

RESOLUTION

A RESOLUTION OF THE TOWN OF LAGRANGE TOWN BOARD TO: (I) DETERMINE THAT A FINAL SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (“FSGEIS”) RELATING TO CERTAIN PROPOSED AMENDMENTS TO THE TOWN OF LAGRANGE ZONING MAP AND COMPREHENSIVE PLAN IS COMPLETE; (II) SCHEDULE A PUBLIC HEARING ON THE FSGEIS; (III) SCHEDULE A PUBLIC HEARING ON THE PROPOSED AMENDMENTS TO THE TOWN COMPREHENSIVE PLAN AND ZONING MAP; AND (IV) DIRECTING THE APPROPRIATE TOWN STAFF TO CIRCULATE AND PUBLISH THE NECESSARY NOTICES

WHEREAS, the Town of LaGrange Town Board (the “Town Board”) is considering certain amendments to the Town of LaGrange Zoning Map (“Zoning Map”) and Town of LaGrange 2005 Comprehensive Plan (“Comprehensive Plan”), collectively referred to hereafter as the “Proposed Action;” and

WHEREAS, the Proposed Action consists of the evaluating the adoption of amendments to the Zoning Map to change 2 parcels west of the Taconic State Parkway on State Route 55 from the Town Center-Business (TC-B) District to the Commercial (C) District, 16 parcels east of the Taconic State Parkway on State Route 82 and 55 from the General Business (GB) District to the Commercial (C) District, and an approximately 0.50 acre portion of a 68.5-acre parcel in the Residential Low Density (RLD) zoning district, to the Commercial (C) District for a total of 19 parcels rezoned to the Commercial (C) District (hereafter, the “Zoning Map Amendments”); and

WHEREAS, the Proposed Action further consists of the preparation of and evaluating the adoption of certain amendments to the Comprehensive Plan recommending a change in future land use and development around the intersections of State Route 55 and the Taconic State Parkway and State Routes 82 and 55 and reflecting the amendments to the Zoning Map (hereafter, the “Comprehensive Plan Amendments”); and

WHEREAS, the Proposed Action also includes evaluating whether the future land use and development around the intersections of State Route 55 and the Taconic State Parkway and State Routes 82 and 55 may result in any significant adverse environmental impacts, including, *inter alia*, a proposal by Stewart’s Shops Corporation to locate a gas station and convenience store at the intersection of State Routes 82 and 55;

WHEREAS, on February 26, 2020, the Town Board determined it was necessary to prepare a Supplemental Generic Environmental Impact Statement (“SGEIS”) to assess certain new information that was presented to the Town regarding the Stewarts Project including facts related to, *inter alia*, traffic, community character, and cumulative impacts, which the Town Board has determined should be considered in the Town Board’s evaluation of the future land use and development around the intersections of State Route 55 and the Taconic State Parkway and State Routes 82 and 55; and

WHEREAS, on March 11, 2020, after circulating a Notice of Intent to which no objections were received, the Town Board declared itself the SEQRA Lead Agency for the Proposed Action and to prepare the SGEIS; and

WHEREAS, on November 18, 2020, after a duly noticed public hearing conducted on October 14, 2020, the Town Board adopted a Final Scope for the SGEIS pursuant to 6 N.Y.C.R.R. Section 617.8 (“Final Scope”); and

WHEREAS, Town Staff and Professional Consultants presented the Town Board with a proposed DSIGEIS, dated March 15, 2021 (“DSIGEIS”) for consideration with the opinion that the Board deem such document adequate for public review; and

WHEREAS, The Town Board determined that the DSIGEIS was adequate with respect to the Final Scope and content for the purpose of commencing public review pursuant to 6 N.Y.C.R.R. Section 617.9, and subsequently accepted comments on the DSIGEIS, Comprehensive Plan Amendments and Zoning Map Amendments from the public and involved/interested agencies during a period lasting between April 21, 2021 through September 4, 2021, including a duly noticed public hearing occurring in person on August 25, 2021; and

WHEREAS, Town Staff and Professional Consultants have presented the Town Board with a proposed draft of the FSIGEIS for consideration with the opinion that the Town Board deem such document complete pursuant to 6 N.Y.C.R.R Section 617.9; and

WHEREAS, the Town Board desires to conduct a public hearing on the FSIGEIS, as well as comply with the provisions of 6 N.Y.C.R.R. Section 617.11(a) regarding providing the public and agencies a reasonable time to consider the FSIGEIS prior to the Town Board issuing Findings; and

WHEREAS, The Town Board further desires to conduct a public hearing under Town Law Section 272-a, as required prior to the adoption of any proposed Comprehensive Plan Amendments; and

WHEREAS, the Town Board further desires to schedule another public hearing to obtain comments on the Zoning Map Amendments.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board hereby determines that the FSIGEIS is complete pursuant to 6 N.Y.C.R.R. Section 617.9; and

2. The Town Board hereby directs the appropriate Town Staff to: (i) file a copy of the FSIGEIS with the Town Supervisor, the Town Board and all other required parties pursuant to 6 N.Y.C.R.R. Section 617.12(b); (ii) post a copy of the FSIGEIS on the Town’s website and otherwise make the document available to any party requesting to review it; and (iii) distribute a notice of completion in accordance with SEQRA, including providing a copy of said notice to the New York State Department of Environmental Conservation (“NYSDEC”) for posting on the Environmental Notice Bulletin (“ENB”); and

3. The Town Board hereby further determines that it shall hold a public hearing to accept comments on the FSGEIS on December 22, 2021 (“Public Hearing”), and directs Town Staff to distribute and publish in the newspaper and ENB the appropriate notice; and

4. The Town Board hereby further determines that during the Public Hearing on December 22, 2021, it shall accept comments from the public regarding the proposed Comprehensive Plan Amendments, and directs Town Staff to distribute and publish in the newspaper the appropriate notice of such hearing. The Town Board shall also accept written comments from the public on the proposed Comprehensive Plan Amendments during a period commencing on November 4, 2021 and lasting up to the close of the Public Hearing; and

5. The Town Board hereby further determines that it shall accept comments from the public to assist it in the consideration of the Zoning Map Amendments during the December 22, 2021 Public Hearing, and directs Town Staff to distribute and publish in the newspaper the appropriate notice. The Town Board shall accept written comments on the Zoning Map Amendments during a period commencing on November 4, 2021 and lasting up to the close of the Public Hearing.

