

RESOLUTION

A RESOLUTION OF THE TOWN OF LAGRANGE TOWN BOARD ADOPTING SEQRA FINDINGS IN CONNETION WITH THE STUDY OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS & ZONING MAP CHANGES

Councilman Jessup introduced the following Resolution, which was seconded by Councilman Bell, who moved its adoption:

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

WHEREAS, the Proposed Action consists of adopting: (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.

WHEREAS, as the Lead Agency under the New York State Environmental Quality Review Act ("SEQRA"), the Town Board prepared a Supplemental Generic Environmental Impact Statement ("SGEIS"), and is now required to issue a Findings Statement for the Proposed Action based upon the information contained in the SGEIS.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of LaGrange, as the Lead Agency, hereby adopts and issues the attached SEQRA Findings Statement for the Proposed Action.

BE IT FURTHER RESOLVED, that the determinations and certifications set forth in the attached SEQRA Findings Statement for the Proposed Action shall be referenced herein as if fully restated.

BE IT FUTHER RESOLVED, that the Town Board directs the appropriate Town Staff shall file this Resolution and the attached SEQRA Findings Statement for the Proposed Action with the Town Supervisor, all involved agencies and any member of the public requesting a copy.

The foregoing Resolution was voted upon with all Councilmen voting as follows:

Supervisor Bell	AYE
Councilman Jessup	AYE
Councilman Luna	AYE
Councilwoman Ryan	AYE
Councilman Baright	ABSTAIN

DATED: LaGrangeville, New York
December 22, 2021


CHRISTINE O'REILLY-RAO, Town Clerk

Lead Agency Findings Statement

State Environmental Quality Review (SEQRA)

for

2005 Comprehensive Plan Amendment & Proposed Zoning Changes

Town of LaGrange, Dutchess County

This findings statement is issued after due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617. The Town Board of the Town of LaGrange, as Lead Agency, finds the facts and conclusions detailed below to support the findings on the action described below.

NAME OF ACTION: 2005 Comprehensive Plan Amendment & Proposed Zoning changes

SEQRA STATUS: Type 1

NAME OF LEAD AGENCY: Town of LaGrange

FINDINGS STATEMENT ADOPTED:

DESCRIPTION OF ACTION:

The Town of LaGrange is considering amendments to the Town's 2005 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. This consideration commenced upon several property owners requesting that their parcels currently located in the General Business (formerly C-2) District be rezoned to the Commercial (C) District. The reasons stated for the requests included the desire to obtain a zoning classification that expressly authorizes the current use(s) of the property(ies) and to provide greater flexibility in marketing of the property(ies) for future use(s).

In connection with considering amendments to the Comprehensive Plan concerning the above-mentioned area, revisions to the Zoning Map are also proposed to change 16 parcels on the east side of the Parkway from General Business (GB) to Commercial (C) and potentially rezoning two (2) parcels on the west side of the Parkway from Town Center-Business (TC-B) to Commercial (C). In addition, a portion of a 68.5-acre parcel in the Residential Low Density (RLD) zoning district east of the Parkway, approximately 0.50 acres, would be rezoned to the Commercial (C) District. The 19 parcels considered for rezoning include the following tax lot numbers (and addresses):

6460-02-802900 (1215 Route 55)	6460-02-823867 (1220-1224 Route 55)	6460-02-945946 (22 Taconic Center Lane)	6560-01-417899 (1456 Route 55)
6560-01-473908 (1474 Route 55)	6560-01-492906 (1482 Route 55)	6560-02-504909 (1486 Route 55)	6560-02-530919 (1496 Route 55)
6560-02-541906 (1498 Route 55)	6560-02-546919 (1502-1504 Route 55)	6560-01-457972 (Route 55)	6560-02-501968 (1477 Route 55)

6560-02-515970 (1489 Route 55)	6560-02-546974 (1493 Route 55)	6560-02-564958 (Route 82)	6560-02-601974 (2295 Route 82)
6560-02-592941 (2292 Route 82)	6560-02-582930 (1515-1519 Route 55)	6560-02-715980 (2296 Route 82) - 0.5-acre portion only	

The intent of these amendments would be to provide opportunities for future development in the “interchange” corridor along Route 55 between the Taconic State Parkway and Route 82. This parcels along this corridor are primarily developed with automobile-centric commercial uses due to the proximity of the Taconic State Parkway. Many of these uses are currently non-conforming. Development in this area has been stagnant or otherwise limited since the completion of the 2005 Comprehensive Plan and subsequent zoning code updates. Many of the uses that currently exist in this corridor have existed for some time. Most are pre-existing, non-conforming with limitations on changes, expansion, or growth. The uses of most of the parcels, given their location and current state of development, are more consistent with the uses and site development allowed in the Commercial district as compared to the General Business or the Town Center-Business district. The current use and development of the properties define community character and establish a de facto aspect of the Town’s Comprehensive Plan. The zoning map changes are designed to promote land use development patterns that still fit with the overall goals and policies of the Town and promote reasonable growth in the Town, taking into context shifts in economic and market changes since 2005.

The Town Board, as the SEQRA Lead Agency, prepared a Supplemental Generic Environmental Impact Statement (“SGEIS”) to evaluate the potential future development if all or a portion of the parcels studied are rezoned to the C District. The SGEIS built on analyses contained in a Generic Environmental Impact Statement prepared by the Town Board in 2019 in connection with a proposal to rezone some of the same parcels to the C District (“2019 GEIS”). For the SGEIS, the Town Board identified the potential “worst case” build out under the Proposed Action (i.e., rezoning all 19 parcels 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 Draft SGEIS (“DSGEIS”). This build-out scenario took into account proposed redevelopment of some parcels that is known at this time, including a proposal pending before the Town Planning Board to develop a gas mart at the intersection of Routes 55 and 82. The full-build out 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. In a Final SGEIS (“FSGEIS”), the Town Board also evaluated an alternative where the two (2) parcels west of the Taconic State Parkway on Route 55 would remain in the TCB District.

