

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

**Special Town Board Meeting
May 1, 2015**

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

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

A special meeting of the Town Board was held on Friday, May 1, 2015, at 120 Stringham Road, Town of LaGrange. Supervisor Bell called the meeting to order at 10 am.

A Resolution of Introduction to set a Public Hearing to amend the zoning map of the Town Code which would change various parcels from General Business "GB" and Town Center Business "TCB" to Commercial "C" was passed by the Town Board on March 11, 2015. A Public Hearing on the proposed changes was held on April 22, 2015.

Mr. Bell explained that due to an omission of a parcel in the Resolution (1463 Route 55), as well as incorrect parcel grid numbers for three parcels (349 Noxon Road, 298 Titusville Road and 369 Noxon Road) the Board would have to set another Public Hearing. The revised Resolution and the new Public Hearing Notice would have to be re-circulated as well.

Resolution: Re-Zoning Local Law 1-2015 (SEE ADDENDUM)

Councilman Jessup moved to set a new Public Hearing for May 13, 2015, seconded by Councilman Dyal. A roll call vote was taken. (SEE ADDENDUM)

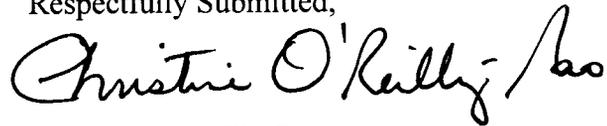
Councilman Luna stated that he voted in favor of setting the Public Hearing even though he was against the re-zoning.

Councilman Polhemus asked if the Board was going to address the comments which were made at the Public Hearing held on April 22nd.

Mr. Bell replied that the attorney and planner have been given copies of the comments and that they would be addressing all of the issues that were brought up at the Public Hearing. He also noted that the EAF, which was sent to the County, included the parcel which was omitted in the Resolution as well as the correct identifying parcel grid numbers which were incorrectly identified in the Resolution. A brief discussion followed

Councilman Jessup, seconded by Councilman Polhemus moved to adjourn at 10:12 am. The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink that reads "Christine O'Reilly-Rao". The signature is written in a cursive style with a large initial 'C' and 'R'.

Christine O'Reilly-Rao
Town Clerk

ADDENDUM

- Resolution: Re-Zoning Local Law 1-2015

Town Board of the Town of LaGrange

Resolution

Introduction of Revised Proposed Local Law No. ___ of 2015,

“A Local Law Amending the Town of LaGrange Zoning District Map Established Pursuant to Town Code Chapter 240 (“Zoning”), Article II (“Establishment and Designation of Districts”), Section 240-22 (“Zoning Map”) in Order to Change the Zoning District Designation of Certain Parcels to Commercial (“C”) Zoning District”

May 1, 2015

Motion by: Councilman Jessup

Seconded by: Councilman Dyal

Whereas:

1. The Town Board of the Town of LaGrange is authorized to by Article X, Section 240-100 (“Amendments”) of the Town of LaGrange Zoning Law, Subsection A, to amend both the Town of LaGrange Zoning Law and/or the Zoning Map on its own initiative.
2. By a Resolution, dated March 11, 2015, on its own initiative, the Town of LaGrange Town Board introduced a Local Law amending the Town of LaGrange Zoning District Map, established pursuant to Article II, Section 240-22 of the Town Zoning Law, in order to change the zoning district designation of certain parcels of land in the Town to Commercial (“C”) Zoning District. A copy of the Local Law introduced by that Resolution is attached as Exhibit A. The location of this parcel in the Town, and in relation to the other parcels proposed to be rezoned in the same area, is attached as Exhibit B.
3. The purpose of this Resolution is to present and introduce a revised version of the proposed amendment. The revised version of the amendment corrects the following minor errors in the original draft of the proposed amendment:

(a) Tax Parcel Number 133400-6560-01-457972, located at 1463 Route 55 in the Town of LaGrange, was inadvertently omitted from the draft proposed amendment and should have been included in the original draft of the amendment in the group of Parcels designated as “Group 2: The Route 55/82 Area” [Although not mentioned in the text of the original draft of the amendment, the parcel was shown as being included in the amendment on the map of parcels to be rezoned which was attached to

the original amendment draft (see Exhibit A)]; and

(b) incorrect tax parcel numbers were listed in the draft proposed amendment for the three parcels in "Group 3: The Noxon-Titusville area, with the correct Tax Parcel Numbers being 133400-6360-03-259493, located at 349 Noxon Road; 133400-6360-03-241471, located at 298 Titusville Road; and 133400-6360-03-279450, located at 369 Noxon Road.

4. The proposed amendment has been revised to correct the errors described above. A revised draft of the proposed amendment is attached as Exhibit C. The only revisions to this version of the proposed amendment are: (a) the addition of Tax Parcel Number 133400-6560-01-457972, located at 1463 Route 55; and (b) the correction of the Tax Parcel Numbers for the three parcels in "Group 3: The Noxon-Titusville Area". The revisions are shown on the revised version of the amendment in Exhibit C in red text.
5. Pursuant to the revised proposed amendment, the Town of LaGrange Zoning Map, as established by Section 22 of Chapter 240 of the Town of LaGrange Town Code shall be amended as is described in the revised version of the proposed Local Law (amendment) which is attached hereto as Exhibit C and made a part hereof.
6. The reasons in support of the proposed amendment and why it is warranted are unchanged:
 - 6.1. All of the areas where these parcels are located are at or near the intersection of major State or County highways.
 - 6.2. The current uses of the majority of the parcels to be rezoned pursuant to the proposed amendment are more consistent with the Commercial ("C") Zoning District designation, then they are with either a General Business ("GB") or Town Center Business ("TCB") designation.
 - 6.3. The changes to be accomplished by the proposed amendment will support those goals in the Town of LaGrange Comprehensive Plan of encouraging expansion of commercial development in these areas, and expansion of existing retail and commercial uses in these areas. At the same time, these changes will not have any adverse impacts upon the Town's open space or rural character.
 - 6.4. The changes proposed by this amendment will encourage a revitalization or redevelopment of properties in these areas which have either become vacant or been kept from being updated.

7. The changes proposed by this amendment will benefit the Town of LaGrange as a community in a variety of ways. These benefits are unchanged from the original draft of the amendment. The changes accomplished by the proposed amendment will:
 - 7.1. result in a reduction of non-conforming uses in the Town;
 - 7.2. increase the variety of permitted commercial uses in the Town;
 - 7.3. encourage economic development;
 - 7.4. provide and enhance employment opportunities in the Town;
 - 7.5. broaden the commercial tax base, thus benefitting residential taxpayers;
 - 7.6. help provide and expand necessary and desirable services to Town residents; and
 - 7.7. allow existing businesses, currently restricted by their non-conforming use status, to enhance their operations and have a greater chance for continuing success.
8. In addition to the foregoing, the changes that will be accomplished by the proposed amendment are supported by the criteria for making zoning changes which are set forth in Section 240-101(A) of the Town of LaGrange Zoning Law.
9. For all of the reasons stated above, the Town Board desires to consider the enactment of the proposed Local Law in the manner set forth in the Town Code and the related provisions of the New York State Town Law, the New York State General Municipal Law, the New York State Municipal Home Rule Law and the New York State Environmental Conservation Law.
10. On March 11, 2015, the Town Board determined classified the proposed amendment, which shall be called the "Proposed Action", for the purposes of the State Environmental Quality Review Act (SEQRA), as a Type I action under SEQRA because the Proposed Action makes changes in the allowable uses within any zoning district, affecting 25 or more acres of the district [6 NYCRR 617.4(b)(2)] and because the Proposed Action affects land substantially contiguous to a site (the Taconic Parkway) listed on the National Register of Historic Places [6 NYCRR 617.4(b)(10)].
11. On March 11, 2015, the Town Board determined further that it would be the only involved agency, as defined in SEQRA, with respect to the Proposed Action. Hence, the Town Board declared itself to be the SEQRA Lead Agency, and

identified the Town Planning Board and the Dutchess County Department of Planning and Development as interested agencies.