Dated: November 3, 2021

Motion: Mr. Jessup

Second: Mr. Ryan

Ayes 5 Nays 0

Supervisor Bell
Councilman Jessup
Councilman Luna
Councilman Ryan
Councilman Baright

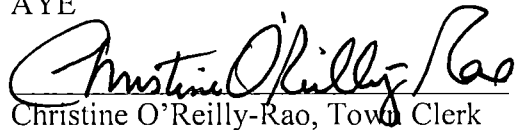
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Christine O'Reilly-Rao, Town Clerk

NOTICE OF COMPLETION OF FINAL SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (“FSGEIS”) AND PUBLIC HEARINGS

TAKE NOTICE, that the Town Board of the Town of LaGrange accepted as complete a Final Supplemental Generic Environmental Impact Statement (“FSGEIS”) on November 3, 2021. The FSGEIS evaluated: (a) potential amendments to the Town’s 2005 Comprehensive Plan relating to the rezoning of various parcels along Route 55 in the Town between the Taconic State Parkway and Route 82 to the Commercial (C) District (“Comprehensive Plan Amendments”); and (b) amendments to the Town Zoning Map to change as many as 19 parcels along Route 55 between the Taconic State Parkway and Route 82 in the Town to the Commercial (C) District, including an alternative of rezoning only 17 of said parcels to said District.

PLEASE TAKE FURTHER NOTICE, that the Town Board of the Town of LaGrange will hold a public hearing on December 22, 2021 at 7:00 o’clock, p.m., regarding: (1) the FSGEIS; (2) the aforementioned Comprehensive Plan Amendments; and (3) a proposed Local Law to amend the Town Zoning Map, by **changing the zoning designation of a total of 17 parcels along Route 55 in the Town to the Commercial (C) District**, including: (i) 16 parcels east of the Taconic State Parkway on State Routes 55 and 82 located in the General Business (GB) District; and (ii) a portion of a 68.5-acre parcel located in the Residential Low Density (RLD) zoning district. The public hearing will be held at 120 Stringham Road, LaGrangeville, New York, and is open to the public. Submission of written materials may be submitted electronically to oreillyrao@lagrangeny.gov. from November 4, 2021 up until the close of the public hearing.

TAKE FURTHER NOTICE, that copies of the aforesaid FSGEIS, the proposed Comprehensive Plan Amendments and proposed Local Law Zoning Map amendments are available on the Town’s Website at: www.lagrangeny.gov. Copies will also 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 by appointment between the hours of 8:30 a.m. and 4:00 p.m. on all business days, between the date of this notice and the date of the public hearing.

For additional information, please contact:

Lead Agency:
Town of LaGrange Town
Alan Bell, Supervisor
120 Stringham Road, LaGrangeville, NY 12540
Phone: 845-452-9064 Email: abell@lagrangeny.gov

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
November 3, 2021


CHRISTINE O'REILLY-RAO,
TOWN CLERK

Town of LaGrange
2005 Comprehensive Plan Amendment
& Proposed Zoning changes
Final Supplemental GEIS
Comments and Responses to Draft Supplemental GEIS

Location:

Town of LaGrange, Dutchess County, New York

Lead Agency:

Town of LaGrange Town Board
Alan Bell, Town Supervisor
120 Stringham Road, LaGrangeville, NY 12540
Phone: 845-452-9064 Email: abell@lagrangeny.gov

For Questions/Comments:

Alan Bell, Town Supervisor
120 Stringham Road, LaGrangeville, NY 12540
Phone: 845-452-9064 Email: abell@lagrangeny.gov

Action:

The proposed action entails the adoption of amendments to the 2005 Comprehensive Plan and amendments to the Town Zoning Map to change 2 parcels west of the Taconic State Parkway on State Route 55 from the Town Center-Business (TC-B) District to the Commercial (C) District and 16 parcels east of the Taconic State Parkway on State Route 82 and 55 from the General Business (GB) District to the Commercial (C) District. In addition, a portion of a 68.5-acre parcel in the Residential Low Density (RLD) zoning district, approximately 0.50 acres, would be rezoned to the Commercial (C) District. A total of 19 parcels are proposed to be rezoned to the Commercial (C) District.

FGEIS Prepared By:

CPL (Clark Patterson Lee)
50 Front Street
Suite 202
Newburgh, NY 12550

Date of DSGEIS Acceptance:	<u>April 28, 2021</u>
DSGEIS Comment Period:	<u>August 26, 2021 to September 8, 2021</u>
DSGEIS Public Hearing:	<u>August 25, 2021</u>
Date of FSGEIS Acceptance:	<u>November 3, 2021</u>

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Section 1. Introduction

This document summarizes and responds to all substantive comments on the Draft Supplemental Generic Environmental Impact Statement (DSGEIS) for the *2005 Comprehensive Plan Amendment & Proposed Zoning Changes* made during the public review period. The DSGEIS was accepted by the Town Board on April 28, 2021, with a public hearing held on August 25, 2021 at Town Hall. During this time, public comments on the DSGEIS were solicited at the public hearing as well as during the public comment period, which closed on September 8, 2021. Several speakers provided comments during the hearing, which were transcribed, and several written letters were provided to the Town (noted in Appendix A and B). Section 2 of this document lists the individuals, entities, and/or organizations that commented on the DSGEIS. Section 3 summarizes and responds to the substance of these comments. These summaries convey the substance of the comments, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and grouped together accordingly for ease in disseminating the information contained within.

