHEREAS, the Town of LaGrange wishes to have installed, as a public betterment, a sewage collection line across the right of way of Route 55 during, and as a part of, the State's reconstruction and improvement of said State highway; and

WHEREAS, the Town had earlier obtained a plan of the proposed improvement, and an estimate of the cost thereof, in the context of design plans and specifications prepared by the NYSDOT, and said plans and estimated cost of the improvements were earlier reviewed in writing by the engineering firm of Clark Patterson Lee, as engineers to the Town of LaGrange, by correspondence dated February 25, 2013, with the inclusion of contingency and soft cost items; and

WHEREAS, based upon the aforesaid plan and estimate of costs, the Town Board has previously determined to hold a public hearing for the proposed improvement pursuant to Section 202-f of the Town Law of this State; and

WHEREAS, on March 13, 2013, the Town Board determined, after public hearing and upon the evidence given thereat, that it was in the public interest to have constructed at Town expense, not to exceed \$59,900, the sewer collection improvement as a public betterment as part of the NYSDOT project; and

WHEREAS, the NYSDOT has received actual bids for the subject sewer improvement, and based upon such bids has now concluded that the actual estimated cost of the sewer improvement is expected to be \$58,400.86, rather than the previously estimated figure of \$39,000.00 provided by the NYSDOT to the Town, for a difference of \$19,400.86 over and above the prior authorization adopted by the Town on March 13, 2013; and

WHEREAS, the Town Board proposes to conduct a further public hearing to consider the actual additional costs.

NOW, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Town Board will proceed, pursuant to section 202-f of the Town Law, to hold a further public hearing to determine whether it is in the public interest to undertake an expenditure which, with the inclusion of soft costs and contingency, is not to exceed \$79,300.86 (which is \$59,900.00 + \$19,400.86) for the sewer collection line identified in the plan and cost estimate of Clark Patterson Lee dated February 25, 2013.

NOTICE OF PUBLIC HEARING

TAKE NOTICE, that the Town Board of the Town of LaGrange, Dutchess County, New York, will meet at Town Hall, 120 Stringham Road, LaGrangeville, New York 12540 on July 24, 2013 at 7:00 p.m., prevailing time, for the purpose of conducting a further public hearing relating to a New York State Department of Transportation plan and cost estimate (updated based on NYSDOT actual bid results to include an additional \$19,400.86 over and above the prior report of Clark Patterson Lee dated February 25, 2013 on file with the Town Clerk) for an expenditure by the Town not to exceed \$79,300.86 (which is \$59,900.00 + \$19,400.86), including soft costs, for a public betterment consisting of a sewer collection line crossing of Route 55 as part of a reconstruction of that State highway, at which time and place said Town Board will hear all persons interested in the subject thereof and concerning the same.

DATED: LaGrangeville, New York
July 10, 2013



Christine O'Reilly-Rao
Town Clerk

2. The public hearing will be held at the Town Hall, 120 Stringham Road, LaGrangeville, New York 12540 on July 24, 2013 at 7:00 p.m., prevailing time, in accordance with the annexed notice of public hearing, at which time and place the Town Board will hear all persons interested in the subject.

3. The Town Clerk of the Town of LaGrange is hereby authorized and directed to cause the notice of said public hearing to be published in an official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be given not less than 10 days, and not more than 20 days before the date of public hearing, in the following form:

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

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

DATED: LaGrangeville, New York
July 10, 2013



Christine O'Reilly-Rao
LaGrange Town Clerk