Since the assessments in the GEIS were 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. The purpose of the SGEIS is to identify thresholds and conditions that would trigger the need for additional determinations of significance or environmental impact statements when site-specific proposals are submitted to the Town.

The preparation of the Comprehensive Plan Amendments, proposed amendments to the Town Zoning Map and the SGEIS (which contains both the DSGEIS and FSGEIS), included conducting multiple public hearings and written comment periods lasting several months.

LOCATION:

As noted above, the location of the rezoning covers up to 19 parcels located in the Route 55 corridor in the Town of Lagrange that is generally between the Taconic State Parkway and the intersection of State Route 82 (“Study Area”). An alternative was also evaluated where only 17 parcels in this corridor are rezoned to the C District. Under the 17-parcel alternative, the two parcels east of the Taconic State Parkway on Route 55 would remain in the TCB District.

AGENCY JURISDICTION:

The Town Board has the sole authority to adopt the proposed Comprehensive Plan and Zoning amendments. The Zoning amendments, which include only map amendments, are proposed under §265 of New York State Town Law, Article X of the Town Zoning Code, and Section 10 of the New York State Municipal Home Rule Law. Referrals to the Town Planning Board as required under the New York State Town law and Town of Lagrange Zoning Code have occurred. The Dutchess County Department of Planning also has review responsibilities under General Municipal Law §239-m, but no approval authority.

1. SEQRA PROCEDURAL HISTORY

The SEQRA process undertaken in connection with the 2019 GEIS includes the following:

- 11/28/2018 Declaration of Lead Agency
- 11/28/2018 Determination of Significance/Positive Declaration
- 11/08/2018 DGEIS submitted to the Town of LaGrange Town Board
- 11/28/2018 Acceptance of DGEIS, Notice of Completion of the DGEIS and setting of the public hearing date
- 03/13/2019 Public Hearing on DGEIS at Town of LaGrange Town Hall
- 03/25/2019 Deadline for written comments
- 04/08/2019 FGEIS submitted to the Town of LaGrange Town Board
- 04/10/2019 Acceptance of the FGEIS by the Town Board and Notice of Completion
- 04/11/2019 Notice of Completion forwarded for Publication in the Environmental Notice Bulletin

The SEQRA process undertaken in connection with the SGEIS includes the following:

- 09/25/2020 Draft Scoping submitted to the Town of LaGrange Town Board with Notice forwarded for Publication in the Environmental Notice Bulletin
- 10/14/2020 Public Hearing on Draft Scoping held virtually
- 11/18/2020 Final Scoping accepted by Town of LaGrange Town Board
- 04/28/2021 Acceptance of SDGEIS, Notice of Completion of the SDGEIS and setting of the public hearing date (initially 05/26/2021 and subsequently rescheduled to 07/14/2021 and then to 08/25/2021 due to State Executive Orders regarding virtual meetings)

04/29/2021 –
 09/04/2021 SDGEIS Public Comment period opened
 08/25/2021 Public Hearing on SDGEIS, Comprehensive Plan Amendments and Zoning Map Amendments
 11/03/2021 FSGEIS accepted by the Town of LaGrange Town Board and Notice of Completion and public comment period opened through December 22, 2021
 11/10/2021 Notice of Completion forwarded for Publication in the Environmental Notice Bulletin
 12/22/2021 Public Hearing on the FGEIS, Comprehensive Plan Amendments and Zoning Map Amendment.

2. INTRODUCTION

The purpose of this Findings Statement is to complete the environmental review process for the Proposed Action which includes potential amendments to the Town Comprehensive Plan and the enactment of amendments to the zoning map for the Town of LaGrange as described above. Pursuant to the State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law (“SEQRA”) and its implementing regulations, 6 N.Y.C.R.R. Part 617, this Findings Statement:

- i. considers the relevant environmental impacts, facts and conclusions disclosed in the SGEIS prepared in connection with the Proposed Action, including alternatives considered; and
- ii. weighs and balances relevant environmental impacts with social, economic and other considerations; and
- iii. provides a rationale for the Town Board’s decision with respect to the Proposed Action including alternatives considered; and
- iv. certifies that all SEQRA requirements have been met; and
- v. certifies that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action or the 17-parcel alternative would avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Consistent with SEQRA, this Findings Statement describes the Proposed Action and alternatives as noted above, the environmental review process, summarizes the relevant conclusions that can be reached premised upon the assessments contained in the SGEIS and the environmental impacts of the Proposed Action and reasonable alternatives identified therein, weighs and balances the environmental impacts of the Proposed Action with its anticipated benefits and other relevant considerations and provides the explanation for its determination, and provides the certifications mandated by SEQRA.

3. FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

After due consideration of the DSGEIS, FSGEIS and the public record (including the extensive public comment periods identified above), the Town Board has before it draft Local Laws and Resolutions to

effectuate amendments to the Comprehensive Plan and Town Zoning Map to change up to 19 parcels in the Study Area to the Commercial (C) District. This includes an alternative that would rezone only 17 of the parcels studied in the GEIS to the Commercial (C) District. The Town Board finds that both the DSGEIS and the FSGEIS have demonstrated that the review of the Proposed Action and reasonable alternatives satisfies the requirements of Environmental Conservation Law and the SEQRA regulations. The DSGEIS included an environmental evaluation of the Proposed Action's potential effects on several resource issues in the Town, most notably traffic, water resources, vegetation/fauna/habitat, cultural resources, land use, and zoning, consistent with community values ascertained within the Comprehensive Plan. The FSGEIS further evaluated these areas of concern in response to public comment, as well as an alternative to the Proposed Action where only 17 parcels would be rezoned to the Commercial (C) District. The Town Board also reviewed other alternatives, growth inducing impacts, and effects on the use and conservation of energy.