This environmental impact statement for the adoption of the updated Comprehensive Plan and proposed Zoning Code amendment (the "Proposed Action") has been prepared as a supplemental Generic Environmental Impact Statement (GEIS). Implementation of the goals expressed in the Comprehensive Plan would generally take the form of, among other changes:

1. Changes to the purpose and future land use of portions of the State Route 55 corridor between Town Center and State Route 82 within the Comprehensive Plan in order to expand commercial development opportunities in this "interchange" area close to the Taconic State Parkway; and
2. Re-designating a number of properties in the same area from Town Center-Business (TC-B), and General Business (GB), as well as a portion of one lot located in the Residential Low Density (RLD) District, to Commercial (C) Zoning Districts in order to better reflect the pattern of development along this corridor, as well as bring the uses into conformity with zoning.

Under SEQRA regulations (6 NYCRR §617.10), a Generic EIS (GEIS) can be prepared when a proposed action entails a wide application and defines a range of potential projects. A GEIS is "...a type of EIS that is more general than a site-specific EIS, and typically used to consider broad-based actions of related groups of actions that agencies are likely to approve, fund, or directly undertake" and as further noted that "... a [GEIS] differs from a site or project specific EIS by being more general or conceptual in nature."

Importantly, the Proposed Action is legislative and generic in nature, not project-specific, and does not directly result in physical changes to the environment. The proposed adoption of the updated Comprehensive Plan and Zoning Code updates may affect the size, type, and form of future development permitted in the subject areas, but not to a significant level than what already is permitted in the area under the current zoning structure. The Lead Agency has identified the potential "worst case" build out under the Proposed Action (*i.e.*, rezoning to Commercial), and compared such development to the current pattern of development and intensity of use along the subject corridor; this is noted on pages 5-8 (Executive Summary) of the DSGEIS. This comparison demonstrated that the potential expansion of commercial uses along the corridor that could occur under the Proposed Action would not significantly increase the intensity of uses, traffic, or other demands on municipal resources. In addition, this generic assessment of development potential indicated that areas of environmental concern, such

as wetlands, the aquifer, or important habitat would not be impacts, particularly since the Proposed Action would not change the existing local, state and federal regulatory protections governing development near such resources. Since this assessment was generic in nature in accordance with SEQRA, any future development proposal would be subject to a site-specific environmental review in accordance with State law and the Town's local land use review regulations.

All descriptions, comments, evaluations and recommendations regarding potential environmental impacts, and their significance, are based on data available at the time this Final SGEIS was printed. This Final SGEIS complies with the requirements of SEQRA as to scope, adequacy and content. It addresses the reasonably anticipated adverse and beneficial environmental impacts that may be generated by the proposed application. Following acceptance of the Final SGEIS and pending any changes to the SGEIS, the Town of LaGrange can, no sooner than 10 days nor more than 30 days after FSGEIS publication, issue a findings statement in accordance with SEQRA regulations.

Section 2. List of Commenters

Public Hearing*

1. Unidentified speaker
2. Peter Lucas (330 Skidmore Road)
3. Jenna Survier (Barmore Road)
4. Drew Gamils
5. Tracey Johnson
6. Joseph Luna

**No sign in sheet was provided. Misspelling of any names is not intentional and transcribed to the best ability.*

Written Comments

1. Angelina Alvarez (two emails)
2. John Cantamessa
3. Francine and Thomas Clemens
4. MaryAnn Gillespie
5. William and Christine Hongach
6. Mark Jennings (letter via email)
7. Lo-Soun and Jean Su
8. Laura R. Lowe
9. Keith Lurken
10. Ursula Macpherson
11. Anna Martin
12. Matt Ilardi
13. Steve McKenna
14. Nathaniel J. Parish, AICP, Parish & Weiner, Inc. (letter via email)
15. Gail & James Pfitzner
16. Nicole Raskopf
17. Luke Reed
18. Jill Rose
19. Mark Schmid

20. Susan Kavy (letter via email)
21. Kathleen Susman
22. Victoria Klose

**All comments were provided via email unless noted.*

Section 3. Comments and Responses

3.1 CHARACTER

Comment 3.1-1: General statement on preservation of the existing rural character of the area and the impact of rezoning and additional development on it.

Response 3.1-1: The pattern of development in the area that is the subject of the Proposed Action is not rural in nature. The majority of the parcels are currently within the Town's General Business (GB) District (formerly C-2). All but one other lot is located in the Town Center Business (TCB) District. The remaining lot is located in the Residential Low Density (RLD); however, this lot is currently utilized as a mine/quarry. The character of this area can be classified as an "interchange" catering to automobile-centric commercial uses due to the proximity of the Taconic State Parkway. The proposed rezoning would not change the character of the area in a significant fashion compared to what it is now. The intent is to expand somewhat the allowable commercial uses along this corridor to spur redevelopment on long underutilized lots, as well as bring several non-conforming uses into compliance with zoning.

A comparison of the impacts of the current uses in the area subject to the Proposed Action with the impacts of the development potential of the same lots under the proposed Commercial (C) District zoning demonstrated that the added potential uses would not significantly change traffic patterns, intensity of allowable uses or other aspects adding to the character of this interchange area. In addition, existing site plan review procedures as well as environmental protection regulations at the local, State, and Federal level for natural resources or specific land uses, as noted in Section 4.0 of the DSGEIS, would provide the Town Board and/or Planning Board with the authority to require more enhanced site design when a specific redevelopment proposal is presented in order to better conform with the current character of the corridor. The character and design of any commercial development within the Town remains an important aspect in the site design process regardless of the zoning district. As such, design standards exist for the Commercial District (which remain consistent with the current GB District zoning for much of the area) whose purpose is to *"provide positive examples of the forms and patterns of development that are desirable within the C and GB Districts of the Town of LaGrange and consistent with Greenway Design Principles. They are also intended to encourage development that is in keeping with the Town's semirural character and its aesthetic environment."* (§240-39A of the Town Code).