12. On March 11, 2015, in accordance with the classification of the Proposed Action as a Type I action and the Town Board's designation of itself as SEQRA Lead Agency, the Town Board accepted as part of the record the Full EAF Parts 1, 2 and 3 which were been prepared for the Board's consideration by the Town Board's planning consultant.
13. On March 13, 2015, in accordance with Sections 239-l and 239-m of the New York State General Municipal Law, and further in accordance with Article X, Section 240-102 of the Town of LaGrange Town Code, the Town Board referred the original version of the proposed Local Law to the Dutchess County Department of Planning and Development for its additional review and an advisory opinion.
14. On April 8, 2015, The Dutchess County Department of Planning and Development issued an advisory opinion and comment on the original version of the proposed Local Law. The Town Board is in the midst of considering and deliberating upon that advisory opinion.
15. On April 22, 2015 the Town Board held a public hearing session on the proposed Local Law at the Town of LaGrange Town Hall, 120 Stringham Road in the Town of LaGrange. The Town Board received written and oral comment from the public and is in the midst of considering and deliberating upon those comments.

Now, Therefore Be It Resolved

- A. The Town Board hereby introduces a revised version of "A Local Law Amending the Town of LaGrange Zoning District Map Established Pursuant to Town Code Chapter 240 ("Zoning"), Article II ("Establishment and Designation of Districts"), Section 240-22 ("Zoning Map") in Order to Change the Zoning District Designation of Certain Parcels to Commercial ("C") Zoning District", revised as has been described above herein. A copy of the revised Local Law is attached as Exhibit C.
- B. In accordance with Article X, Section 240-103 of the Town of LaGrange Code, the Town Board hereby schedules a second public hearing on the proposed Local Law for Wednesday, May 13, 2015, at 7:00 PM, at the Town of LaGrange Town Hall, 120 Stringham Road, in the Town of LaGrange, Dutchess County, NY. The Town Board directs the Town Clerk to provide notice to the public of this public hearing in accordance with the provisions of Article X, Section 240-103(A) of the Town Code, including by publication and personal notice as set forth in that section of the Town Code. Due to the proximity of the Taconic State

Parkway to the Proposed Action, personal notice shall be provided to the New York State Department of Transportation. The purpose of this public hearing session shall be to afford the public an opportunity to comment further on the proposed Local Law as revised to include Tax Parcel Number 133400-6560-01-457972.

- C. In accordance with Sections 239-l and 239-m of the New York State General Municipal Law, and further in accordance with Article X, Section 240-102 of the Town of LaGrange Town Code, the Town Board refers the revised version of the proposed Local Law to the Dutchess County Department of Planning and Development for its additional review and an advisory opinion. The Town Board directs the Town Clerk to make the referral in conformity with the applicable provisions of New York State General Municipal Law Section 239 and Section 240-102 of the Town Code. The purpose of this second referral shall be to afford the Dutchess County Department of Planning and Development an opportunity to review the revised proposed amendment comment further, as necessary, on the proposed Local Law as revised.

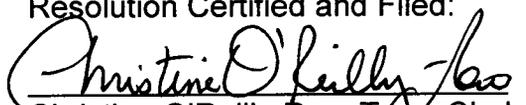
Annexed documents:

1. Original version of proposed amendment (before revision).
2. Map showing parcels affected by proposed amendment.
3. Revised proposed amendment.