Additionally, the Town Board finds that the SGEIS does not preclude the need for additional site-specific environmental reviews for future development projects or public actions undertaken with respect to the proposed Zoning amendments. Future development proposals will undergo separate environmental reviews as part of the appropriate approval processes of the Town Planning Board, Town Board, and other local, State and Federal agencies as appropriate. To the extent that certain impacts may require further analysis, it is recognized that the Final SGEIS may be supplemented pursuant to 6 NYCRR Part 617.10(d). No further SEQR compliance is required if a subsequent proposed action will be carried out in conformance with the conditions and thresholds established for such actions in the SGEIS and its Findings Statement.

The Town Board makes the following specific findings associated with each topical area:

a. Land Use and Zoning

The Study Area is located along State Route 55 at the intersections of the Taconic State Parkway and State Route 82, east of the planned Town Center development area. During the Scoping process and subsequent public hearings on the SGEIS, several members of the public raised concern that rezoning the 19 parcels in the Study Area to the C District would ruin the character of this portion of the Town. Several commentators claimed that the Study Area was "rural" in nature, or that the introduction of additional commercial uses would result in a "gasoline alley."

The Town Board, therefore, evaluated the current pattern of development in the Study Area, and compared the potential changes in uses in the event that all or a portion of the 19 parcels in the Study Area are rezoned to the C District. The Town Board concluded that the existing pattern of development and character of the Study Area can be classified as an "interchange" catering to automobile-centric commercial uses due to the proximity of the Taconic State Parkway. Commercial development is already permitted in the Study Area, and, in fact, is the dominant use in this corridor of the Town. The proposed rezoning would not change the character of the area in a significant fashion compared to what it is now. Many of the existing uses are nonconforming and would be brought into compliance with the zoning if rezoned to the C District. The intent of the rezoning would be only 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.

Specifically, the majority of the existing land uses in the Study Area are devoted to non-conforming commercial enterprises consistent with an automobile-centric businesses, including a mixed use, multi-unit self-storage facility; construction yard; several gas and convenience stores; a former gas station; above ground fuel storage; and construction office and yard. Several other non-commercial properties exist including a multi-structure residential lot and a two-family residential building. One of these residential lots has been converted to a contractor's yard, one is vacant, and several two-family lots exist as non-conforming uses. In addition, the owner of one residential parcel has approached the Town with a proposal to subdivide the lot to create two new commercial lots, which is currently pending. The Proposed Action would not alter the existing non-conforming status of these residential uses.

The seventeen (17) parcels in the Subject Area east of the Taconic State Parkway are disconnected from the primary development area known as "Town Center" in which LaGrange has been actively working since the 1970's to create a walkable, Village-like area with a mix of residential and commercial developments. The closest parcel is approximately 1,200+ feet east of the easternmost roundabout on State Route 55, representing the eastern extent of the proposed Town Center. The pattern of development in this area more closely reflects the uses permitted under the Commercial (C) District, such as automotive

The two parcels on the west side of the Taconic State Parkway along State Route 55 that are currently zoned for Town Center-Business are located at the outer fringes and beyond of the Town Center District and are not developed with uses consistent with the desired walkable village character that is identified in the Comprehensive Plan for Town Center. One parcel, (1215 Route 55), is vacant, and last utilized as a gasoline filling station. The other parcel, (1220-1224 Route 55), contains an active gasoline filling station. Gas stations are not permitted uses in the TCB District. The proposed zoning map changes would render the use of the parcels east of the Taconic State Parkway zoning compliant, consistent with the automobile-centric character of the use of these parcels.

Overall, development in the Study Area has remained stagnant since 2005. Section 3.2 of the SGEIS provides a parcel-by-parcel assessment of the study area indicating the level of zoning conformance (10 of the 19 properties are non-conforming) and the status of any building development that has been proposed. Of these parcels, three of them (#2, 3, 4) have submitted for applications to expand or alter their operations/buildings and were subsequently denied due to their non-conformance and at least one parcel (#7) continues to operate in violation of the code as a non-conforming use. The Town Board has determined that exploring means to attract additional commercial development to the Study Area, as well as allow bringing existing non-conforming uses in this "interchange" corridor into compliance with zoning, is an important goal for the Town. Amending the Comprehensive Plan to recognize the current pattern of development in the Study Area, as well as the desire to expand the allowable commercial uses therein consistent with the existing pattern of development, would facilitate this planning goal. The Town Board similarly finds that the proposed change in zoning to all 19 parcels in the Study Area, or in the alternative, the 17 parcels in the Study Area east of the Taconic State Parkway, is compatible with the existing and surrounding uses, and consistent with the goals set forth in the Comprehensive Plan as amended. The change in zoning, from Town Center Business and General Business to Commercial, retains the existing character of the area and maintains the commercial

enterprises. This change does allow additional commercial uses, several that already exist, to be developed in accordance with existing Town standards and regulations pertaining to them. The Town Board finds that bringing properties into conformance with zoning is also an important planning goal for the Town. In addition, the Town Board has determined that bringing these properties into conformance with zoning would promote improvements and modernization of existing properties by potentially eliminating the need to obtain variances to upgrade buildings. In general, the zoning change is in conformance with the existing land use patterns. Changing economic and market conditions support the re-evaluation of the zoning of these areas and the subsequent rezoning as supported within Section 2.0 of the SGEIS.