Comment 3.1-2: The rezoning will result in increased noise and disruption of the character of the area.

Response 3.1-2: The corridor is currently a State Route, is posted as a truck route and classified by the NYS Dept. of Transportation (NYSDOT) as an *urban principal arterial – other* (code #14) which is defined as a roadway that “serve[s] the major centers of activity of a metropolitan area, the highest traffic volume corridors; carry a high proportion of the total urban area travel on a minimum mileage. The principal arterial system should carry the major portion of trips entering and leaving the urban area, as well as the majority of through movements desiring to bypass the central city. Almost all fully and partially controlled access facilities will be part of this functional system.” Route 55 is classified as such from its western terminus with US Route 9 to State Route 22, it’s eastern terminus. As noted in comment 3.1-1, commercial development is already permitted in the areas subject to this rezoning with any associated impacts associated with noise from current ambient levels inherently assumed to occur; an assessment of the general noise levels associated with similar transportation corridors is noted on pages 39-40 (Section 3.4, Infrastructure/Transportation Network) and page 56 (Section 4.2, Transportation Evaluation) of the DSGEIS. As also noted in comment 3.1-1, existing site plan review procedures and local regulations exist to minimize any noise impacts includes setbacks and buffering from adjacent uses.

See NYSDOT functional classification mapping here:

<https://gis.dot.ny.gov/html5viewer/?viewer=FC>

Definitions for various functional classifications:

<https://www.dot.ny.gov/divisions/engineering/applications/traffic-data-viewer/tdv-definitions/Functional-Classifications.htm>

Comment 3.1-3: Commercial uses, such as gas stations, auto services, major auto repair, fast food restaurants, motels, nightclubs and warehousing, will permanently destroy character.

Response 3.1-3: See response 3.1-1 above regarding the existing pattern of development and permitted uses under the current zoning.

Comment 3.1-4: Rezoning will result in "gasoline alley" strip development

Response 3.1-4: The purpose of the proposed rezoning is to facilitate redevelopment along this “interchange” corridor by allowing additional automobile-related commercial uses beyond the various other commercial uses already permitted in this comedically-zoned area. A gasoline filling station is just one of the uses that would be permitted under the Proposed Action. Gas Stations would be permitted by Special Permit, although there are already non-conforming gas station uses developed along the corridor. The mere action of rezoning the area to the Commercial District does not directly translate into the development of multiple additional gas stations, nor does it dictate what the market will or will not allow. Zoning sets the “foundation” for potential development in an area and provides opportunities for various types of development, within the bounds of each zoning district, to occur.

The Town Board is exploring means to attract additional commercial development to this corridor, as well as allow bringing existing non-conforming uses into compliance with zoning. Market forces, local, regional, and beyond, will be the driving factor in what types of uses allowed in the Commercial District will be developed for each parcel of land not only in the subject area, but within the Town as a whole. In addition, any proposed new use (including gas stations) would be subject to site-specific review where the potential impacts on the corridor will be identified, and the appropriate conditions would be incorporated into the development to ensure such impacts would be avoided or appropriately mitigated.

Comment 3.1-5: The rezoning will result in a shopping corridor similar to Route 9.

Response 3.1-5: Comment noted. See response 3.1-1 and 3.1-4 above.

Comment 3.1-6: No need for additional development outside of town center.

Response 3.1-6: Comment noted. See response 3.1-1 and 3.1-4 above.

Comment 3.1-7: Commercial/industrial sprawl needs to stop.

Response 3.1-7: Comment noted. See response 3.1-1 and 3.1-4 above.

Comment 3.1-8: Vacant plazas and abandoned gas stations already exist in the corridor.

Response 3.1-8: See response 3.1-1 and 3.1-4 above. As noted in the DSGEIS, the intent of the rezoning of the subject parcels is to provide opportunities to develop other commercial and related uses beyond those already permitted as well as allow some of these underutilized uses the redevelop or revitalize along with outside market forces and provide more desirable services/operations compared to their existing state. Records are available at Town Hall indicating permit applications and site plans as well as assessment information on the properties subject to the Proposed Action. According to the Town, records show very little, if any, substantial improvements or changes in the subject properties since the 2005 Comprehensive Plan and subsequent rezoning. In fact, a few of the businesses on the properties have closed or become vacant over time, as noted by the commentor in written observations. The Town Board is pursuing strategies, such as the Proposed Action, to attract new investment in these properties and appropriate uses to this “interchange” corridor.

3.2 ECONOMICS

Comment 3.2-1: No economic analysis provided to support the assertion that the rezoning will provide a benefit to the Town of LaGrange.

Response 3.2-1: The current zoning of the subject area consists of commercial uses and the proposed rezoning also consists of commercial uses, with an additional 18-19 uses permitted or specially permitted. While specific estimates on increases in tax revenue related to increased development would be difficult, given the variability of the available types of development, two assumptions are reasonable. An existing business which is able to expand significantly would have a resulting significant increase in its assessed value, and therefore its tax contributions. Second, parcels which currently do not have functioning businesses on them, mostly containing buildings which have not been in use for several years, would have a similar significant increase in values and associated taxes resulting from new development.

This, in turn, provides a general economic benefit by better utilizing underutilized lands, such as those identified as vacant or abandoned in the corridor. As any development is proposed, the Town Board and/or Planning Board can, under site plan review and SEQRA authority, request detailed economic analysis of a proposed use, which would provide the Town with the level of specificity needed to determine whether a proposed use would be a benefit to the community.