Whereupon the above Resolution was put to a Roll Call vote:

Supervisor Alan Bell	AYE
Councilman Edward P. Jessup	AYE
Councilman Joseph J. Luna	AYE
Councilman Andrew P. Dyal	AYE
Councilman Gary Polhemus	AYE
Resolution Declared: X Adopted	_____ Defeated

Resolution Certified and Filed:


Christine O'Reilly-Rao, Town Clerk

Date: May 1, 2015

Exhibit A

ORIGINAL Resolution Introducing:

A Local Law Amending the Town of LaGrange Zoning District Map Established Pursuant to Town Code Chapter 240 ("Zoning"), Article II ("Establishment and Designation of Districts"), Section 240-22 ("Zoning Map") in Order to Change the Zoning District Designation of Certain Parcels to Commercial ("C") Zoning District

**Town of LaGrange
Dutchess County, New York**

Proposed Town of LaGrange Local Law No. __ of 2015

A Local Law Amending the Town of LaGrange Zoning District Map Established Pursuant to Town of LaGrange Town Code Chapter 240 ("Zoning"), Article II ("Establishment and Designation of Districts"), Section 240-22 ("Zoning Map") in Order to Change the Zoning District Designation of Certain Parcels to the Commercial ("C") Zoning District.

Be it Enacted by the Town Board of the Town of LaGrange, Dutchess County, New York, as follows:

Section I. Title

This Local Law shall be known as the "A Local Law Amending the Town of LaGrange Zoning District Map Established Pursuant to Town Code Chapter 240 ("Zoning"), Article II ("Establishment and Designation of Districts"), Section 240-22 ("Zoning Map") in Order to Change the Zoning District Designation of Certain Parcels to Commercial ("C") Zoning District", adopted as Town of LaGrange Local Law No. __ of 2015.

Section II. Enactment

This Local Law is adopted and enacted pursuant to the authority and power granted by Municipal Home Rule Law of the State of New York, Articles 2 and 3, and pursuant to Article 2 of the New York State Statute of Local Governments. This Local Law is also enacted pursuant to the authority and power granted by Article X, Section 240-100 ("Amendments") of the Town of LaGrange Zoning Law.

Section III. Amendment of Town Code Chapter 240, Zoning, and the Zoning Map

The Zoning Map, as authorized by Article II, Section 240-22 of the Town Code entitled "Zoning Map", shall be amended so as to change the zoning district designation of certain parcels of land in the Town as described below.

Group 1: The Town Center Area.

The Town of LaGrange Zoning Map established by Section 240-22 of Chapter 240 Town of LaGrange Town Code shall be amended to change the zoning district designation of the following parcels of land situated in the Town of LaGrange from General Business ["GB" (formerly "C-2")] Zoning District to the Commercial ("C") Zoning District:

Tax Parcel Number	Commonly Known Address
133400-6460-02-945946	22 Taconic Center Lane

The Town of LaGrange Zoning Map established by Section 240-22 of Chapter

240 Town of LaGrange Town Code shall also be amended to change the zoning district designation of the following parcels of land situated in the Town of LaGrange from Town Center Business ["TCB" (formerly "TC-B")] Zoning District to the Commercial ("C") Zoning District:

Tax Parcel Number	Commonly Known Address
133400-6460-02-802900	1215 Route 55
133400-6460-02-827873	Route 55
133400-6460-02-823867	1224 Route 55

Group 2: The Route 55/82 Area

The Town of LaGrange Zoning Map established by Section 240-22 of Chapter 240 Town of LaGrange Town Code shall be amended to change the zoning district designation of the following parcels of land situated in the Town of LaGrange from General Business ["GB" (formerly "C-2")] Zoning District to the Commercial ("C") Zoning District:

Tax Parcel Number	Commonly Known Address
133400-6560-02-501968	1477 Route 55
133400-6560-02515970	1489 Route 55
133400-6560-02-546974	1493 Route 55
133400-6560-02-564958	Route 82
133400-6560-02-601974	2295 Route 82
133400-6560-02-546919	1502-1504 Route 55
133400-6560-02-541906	1498 Route 55
133400-6560-02-530919	1496 Route 55
133400-6560-02-504909	1486 Route 55
133400-6560-01-492906	1482 Route 55
133400-6560-01-473908	1474 Route 55
133400-6560-01-417899	1456 Route 55

Group 3: The Noxon-Titusville Area

The Town of LaGrange Zoning Map established by Section 240-22 of Chapter 240 Town of LaGrange Town Code shall be amended to change the zoning district designation of the following parcels of land situated in the Town of LaGrange from General Business ["GB" (formerly "C-2")] Zoning District to the Commercial ("C") Zoning District:

Tax Parcel Number	Commonly Known Address
133400-6560-03-259493	349 Noxon Road
133400-6560-03-241471	298 Titusville Road
133400-6560-03-279450	369 Noxon Road

Section IV. Directive to Amend Town Zoning Map

The Town Zoning Map, as established by Section 240-22 of the Town of LaGrange Town Code, shall be amended to depict the new boundaries of the General Business ("GB"), Town Center Business ("TCB") and Commercial ("C") Zoning Districts as those amended boundaries are established and described in this Local Law. A copy of the amended Town Zoning Map shall also be attached to this Local Law at the time such Local Law is filed with the New York State Secretary of State.

Section V. Severability

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

Section VI. Interpretation: Conflict with Other Laws

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or general welfare. Whenever the requirements of this Local Law are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinance, or local law, the more restrictive provisions, or those imposing the higher standard shall govern.

Section VII. Effective Date

This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.