Accordingly, the Town Board has determined that no mitigation measures related to Land Use, Zoning or community Character are necessary to accommodate rezoning up to 19 parcels in the Study Area. It should also be noted that for specific development proposals prepared and submitted to the Town for these parcels, an environmental review/assessment will be undertaken through SEQRA to assist in the evaluation of conformance with the SGEIS and this Findings Statement. To the extent any project-specific impacts to land use, zoning or community character are identified, the Town will be able to identify site-specific measures to address said impacts, consistent with these Findings.

b. Traffic and Vehicular Circulation

Members of the community raised questions regarding the potential impacts to the area associated with truck traffic, a general increase in traffic/congestion/volume, associated noise and air pollution, and stormwater runoff as the general concerns.

In order to determine whether rezoning up to 19 parcels in the Study Area would significantly impact traffic, noise or air quality conditions in the community, the Town Board prepared a theoretical “full build out” future scenario to identify the potential increases in vehicular trips in the Study Area if rezoned to the C District. This full build out included the re-activation of those lots that currently have vacant structures as well as the proposed gas station development at the northeast corner of Routes 55 and 82 as an assumed background growth in daily traffic trips. The Town Board also included in the SDGEIS a list of potential uses and their corresponding daily trips using the Institute of Transportation Engineers Trip Generation Manual (10th Edition), identified the largest potential traffic generator for the remaining undeveloped/unimproved parcel, and factored that into a “worst case scenario” for future transportation impacts.

Existing Conditions: State Route 55, State Route 82, and the Taconic State parkway are the primary thoroughfares that service the parcels subject to this rezoning, classified as a principal arterial, major collector, and principal arterial expressway, respectively, providing high-capacity transportation within the Town, County, and the greater Hudson Valley region. As a result, they are under the jurisdiction of the NYS Department of Transportation and designed to accommodate higher volumes of traffic. The SGEIS identifies the daily traffic volumes for the State Route 55 corridor with the existing land uses as 2,977 daily trips – the roadway currently handles an average of upwards of 18,500 daily vehicles while still maintaining a level of service (LOS) of C. Level of service is a qualitative measurement used by transportation engineers to analyze and classify how well a roadway functions ranging from A (free flowing) to F (breakdown flow).

Calculations and methodology for determining LOS are provided by State and Federal transportation standards in the Highway Design Manual. From a traffic management and operations perspective, it is generally accepted that a LOS of "C" or "D" is the preferred level for a roadway, indicating that the facility is built accordingly and balances volume and capacity to an adequate level.

Given the existing AADT of the roadway (13,761) and this reference information, this section of State Route 55 can handle up to 14,300 vehicles per day (VPD) to maintain a LOS of C or better; up to 20,600 VPD would be LOS "D". and beyond that would be LOS "E" or lower.

Accordingly, the Town Board determined that the Route 55 corridor in the vicinity of the Study Area can accommodate significant additional volume and still maintain its current LOS and continue to function effectively. In addition, an increase in AADT by 6,839 VPD would still permit the corridor to operate at acceptable levels in the future.

Future Conditions: The traffic analysis indicated that, if rezoned to the C District, the increase in vehicle trips under a worst-case scenario would lead to an increase of approximately 5,334 trips on State Route 55 and the change in LOS from a C to a D, but remain well under the threshold of a D. Additionally, State Route 55 is currently a designated truck route and is intended to remain as such unless modified by New York State Department of Transportation (NYSDOT). The potential for noise and air pollution does and will continue to exist along the corridor as it currently functions; however, given that the service levels of the roadway and intersections would not decrease to such a level as to result in longer traffic delays and/or idling time, noise and pollutant level are generally not anticipated to increase beyond current levels.

To the extent that it can be shown that the additional vehicle trips associated with any future development proposal in the Study Area would not lead to an exceedance of the 6,839 VPD threshold identified in these Findings, then it can be reasonably assumed that said project would not result in significant adverse transportation impacts along the Route 55 corridor. Notwithstanding the forgoing, any specific project review would still have to include analyses of sight distances, ingress/egress safety, fire access and other site-specific measures to ensure that any other traffic-related impacts could be avoided and/or adequately mitigated. Such analysis would also include review by NYSDOT.

Potential Mitigation: While the Town Board has determined that the rezoning of up to 19 parcels in the Study Area would not result in significant adverse transportation impacts, it must be noted that the SGEIS is necessarily generic in nature because the Lead Agency at this time can only make reasonable assumptions about future development and market trends. As such, the Town Board desires to identify potential mitigation approaches in the event that any future project(s) in the Study Area would lead to an exceedance of the acceptable AADT thresholds identified above (i.e., an LOS of "E" or worse).

Again, the level and specificity of the following mitigation approaches would need to be identified and implemented on a project-specific basis as improvements can vary depending upon the transportation problem identified. In addition, Since Route 55 is under the jurisdiction of the NYSDOT, project specific mitigation approaches must be identified in tandem with the NYSDOT. Mitigation approaches may include, but not be limited to:

- Left or right turn lanes added to individual driveways
- A two-way center turn if parcels would benefit from such a measure
- Additional traffic signals and/or other traffic control devices
- Access control through a center median or roundabouts

As the owner/operator of Route 55, the determination of when to make transportation improvements is at the discretion of the NYSDOT. Additionally, individual projects that are proposed along the Route 55 corridor may have to apply for a Highway Work Permit from the NYSDOT where necessary depending on the existing/proposed access.

c. Water Resources

Members of the community raised questions concerning surface and groundwater quality and supply (i.e., pollution) and impacts to important habitat areas related to water resources. As such, the analysis of water resources, including floodplains, wetlands, waterbodies, and aquifers/groundwater, was undertaken in the SGEIS to assess the potential impact of these resources in relation to water quality and quantity for the proposed rezoning to the C District.