Comment 3.2-2: No examination of socio-economic impacts on existing impacts and those "forced out" by new businesses.

Response 3.2-2: See response 3.2-1. The Commentor did not cite any study or other evidence to suggest that rezoning lots currently zoned for GB or TCB, or a mine/quarry use, to Commercial would result in displacement, job loss or other unidentified "socio-economic impacts." The Proposed Action is intended to increase vitality of existing and future commercial uses in the "interchange" corridor, a commercial area driven largely by its proximity to the Taconic State Parkway. The Proposed Action would not render any of the legacy uses on developed lots illegal, or otherwise incapable of continuing operations. The Proposed Action would render 10 of the 19 parcels zoning compliant, to support their continued use and ability to stay competitive by undertaking future improvements without the need for variances

To the extent that the commentor is raising a concern about the potential for new businesses to operate in the Route 55/82 "interchange" corridor that may compete with existing businesses (for example, a new gas station competing with an existing gas station), a discussion of "competitive impacts" would not be appropriate in the SGEIS. See NYSDEC, The SEQR Handbook, (4th Ed.), Chapter 5, Section C-9 (Contents of a Draft EIS) ("[A] potential economic disadvantage caused by competition or speculative economic loss, are not environmental factors").

3.3 FLORA/FAUNA

- Comment 3.3-1: Concerns about whether there were adequate considerations for local flora/fauna.
- Response 3.3-1: Section 4.5 of the DSGEIS examined several elements related to flora and fauna, primarily revolving the presence (potential or otherwise) of endangered/threatened/rare (ETR) species. As noted, the regulations that exist in the Town Code do not pertain to any specific district but rather are feature-based depending on the resources that are present on the subject property – these regulations would apply regardless of the zoning district that was established in the subject area. The Proposed Action would not alter these existing environmental protections for local flora/fauna. As part of the site-specific environmental review of any proposed development, local, State and Federal regulations would need to be followed and processes undertaken to identify any potential impacts to local flora and fauna, ETR or otherwise, and mitigate any impacts to them.
- Comment 3.3-2: Rezoning impact on biodiversity in Sprout Creek corridor.
- Response 3.3-2: See response 3.3-1. Section 4.3.3 (*Waterbodies*) of the DSGEIS provides additional evaluation and impact analysis on Sprout Creek as well as other waterbodies in the subject area. In general summary, the Proposed Action will not change the existing regulatory framework in place to protect biodiversity and the Sprout Creek. Local (Chapter 124 and 204) and State (Article 15 6NYCRR Part 608) laws regulate disturbance of bed or banks of protected waterbodies, including Sprout Creek, through permitting as well as dictate buffer zones for disturbance of land and prohibition of specific uses within that buffer zone, including above- and underground storage. In terms of biodiversity, the buffer zones that are indicated in Chapter 124 and 204 of the Town Code, seek to minimize or prohibit land disturbance, thereby protecting noted species of concerns, which are reptiles/amphibians that are more likely to be found in the immediate vicinity of the Creek and within these buffer areas (see DSGEIS Section 4.5). As further noted in the DSGEIS, “Any development that is proposed within the Project Area would undergo an environmental screening and review that would include consultation with the NYSDEC in conjunction with the Natural Heritage Program and the USFWS to provide up-to-date details or information on the presence of species within the Study Area.”
- Comment 3.3-3: There is no mention of other plants identified by Hudsonia, including Five Angle Field Daughter and Schwab (Swamp?) Cottonwood.

Response 3.3-3: See response 3.3-1. All development in the area subject to the Proposed Action would still be subject to the existing local, state and federal regulations in place to protect the plants identified by the commentator. To the extent that any future proposed development in the area subject to the Proposed Action could potentially impact the plants cited by the commentator, a site-specific review would identify the appropriate measures to avoid or mitigate such impact. It should also be noted that only one of the parcels in the subject area is currently undeveloped with the remaining developed to some extent already and therefore already displacing or impacting any potential current species. Current documents from Hudsonia do not specifically identify these species in the Sprout Creek corridor.

3.4 FORMAT

Comment 3.4-1: EIS contains excessively detailed information, out of line with the NYSDEC SEQRA Handbook (2010 edition)

Response 3.4-1: The DSGEIS addresses potential impacts associated with those elements noted in the scoping process. The main body of the DSGEIS is 83 pages. The material cited by the Commentator as "extraneous and unnecessary" was included in the Appendix, which is consistent with SEQRA Guidance cited by the Commentator (the full portion of which is provided below):

"EISs should be written in plain language that can be read and understood by all. Highly technical material should be summarized in the text of the EIS and, if that technical material must be presented in its entirety, it should be included as an appendix." NYSDEC, The SEQRA Handbook, (4th Ed.) Chapter 5, Section 4.

Comment 3.4-2: Appendix information is considered "non-related."

Response 3.4-2: Comment noted. See response 3.4-1.

Comment 3.4-3: Executive Summary fails to indicate several additional uses that would be permitted in the Commercial (C) District.

Response 3.4-3: Comment noted. The executive summary indicates that additional 18-20 uses would be permitted, though these specific uses are not indicated here, but rather in Section 4.1. As noted in the SEQRA Handbook notes the following:

(page 110), "#4. Must every draft EIS follow the format as described in 617.9(b)? No. The content of the document is much more important than the format. Provided all the elements identified in 617.9(b) are contained somewhere in the EIS, it is acceptable to deviate from the sequence identified in the regulations."