Exhibit B

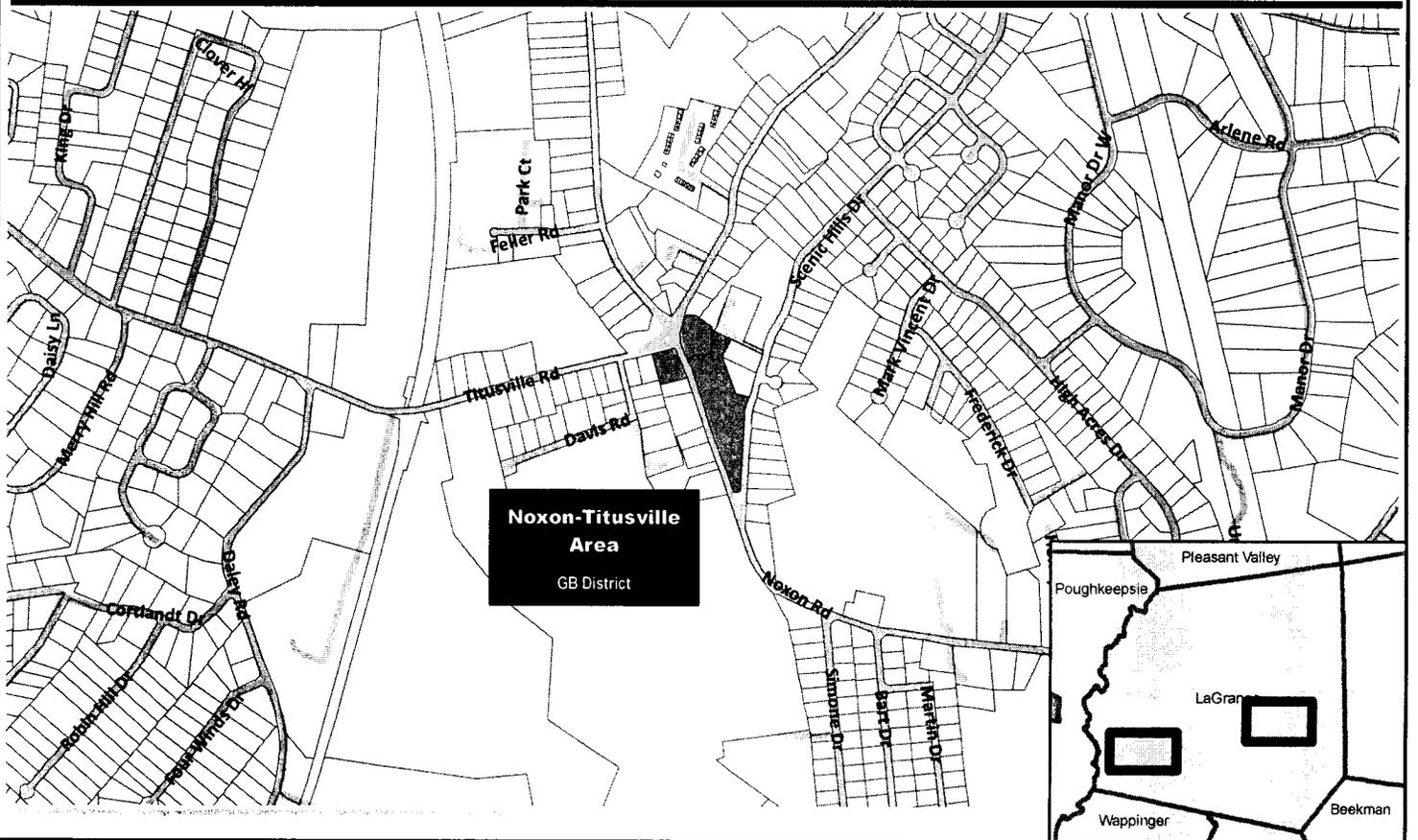
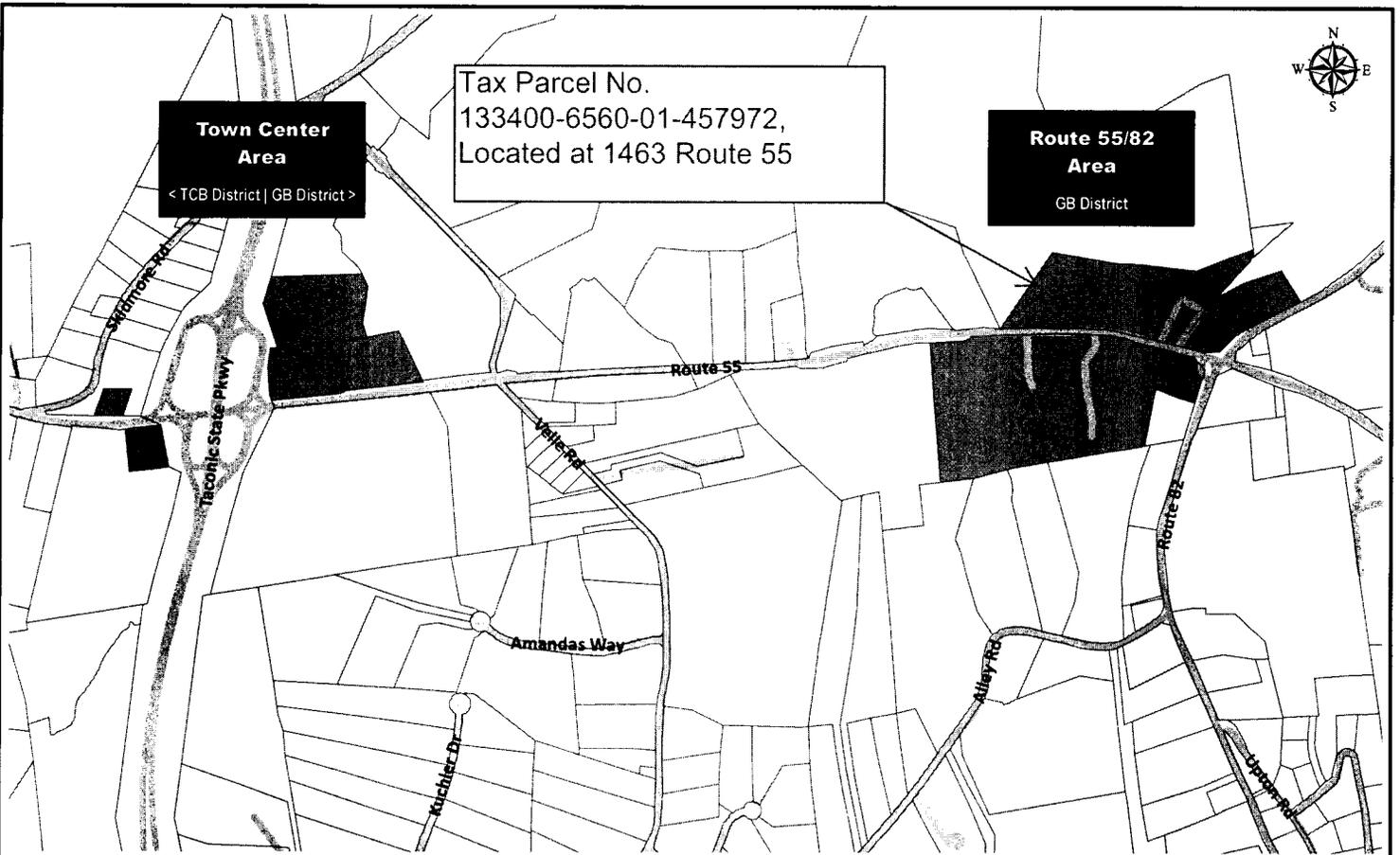
Map Depicting All Parcels to be Rezoned Pursuant to
Proposed Town of LaGrange Local Law No. ___ of 2015,
including Tax Parcel 133400-6560-01-457972