The Town Board recognizes that the protection of water resources is an important aspect of any future development in the Study Area, as property owners in the vicinity of the Study Area utilize well water for domestic needs. In addition, it is likely that any private water supply that may be developed in the Study Area in the future will rely on groundwater wells. The Town's water resources are also intrinsically linked to the biodiversity of the area along with the Town's natural beauty and potential for recreation.

Existing Conditions: The SGEIS identifies the various water resources found in the Study Area and notes both above and below ground elements. Sprout Creek traverses State Route 55 as well as several other smaller unnamed tributaries and associated floodplains, though these are found primarily east of the Taconic State Parkway and State Route 55 intersection. Any significant floodplains in the area are found immediately adjacent to Sprout Creek, effecting the eastern portion of parcel #3, with a smaller area adjacent to a tributary of the creek, but located at the very northern edge of parcels #11, #14, and #16. The presence of any State or Federally-regulated wetlands are also found immediately adjacent to Sprout Creek, thus effecting only one parcel in the Study Area (parcel #3). Principal aquifers are typically associated with surface waters and thus located adjacent to Sprout Creek as well as a portion of the State Route 82 corridor to the east, associated with smaller, unnamed tributaries. Current regulations, including local and State, provide development/disturbance limitation buffers for wetlands and streams as well as specific prohibited uses for floodplain zones.

In addition to documenting the existing physical distances between the above-cited water resources in the vicinity of the Study Area and current development, the Town Board evaluated in the SGEIS documented conditions to determine whether there are notable reports of contamination or other pollutants in the Study Area, which could be exacerbated if up to 19 parcels are rezoned to the C District. Section 4.4 of the DSGEIS included 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. Of the 36 total spills noted in the database during that timeframe occurring on any section of Route 55, only six spills were noted in the Route 55 and 82 study area in 2005, 2009, 2011, 2013 and 2014. In each of these situations, the spills and impacted areas were fully remediated with no further action necessary. In addition, groundwater testing undertaken by the County indicates only two sites in the Town where inorganic contaminants were found to be present, however, both of these sites are located over a quarter mile south of the Study Area. Other sites that were within the local aquifer that services the Route 55 corridor but located north of the Study Area did not report any inorganic contaminants.

Potential Mitigation: Based on this data and the assessment undertaken of it, the Town Board determined that the Town's numerous water resource regulations have been effective in ensuring the aquifer, wetlands and floodplains in the Study Area are not impacted by the existing commercial development along the Route 55 corridor. These regulations are in place to protect, and prohibit, development on or near these water resources, including Chapter 120 (Flood Damage Prevention), Chapter 124 (Freshwater Wetlands), Chapter 240-18 (Stream Corridor Overlay Zone), and Chapter 240-31 (Groundwater Protection). Furthermore, the County Department of Health (DOH) regulates and permits the construction of private water wells, providing another level of review. Additional regulations exist for underground storage of petroleum products or other potential contaminants, such as those associated with automobile-related uses, at the State level in 6 NYCRR Parts 596-599 and at the Federal level at 40 CFR Parts 280 & 281, regulating the installation, operation, maintenance, and inspection of tanks 1,100 gallons or larger. Coupled with these County, State, and Federal regulating agencies, the various regulations provide setback distances, prohibitions on certain uses, design standards, and site plan review of any proposed uses that would be proposed in the Town regardless of zoning district classification and solely based on the presence of such a resource.

The Town Board finds, therefore, that there are appropriate physical separations and regulatory controls in place to protect the Town's critical water resources in the vicinity of the Study Area from pollution, contamination and/or other adverse impacts associated with rezoning up to 19 parcels to the C District to facilitate the economic vitality of commercial uses in the Study Area. While protection against the risk of impacts to water resources continues to be an important priority of the Town, the Town Board concludes that the limited record of impacts to these resources coupled with the myriad of regulatory controls already in place, demonstrate that the Proposed Action would not significantly exacerbate such risk. Again, nine (9) of the 19 parcels in the Study Area are currently developed with commercial uses permitted in the C District. The Proposed Action would only render many of these commercial uses zoning compliant. Only one fully undeveloped/unimproved parcel (#15) exists in the Study Area, which is located 5,408 feet from the Sprout Creek and its associated wetlands and over 200 feet from the nearest edge of a floodplain. Of the three parcels with vacant structures on them, two are further from Sprout Creek, wetlands, or floodplains compared to parcel #15 and the third is found on the opposite side of the Taconic State Parkway. The remaining 15 parcels within close proximity to these water resources are large enough to accommodate commercial development while maintaining the required setbacks and other protections mandated by Town, County, State and Federal regulation. The Town Board finds that the Proposed Action strikes the appropriate balance between the Town's environmental protection priorities and the important economic and social

interests of the Town in maintaining a vibrant commercial district in the Town's Route 55 "interchange" corridor.

Accordingly, the Town Board has determined that no additional mitigation measures related to water resources are necessary to accommodate rezoning up to 19 parcels in the Study Area. It should also be noted that for specific development proposals prepared and submitted to the Town for these parcels, an environmental review/assessment will be undertaken through SEQRA to assist in the evaluation of conformance with the SGEIS and this Findings Statement. To the extent any project-specific impacts to water resources are identified, the Town will be able to identify site-specific measures to address said impacts, consistent with these Findings

d. Wildlife Resources

Based upon community comments, the Town Board evaluated potential pollution of local habitats and biodiversity concerns as they relate to flora/fauna (i.e. wildlife), as well as general reduction of habitat/biodiversity.