(page 113), "#5. How extensive should the draft EIS Summary be? The Summary (617.9(b)(4)) may be a narrative statement that summarizes the main points of the EIS. It should contain a brief description of the overall proposed action, and list the following:

- *Purpose of and need for the project;*
- *Description of the environmental setting;*
- *Significant beneficial and adverse impacts;*
- *Alternatives considered;*
- *Mitigation measures proposed; and*
- *Issues of controversy (if any)."*

Comment 3.4-4: Length of the DGEIS is about 800 pages including the appendices, filled with copies of other documents of information "unrelated to the actual rezoning." Intentional or not, result is a "diversion blocking a truly careful public review of the impacts."

Response 3.4-4: Comment noted. See response 3.4-1.

Comment 3.4-5: No studies directly for this rezoning.

Response 3.4-5: Comment noted. Several studies were conducted as part of the analysis of the Proposed Action including a review of property zoning conformance (DSGEIS page 13, Table 3-1), a general build-out analysis of each property with site limiting factors (DSGEIS page 45-47), an analysis of changes in permitted/special uses between existing and proposed zoning districts (DSGEIS page 49-50), an analysis of changes in setbacks between existing and proposed zoning districts (DSGEIS page 50), and existing and potential trip generation analysis (DSGEIS pages 52-57).

3.5 GENERAL

Comment 3.5-1: Commentor states "build, expand, improve"

Response 3.5-1: Comment noted. As noted in SEQRA Handbook, page 135, #5 "*The lead agency must respond to substantive comments. General statements of objection or support should be noted in the comment summary but need no response.*"

Comment 3.5-2: Indicates "general devastating effects" of the rezoning.

Response 3.5-2: Comment noted.

Comment 3.5-3: Commentor provides support for the proposal.

- Response 3.5-3: Comment noted. See response 3.5-1.
- Comment 3.5-4: Commenter notes general impacts on environment, traffic, quality of life with no specific examples provided.
- Response 3.5-4: Comment noted. See response 3.5-1.
- Comment 3.5-5: Suspiciously suggestive of illicit relationship between leaders and investors.
- Response 3.5-5: Comment noted. See response 3.5-1.
- Comment 3.5-6: Town should consider overall Comprehensive Plan impacts.
- Response 3.5-6: Comment noted. The Town Board, as lead agency, reviewed the Comprehensive Plan in line with the proposed rezoning and, as noted in various portions of Section 4.0 of the DSGEIS, has determined that amendments to the Plan are warranted with respect to the subject area.
- Comment 3.5-7: Question on the ability of existing homeowners to sell their house?
- Response 3.5-7: Comment noted. Answered during the public hearing (see transcript pages 6-11)
- Comment 3.5-8: Existing commercial buildings are eyesores, previously allowed under old zoning.
- Response 3.5-8: Comment noted. See response 3.1-1 and 3.1-4.
- Comment 3.5-9: Complete update of comprehensive plan needed for rezoning.
- Response 3.5-9: Comment noted. NYS Town Law §272-A does not indicate that a full update of the Comprehensive Plan is required for a rezoning, but rather that *“All town land use regulations must be in accordance with a comprehensive plan adopted pursuant to this section.”* (§272-A.11(a)) The Proposed Action involves a specific location within the Town. The area is a short corridor along Route 55 between the Taconic State Parkway and Route 82, which presents unique commercial planning opportunities and considerations due to its location near major vehicular routes. While the Town Board is weighing the potential impacts and benefits of the Proposed Action in relation to the entire Town, the Town Board concluded that updating the entire Comprehensive Plan in connection with the potential rezoning of the Route 55 corridor was not necessary.
- Comment 3.5-10: Town failed to review the Comprehensive Plan as a whole.
- Response 3.5-10: Comment noted. See responses 3.5-6 and 3.5-9.

3.6 LAND USE

- Comment 3.6-1: Lack of consideration for other projects in area with impact to traffic, water, infrastructure.
- Response 3.6-1: Comment noted. The only other project that is currently before the Town and deemed complete and review for review is the proposed Stewarts development on the northeast corner of State Routes 55 and 82 – no other projects have been provided to the Town for official review to date to assess as part of this generic environmental evaluation.

- Comment 3.6-2: No comprehensive consideration for other projects going on and impacts to future traffic, water, available infrastructure
- Response 3.6-2: Comment noted. See response 3.6-1.
- Comment 3.6-3: No more gas stations
- Response 3.6-3: Comment noted. See response 3.1-1 and 3.1-4.
- Comment 3.6-4: Land use fails to inform that rezoning will encourage development/expansion of auto related uses.
- Response 3.6-4: See Table 3-2 in Section 3.2 of the DSGEIS, entitled "Existing Zoning District Uses". See also, response 3.1-1 and 3.1-4.
- Comment 3.6-5: "Gasoline alley" development impacts for residential properties within corridor.
- Response 3.6-5: Comment noted. See response 3.1-1 and 3.1-4.
- Comment 3.6-6: Assumption that there is a need for more auto-related uses, no data to support this.
- Response 3.6-6: See response 3.1-1 and 3.1-4.
- Comment 3.6-7: Development of excessive automotive businesses, especially gas stations.
- Response 3.6-7: See response 3.1-1 and 3.1-4.
- Comment 3.6-8: Question benefits of rezoning vs. business attraction
- Response 3.6-8: See response 3.1-1 and 3.1-4.
- Comment 3.6-9: Opening up the area to excessive automotive uses in a short stretch
- Response 3.6-9: See response 3.1-1 and 3.1-4.
- Comment 3.6-10: Proposed zoning allows "intense uses" - auto, motels, warehousing, etc.
- Response 3.6-10: The "intensity" of these additional commercial uses is quantified by traffic impacts (evaluated based on known metrics provided by the Institute of Traffic Engineers, see Section 4.2 of the DSGEIS) and buildable area (see Section 4.0 and 4.1 of the DSGEIS) taking into account environmental resources that are present that would remove available land from development. Those several uses that may be considered more "intensive" in terms of operations or traffic, regulations are in place that would limit the size and extent of these uses that would likely mitigate impacts to adjacent properties/uses as well as limit the size of any proposed development. See also, response 3.1-1 and 3.1-4.
- Comment 3.6-11: Infrastructure unable to support commercial development