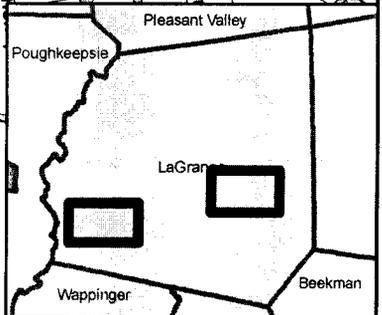
Town Center Area
< TCB District | GB District >

Tax Parcel No.
133400-6560-01-457972,
Located at 1463 Route 55

Route 55/82 Area
GB District



Noxon-Titusville Area
GB District



Clark Patterson Lee
DESIGN PROFESSIONALS

103 EXECUTIVE DRIVE
NEW WINDSOR, NY 12553
800-274-9000
www.clarkpatterson.com

DATE: 03/02/15
DRAWN: JWS
CHECKED: GWB
SCALE: 1"=1,200'
PROJ. #: 12977.02

Location Map
Commercial Rezoning SEQRA
Town of LaGrange, Dutchess County, New York

Exhibit C

REVISED Proposed Town of LaGrange Local Law No. ___ of 2015

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Dutchess County, New York**

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Group 1: The Town Center Area.

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133400-6560-01-457972	1463 Route 55

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Section V. Severability

The invalidity of any part or provision (e.g., word, section, clause, paragraph, sentence) of this Local Law shall not affect the validity of any other part of this Law which can be given effect in the absence of the invalid part or provision.

Section VI. Interpretation: Conflict with Other Laws

In their interpretation and application, the provisions of this Local Law shall be held to be minimum requirements adopted for the promotion of the public health, safety, or general welfare. Whenever the requirements of this Local Law are inconsistent with the requirements of any other lawfully adopted rules, regulations, ordinance, or local law, the more restrictive provisions, or those imposing the higher standard shall govern.

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This Local Law shall take effect immediately upon the filing with the Office of the Secretary of State of the State of New York, in accordance with the applicable provisions of law, and specifically Article 3, Section 27 of the New York State Municipal Home Rule Law.