Existing Conditions: The SGEIS indicates that the potential exists for various endangered, threatened, or rare species to be found in the Study Area including Blanding's Turtles, Bog Turtles, Wood Turtles, Northern Long-eared Bat, and the Indiana Bat. According to the NYS Department of Environmental Conservation (NYSDEC), in conjunction with the Natural Heritage Program (NHP), and the US Fish and Wildlife Service (USFWS) there are no critical/significant habitats for Northern Long-eared Bats that exist in the Town nor are there confirmed summer and/or winter occurrences or areas within 0.25 miles of a hibernacula. Databases are not available for Indiana Bats, but the primary habitats of these species are similar to Northern Long-eared Bats and also include caves, tunnels, and mine. Potential roost sites include trees that contain trees with exfoliating/defoliating bark, cracks, holes or crevices and foraging sites are extremely generalized, consisting of a variety of different habitats that are relatively common throughout the geographic region according to NYSDEC and USFWS fact sheets. Based on this, portions of any of these parcels could contain conditions to support roosting or foraging potential, though sufficient habitat exists within the vicinity of the Study Area that would sustain healthy populations of a variety of species of bats.

In terms of Blanding's Turtles, Bog Turtles, and Wood Turtles, according to local databases, the only core Blanding's Turtle habitat that exists in the vicinity of the Study Area is located south of Town Center and does not include any parcels subject to this rezoning. A 200-meter priority zone may include a portion of parcel #2 with the 1,000-meter conservation zone including 68% of the parcels (as well as all of Town Center) and the 2,000-meter area of concern encompassing the entire Town of LaGrange. Core areas are the most critical for habitats, nesting, and foraging and overwintering with priority, conservation, and areas of concerns pertaining to distance of potential travel for other seasonal or annual non-critical needs. In regard to the potential presence of the various other turtle species (Bog and Wood), those parcels in the immediate vicinity of Sprout Creek would potentially contain habitat conducive to Them. This includes #3, as well as Parcels #11 thru 14 where a tributary of Sprout Creek flows along the north edge of the area.

Potential Mitigation: The Town Board finds that the Proposed Action (e.g., amending the Comprehensive Plan and rezoning up to 19 parcels to the C District) would not result in any direct

impacts to the areas in the Study Area that could potentially support summer/winter roosting sites. The Proposed Action would not change the existing regulatory protections in place to ensure sensitive habitat is identified and protected prior to development. Individual projects would be subject to screening through the New York State Natural Heritage Program as part of the environmental review process in order to better determine the level of assessment needed and individual actions to be taken. At a minimum, the US Fish and Wildlife outlines guidance to minimize potential adverse effects which involves a restriction on tree cutting between November 15 and March 31 of any year. To the extent that a future improvement or development project is proposed for one of the up to 19 parcels potentially rezoned to the C District, the screening requirements and tree cutting limitations would continue to serve as adequate mitigation measures to avoid potential impacts to bat habitat.

It should also be noted that for specific development proposals prepared and submitted to the Town for these parcels, an environmental review/assessment will be undertaken through SEQRA to assist in the evaluation of conformance with the SGEIS and this Findings Statement. To the extent any project-specific impacts to bat habitat resources are identified, the Town will be able to identify site-specific measures to address said impacts, consistent with these Findings.

Development proposed within 200 feet of a listed stream in the Town would still be subject to additional regulations, including limited construction/site disturbance and a restriction on specific uses or accessory uses. The Town Board finds that the existing regulations and review processes that are in place provide a level of protection to sensitive habitats that could potential harbor these endangered, threatened, or rare species. To the extent that a future improvement or development project is proposed for one of the up to 19 parcels potentially rezoned to the C District, the screening requirements and tree cutting limitations would continue to serve as adequate mitigation measures to avoid potential impacts to turtle habitat

It should also be noted that for specific development proposals prepared and submitted to the Town for these parcels, an environmental review/assessment will be undertaken through SEQRA to assist in the evaluation of conformance with the SGEIS and this Findings Statement. To the extent any project-specific impacts to bat habitat resources are identified, the Town will be able to identify site-specific measures to address said impacts, consistent with these Findings

e. Cultural Resources

During the public hearing and subsequent comment period, there were no specific comments or issues raised with respect to cultural resources; however, general concerns on the impact to “local character” were brought up. The presence of any cultural resources, including historical, is one factor that influences character. The SGEIS assessed the impact on cultural resources based on a review of the NYS Historic Preservation Office’s (NYSHPO) database (CRIS) and the geographical proximity of resources to the Study Area.

Existing Conditions: Within the Study Area, the Taconic State Parkway is the only noted cultural resource based on its designers, age, supporting structures, and the scenic vistas it provides. According to CRIS, #1325 State Route 55 (corner of Route 55 and Veile Road) is an eligible resource based on a past, unrelated submission to NYSHPO. This site is noted as eligible due to its age, architecture, and other architectural elements. It should also be noted that this property is not within the Study Area nor substantially contiguous to any parcels subject to this Proposed Action.

Potential Mitigation: There are only three parcels in the Study Area that are contiguous to the Taconic State Parkway. Under the 17-parcel alternative, the two parcels just west of the Taconic State Parkway would remain in the TCB District. However, the Town Board finds that whether or not these two parcels are included in the proposed Commercial District rezoning in the Study Area, no direct impacts to the characteristics which render the Taconic State Parkway a cultural resource are anticipated. The Parkway is an overpass in this area with significant screening from dense vegetation – this vertical separation and buffering significantly limits visibility to and from the Parkway. Travelers get only a brief view on either side of the Parkway as it crosses State Route 55 as noted during the spatial assessment and remote sensing (including aerial and streetside imagery) that was undertaken during the development of the supporting land use information contained in Section 3.2, specifically the inclusion of parcel-by-parcel street level imagery.