Response 3.6-11: As noted in Section 3.4 of the DSGEIS (Infrastructure/Transportation Network), water and sewer utilities in the area subject to the Proposed Action are mainly private systems, and as such, will continue to be able to accommodate commercial uses. Natural gas, electric service and telecommunication services are all available in the area as well. As noted in Section 7.1 (Unavoidable Adverse Impacts) and 7.3 (Growth Inducing Impacts, Cumulative and Secondary Impacts) of the DSGEIS, public water and sewer are noted to be limited/unavailable east of the Taconic State Parkway with no plans to extend to the subject area. It is also noted that “[a]ny future considerations for extension of public water or sewer to these areas would require a separate environmental review undertaking” and “[o]ver time if development does increase in these areas, a case could be made for water and sewer extension, thereby increasing more growth potential at that time; however, an extension of this magnitude would be subject to its own environmental review, with considerations given to any development that is actually constructed at that time.” Therefore, it is noted that the lack of public water in the area will serve somewhat as a factor to limit the intensity and type of future development that may occur in the subject area as a result of the Proposed Action. This would ensure that while new uses can be introduced, the “interchange” character of the area would be preserved. .

3.7 POLLUTION

Comment 3.7-1: No additional gas stations and establishments to bring more pollution and traffic.

Response 3.7-1: Comment noted. See DSGEIS Section 4.2 (Transportation Evaluation) regarding traffic and related noise/pollution evaluation.

Comment 3.7-2: Intersection already polluted.

Response 3.7-2: The Lead Agency, as a result of numerous comments raising concern about pollution, evaluated current documented conditions to determine whether there are notable reports of contamination or other pollutants in the area subject to the Proposed Action. Section 4.4 of the DSGEIS includes a review of studies of groundwater conditions within the subject area going back to 2005 (the date of the current Comprehensive Plan) utilizing the NYS Dept. of Environmental Conservation (NYSDEC) environmental spill database. Though six spills were noted in the Route 55 and 82 area, each of these were cleaned with no further action necessary. In addition, groundwater testing undertaken by the County indicates only two sites where inorganic contaminants were present, both located over a quarter mile south of the subject area. Other sites that were within the local aquifer that services the Route 55 corridor but located north of the subject area did not report any inorganic contaminants. There are no direct reports indicating pollution of the intersection.

Comment 3.7-3: Increase in traffic and associated noise and air pollution.

Response 3.7-3: Comment noted. See responses 3.1-2 and 3.7-1.

3.8 TRAFFIC

Comment 3.8-1: Flooding events have occurred on local roads (portions of Noxon, Emans, Route 82 & Taconic) and increased density and traffic will exacerbate this along with any widening of roads.

Response 3.8-1: Localized flooding that has occurred may be a result of several factors including, but not limited to, underdesigned storm systems, weather/climate changes, clogs in storm systems, debris in connecting ditches and many other issues; the noted roadways and their associated storm systems are maintained by various entities. While additional development may increase impervious surfaces and thus stormwater runoff onto adjacent roadways, this would likely occur regardless of the rezoning as commercial uses are currently permitted under the existing zoning districts. As noted, any proposed development would be subject to environmental reviews that would require an evaluation of impacts to stormwater and runoff and the Town's site plan review process would also evaluate the impact to potential flooding, as noted in Section 4.3 of the DSGEIS.

Comment 3.8-2: Emergency vehicles driving through commercial districts.

Response 3.8-2: Emergency vehicles currently utilize various roadways throughout LaGrange; State Vehicle Traffic Laws (VAT §1104) provide emergency vehicles to access any roadway during an emergency. Both Route 55 and 82 are State-owned highways, maintained and operated by the NYS Department of Transportation.

Comment 3.8-3: Traffic impacts associated with two lane state road, history of terrible accidents.

Response 3.8-3: Comment noted. A thorough analysis of traffic impacts were undertaken in Section 4.2 of the DSGEIS, primarily related to changes in traffic volumes as this was identified as the significant impact concern during the initial scoping process. In addition, a review of available data provided by the Dutchess County Transportation Council's (the local Metropolitan Planning Organization/MPO) *2020 High-End Speeding Report*, which includes an analysis of speed-related crashes and accidents, notes that the Route 55 and TSP intersection was the primary location of speed-related crashes within the Route 55 corridor. The DSGEIS indicates in Section 4.2 (pages 53-58) that the development of the only vacant property in the subject area (parcel #15) would result in an increase of approximately 906 daily additional trips to the existing daily trip generation of approximately 2,977 trips within the corridor. This minimal increase would result in a level of service (LOS) of "D," a preferred rating level for a roadway that indicates a facility is built to a level that balances volume and capacity at an adequate level.

As such, the traffic impact analysis in the DSGEIS demonstrates that the Proposed Action would not result in a significant increase in daily trips in the corridor and subsequently at the Route 55 and TSP intersection; therefore, the analysis supports the conclusion that the Proposed Action would not result in a significant increase in the risk of accidents here. Only one speed-related crash was noted at the Route 55 and Vaile Road intersection between 2014 and 2018 – no other intersections were identified; therefore, given the low history of current accidents in the subject area, the Proposed Action is not anticipated to significantly increase the risk of accidents. Detailed accident analysis, traffic

studies and evaluation of sight distances would be developed as necessary depending on the type of development proposed for each property.

Comment 3.8-4: Result in unwanted excess traffic, water runoff problems, character impacts.

Response 3.8-4: Comment noted. See responses in Section 3.1 re: character impacts and response 3.8-1 re: runoff/flooding.

Comment 3.8-5: Truck traffic impacts - state should "finish" redesign of Route 82 and 55 intersection.

Response 3.8-5: Comment noted.

Comment 3.8-6: Truck braking noise.

Response 3.8-6: Comment noted. See response 3.1-2.

Comment 3.8-7: Traffic study provides volume increases with proposed Stewarts development but not with other parcels as a result of development.

Response 3.8-7: Comment noted. See response 3.6-1.

Comment 3.8-8: Increased traffic, especially at Vaile Road by school. Light needed to decrease accidents and injuries.

Response 3.8-8: Comment noted. Section 4.2 (Transportation Evaluation) notes several potential improvements that could be considered as mitigation measures as development is proposed for the subject parcels, to be considered on a case-by-case basis, including turning lane(s), traffic light(s), center median(s), and/or roundabout(s). Detailed accident analysis and traffic studies would be developed as necessary depending on the type of development proposed for each property.

Comment 3.8-9: Traffic congestion and impacts to volume.

Response 3.8-9: Comment noted. A thorough analysis of traffic impacts were undertaken in Section 4.2 of the DSGEIS.

Comment 3.8-10: Increased strain on roads (e.g. traffic, congestion).

Response 3.8-10: Comment noted. A thorough analysis of traffic impacts were undertaken in Section 4.2 of the DSGEIS.

3.9 WATER QUALITY

Comment 3.9-1: Water supply and water quality dependent on streams and creeks in area.

Response 3.9-1: As noted in Section 4.4 of the DSGEIS (Evaluation of Aquifers/Groundwater), the Town currently has a groundwater protection overlay that exists throughout the Town that would apply regardless of the zoning district. In addition, surface waterbodies are subject to local regulations under Chapter 124, establishing buffer zones from surface water sources, as well as State regulations under Article 15 of the Environmental Conservation Law, 6 NYCRR Part 608, with a permitting and review process to be undertaken for the protection of waters.

- Comment 3.9-2: Water quality and impacts to local wells.
- Response 3.9-2: Comment noted. See response 3.9-1.
- Comment 3.9-3: Oil spills and impacts to water quality and local flora/fauna.
- Response 3.9-3: Comment noted. See responses 3.3-1, 3.3-2, and 3.7-2.
- Comment 3.9-4: Considerations for increased building/development on water table?
- Response 3.9-4: Comment noted. See responses in Section 3.6-11.
- Comment 3.9-5: Aquifer impact brought on by zoning change and recharge areas (i.e. development, spills, etc.)
- Response 3.9-5: Comment noted. See response 3.9-1 and responses in Section 3.7.
- Comment 3.9-6: Access to groundwater a concern for future development - excessively deep wells potential.
- Response 3.9-6: Comment noted. See responses in Section 3.6-11.

3.10 ZONING

- Comment 3.10-1: No data provided to support hardship of existing property owners and what design/land use impact would be with rezoning
- Response 3.10-1: See response 3.1-8.
- Comment 3.10-2: Alternative section should examine addition of more non-automotive uses in the existing districts.
- Response 3.10-2: Alternative section notes this in Section 5.2.
- Comment 3.10-3: Benefits of the rezoning to the entire town?
- Response 3.10-3: The general benefits are noted in the Executive Summary on pages 10-12 of the DSGEIS.
- Comment 3.10-4: Will change in zoning make single family homes non-permitted?
- Response 3.10-4: Comment noted. Answered during the public hearing (see transcript pages 6-11).
- Comment 3.10-5: Justification for rezoning - substantial reasoning needed, special privilege to landowner.
- Response 3.10-5: Comment noted. The Town's focus, throughout, has been to implement a well-reasoned and deliberate amendment to the existing 2005 Comprehensive Plan for the benefit of the broader community. The proposed rezoning was not undertaken for the benefit of any specific property owners. The parcels in question are owned by numerous different individuals and entities.
- Comment 3.10-6: Legalizing existing nonconforming/illegal properties?

Response 3.10-6: Comment noted. Prior to 2005, a majority of the parcels were zoned C and their uses were rendered non-conforming when they were rezoned C-2 (now GB) in 2005. The proposed rezoning of the parcels to C will expand the opportunities to revitalize the corridor along Route 52 from Route 82 to just east of the Taconic Parkway.

3.11 ALTERNATIVES

Comment 3.11-1: Remove three parcels zoned as Town Center Business from the rezoning (Proposed Action).

Response 3.11-1: Alternative to be considered by the Town Board as the Lead Agency for the Proposed Action. For this alternative, within the transportation impact evaluation, this would result in a slight reduction in potential trip generation and associated AADT (traffic volumes) as well as insignificant changes in LOS (level of service). For the land use/zoning evaluation, the amount of development potential identified in the buildout analysis would also decrease by approximately 1.8 acres (see page 47 of DSGEIS – difference in total development area between existing and proposed zoning of parcel #1, -0.23 acres; parcel #2, -0.48 acres; and parcel #3, +2.59 acres). In general, the removal of the three parcels (#1 802900, #2 823867, and #3 945946) would be a *de minimus* action as it would remove a zoning district in its entirety from the analysis of land use and zoning, traffic, water resources, aquifers/groundwater, wildlife, and cultural resources while still carrying out the purpose/intent of the rezoning.

Section 4 - Matters to be Decided

Upon acceptance of this Final SGEIS as complete a ten-day period for public consideration of this document will be provided. During this ten-day period the Lead Agency cannot take any action to approve or adopt any of the proposed Amendments. At the end of the ten-day period, but not more than 30 days, the Lead Agency may take up the matter of adoption of a Findings Statement to complete the environmental impact review process under SEQRA, after which it may take up the matter of adopting the proposed Amendments themselves.

Appendix A:
DSGEIS Comments Received