In conjunction with the Town’s site plan review processes, the standard environmental review process for any proposed projects includes consultation with the State Historic Preservation Office (SHPO) as necessary to coordinate any potential impacts, including physical disturbance and visual, and provide necessary recommendations. This holds true for any all properties “contiguous” to the Parkway, including those not subject to the Proposed Action. A Corridor Management Plan was developed for the Parkway that can also be utilized for potential projects, providing further guidance and recommendations for minimizing visual impacts, as noted in Section 4.6 of the SGEIS.

These existing regulatory protections would remain in place to ensure the any development in the three parcels adjacent to the Taconic State Parkway can be developed in a manner that avoids impairing the characteristics rendering these locations cultural resources. It should also be noted that for specific development proposals prepared and submitted to the Town for these parcels, an environmental review/assessment will be undertaken through SEQRA to assist in the evaluation of conformance with the SGEIS and this Findings Statement. For any construction that is proposed within the Study Area, an in-depth cultural resource investigation may be required to assess any potential adverse impacts on cultural resources. To the extent any project-specific impacts to the above-mentioned cultural resources are identified, the Town will be able to identify site-specific measures to address said impacts, consistent with these Findings

The Town Board finds, therefore, that no further mitigation measures are necessary other than the identified need for conducting cultural resource studies on all properties within the Study Area during the SEQRA review processes

f. Mitigation and Alternatives

Neither the DSGEIS nor the FSGEIS identified any significant adverse environmental impacts as a result of any of the Comprehensive Plan and zoning map amendments evaluated as part of the Proposed Action. Implementation of the rezoning will reduce non-conformance of several of the properties, as well as increase opportunities for development and needed revitalization of a stagnant commercial corridor in the Town as documented in the SDGEIS. This beneficial development could occur while still protecting environmental quality and retaining the overall

existing character of this corridor. Existing federal, state and local regulations are in place to ensure that any new development within the Study Area could occur in accordance with the Commercial (C) district without significant adverse impacts to sensitive environmental resources, community character, or the Town's land use and zoning priorities. In addition, the existing road network in the vicinity of the Study Area can accommodate the development reasonably expected to occur if up to 19 parcels in the Study Area are rezoned to the Commercial (C) District. To the extent that the traffic volume associated with future development exceeds the thresholds identified in these Findings, however, measures are available to avoid or adequately mitigate impacts to traffic operations as set forth in Section (b) above.

As noted above, any project proposed within the Study Area will still be fully governed by the requirements of SEQRA on the state and local level. Since any future development will require, at a minimum, a discretionary site plan approval by the Town Planning Board, the potential environmental impacts of such actions will be assessed on a site-specific level through the submission of an Environmental Assessment Form (EAF). This review will ensure that any future development proposal will be designed to stay within the impact thresholds deemed appropriate in this Finding Statement, or, if not, that additional environmental review would be required

Accordingly, the Town Board finds that the Proposed Action would avoid or adequately minimize potential adverse environmental impacts, and as such, would allow the Town to reach an appropriate balance between potential environmental impacts and the economic and social needs and benefits of rezoning the parcels in the Study Area to the Commercial (C) District.

Several alternatives were also examined in the SDGEIS, including the "No Action-Null" Alternative, in which the rezoning would not occur and any existing development and future development within the study area would continue as it has. Under this alternative, little, if any, changes in the Project Area would likely occur following the previous change in zoning in 2005, potentially detracting from any future development. This alternative was determined to not meet the economic, social or future planning goals of the Town since it would not address the stagnation occurring in the Study Area documented in the SDGEIS.

A second alternative considered was the rezoning of the parcels in the Study Area to other existing zoning districts that included commercial uses, including Hamlet, Gateway Hamlet, Manchester Gateway Hamlet, Town Center Business, and Industrial. Based on the uses permitted in these Districts, no other zoning districts currently available in the Town's Zoning Code (Chapter 240) would allow those uses that exist in the Study Area to continue in a conforming manner or spur the desired development in an otherwise stagnant area. Modifications to the existing Commercial (C) District for the sake of the non-conforming properties/uses within the Study Area would impact the much larger commercially zoned areas on the western end of State Route 55 between the Poughkeepsie Town line and the electric transmission corridor which crosses Route 55 near Mandalay Drive as noted in Section 5.2. It was determined that this alternative would not provide the same character that currently exists in the corridor or the lands adjacent to it and that the aforementioned districts would provide an even greater number of non-conforming uses or greater restriction in land development.

A third alternative was evaluated in the FSGEIS as a result of comments by Town Board Members during the DSGEIS review period, which included the removal of the two (2) parcels west of the

Taconic State Parkway that are currently within the Town Center-Business (TC-B) district from the rezoning. This alternative would result in the rezoning of only seventeen (17) parcels in the Study Area, all east of the Taconic State Parkway ("17-Parcel Alternative"). The 17-Parcel Alternative would minimally reduce the potential trip generation, associated AADT, and result in insignificant changes in the Level of Service. Additionally, the developable land would be minimally reduced by approximately 0.71 acres (see page 47 of the DSGEIS). Thus, the overall impact of this alternative would be negligible because the removal of two parcels from the Study Area would not significantly change the existing regulatory and planning measures identified in these Findings that will ensure future development under the Proposed Action would avoid or minimize potential environmental impacts. Accordingly, the Town Board finds that approving Comprehensive Plan amendments and Zoning Map amendments consistent with this 17-Parcel Alternative would also avoid or adequately minimize potential adverse environmental impacts, and as such, would allow the Town to reach an appropriate balance between potential environmental impacts and the economic and social needs and benefits of rezoning the parcels in the Study Area to the Commercial (C) District.

g. Unavoidable Adverse Impacts

The Town Board finds that the Proposed Action, or the 17-Parcel Alternative, would not result in any unavoidable adverse environmental impacts. It should also be noted that the anticipated future development of lands under the proposed rezoning will likely result in some level of impact typical of all development, such as demand for community services; increased solid waste generation; increased water use and sewage generation; increased usage of electricity and energy resources; and increased traffic. The social, economic and planning benefits of reducing stagnation and eliminating nonconforming uses associated with the Proposed Action and/or the 17-Parcel Alternative would outweigh the potential for these typical impacts to occur.

Moreover, any future development proposal in the Study Area would be subject to a project-specific site plan and permitting review process, including subsequent environmental reviews subject to SEQRA. This review will ensure that all future projects incorporate measures to avoid or adequately reduce impacts consistent with these Findings and where necessary, site-specific conditions and/or mitigation measures would be identified to address any significant adverse impacts.

h. Growth Inducing Impacts

The Town Board finds that Proposed Action and/or the 17-Parcel Alternative would continue to manage future growth and development in a manner consistent with the Town's Comprehensive Plan and planning priorities for the Study Area. As set forth in the SGEIS (Section 7.0) rezoning up to 19 parcels in the Study Area would not result in any significant increases in population, displacement or other significant adverse secondary adverse impacts.

Infrastructure, especially water and sewer, are important considerations. Currently, these utilities are limited/unavailable east of the Taconic State Parkway with the vast majority of the parcels in the Study Area relying on private water and septic systems; at present, there are no plans to extend public water and sewer to these areas. Therefore, the future growth potential associated with development on parcels east of the Taconic State Parkway is limited to the extent that the individual properties can support on-site septic systems and/or provide sufficient private water,

with regulations set forth by the State Departments of Health and Environmental Conservation for distance separation and water quality. Though the Proposed Action and/or the 17-Parcel Alternative would result in opportunities to develop additional uses in the Study Area above what is currently permitted, it is not anticipated that either action would result in significantly higher levels of growth than that which could be expected under the existing zoning.

The Town Board therefore finds that the Proposed Action and/or the 17-parcel Alternative would result in the appropriate and beneficial future growth in the Study Area. Such future growth can be properly planned and designed in accordance with the Town's Comprehensive Plan and managed lawfully through the existing standards and regulations in place.

i. Effects on the Use and Conservation of Energy

The Town Board finds that the proposed action would not result in any adverse environmental impacts on the use and conservation of energy as the current zoning for the Study Area permits development, including commercial, and therefore the use of energy resources for such purposes. The effect of rezoning would not change the development potential from current conditions.

j. Effects on Solid Waste Management

The Town Board finds that the proposed action would not result in any adverse environmental impacts on solid waste management as the current zoning for the Study Area permits development and therefore the need for waste management for such purposes. The effect of rezoning would not change the development potential from current conditions.

k. Impacts on Public Acquisitions of Land

The Proposed Action does not include any public acquisitions of land. As such, the Town Board finds that the proposed action would not result in any adverse environmental impacts.

4. CONSISTENCY WITH DRAFT AND FINAL SUPPLEMENTAL GENERIC ENVIRONMENTAL IMPACT STATEMENTS

The Town Board has determined that the Draft SGEIS and Final SGEIS documents, the public hearing on the Draft SGEIS, and the period for public consideration of the Final SGEIS, all of which are incorporated herein by reference, are sufficient to inform the public of all environmental aspects of the Proposed Action and/or the 17-Parcel Alternative. The Town Board has also determined that the Proposed Action or the 17-Parcel Alternative will achieve the social, economic goals of the Town, and will, avoid or minimize environmental impacts to the maximum extent practicable. As such, the Town Board finds that the Proposed Action and/or the 17-Parcel Alternative provide the appropriate balance between protection of the environment and the need to accommodate social and economic considerations.

5. CONCLUSION

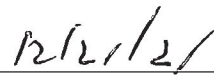
After due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town Board of the Town of LaGrange, as Lead Agency, finds the facts and conclusions detailed below to support the findings on the action described herein.

The Town Board has relied on facts, stipulations and conditions brought out during the public review process to certify that:

- i. The Lead Agency has given consideration to the Supplemental Generic Environmental Impact Statement; and
- ii. The requirements of 6 NYCRR 617 have been met; and
- iii. The Town Board as Lead Agency has considered the relevant environmental impacts, facts and conclusions disclosed in the DSGEIS and FSGEIS and weighed and balanced such impacts with social, economic and other considerations; and
- iv. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action or the 17-Parcel Alternative minimizes or avoids adverse environmental impacts to the maximum extent practicable, including the effects disclosed in the Supplemental Generic Environmental Impact Statement; and
- v. Consistent with the social, economic and other essential considerations, to the maximum extent practicable, adverse environmental impacts revealed in the Supplemental Generic Environmental Impact Statement process for the Proposed Action and/or the 17-Parcel Alternative will be minimized or avoided by incorporating as conditions to the decision those mitigation measures, as applicable, which were identified as practicable; and
- vi. This written findings statement contains facts and conclusions in the Supplemental Generic Environmental Impact Statement (here or by reference) relied upon to support its decision and indicates social, economic and other factors and standards which form the basis of its decision.



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Date